
REPORT 1

ORAL HEARINGS - DRAFT WELLINGTON TOWN BELT BILL
TUESDAY 27 MAY 2014

1. Purpose of report

To provide a list of submitters making oral submissions in support of their written submissions made on the draft Wellington Town Belt bill

2. Recommendations

Officers recommend that the Environment Committee:

- 1. Receive the oral submissions.*

3. Background

The Council approved the draft Wellington Town Belt Bill for consultation on 2 April 2014. Public consultation took place between 8 April and 19 May 2014. 50 written submissions were received. 24 submitters also requested they present an oral submission to the Environment Committee in support of their written submission (Appendix 1).

Contact Officer: Mike Oates, Manager Open Space and Recreation Planning

Timetable of oral submissions

Time	Name	Organisation	Submission Number	Page
9.20am	Craig Palmer	Wellington Civic Trust	15	7
9.30am	Bev Abbott	Wellington Botanical Society	47	14
9.40am	Victor Davie		18	18
9.45am	Michael Gibson		31	19
9.50am	Joanna Newman	Mt Victoria Historical Society Inc.	33	20
10.00am	David Lee	Action for the Environment Inc	49	22
10.10am	B J Mitcalfe and J C Horne		39	24
10.15am	Robin Buxton		10	27
10.20am	Ron Beernink		4	31
10.25am	Hugh Smith	My Home Town Limited	6	36
10 .30am	Morning Tea			
10.50am	Joan Quinn		12	43
10.55am	John Bishop	Friends of the Town Belt	14	49
11.05am	Rosamund Averton		45	53
11.10am	Hugh Barr		24	57
11.15am	Lorraine Griffin		13	60
11.20am	Martin Hanley	Newtown Residents Association	38	64
11.30am	Bernard O'Shaugnessy		11	68
11.35am	Elaine Hampton		36	72
11.40am	Mike Hurley	Transpower New Zealand Ltd	42	77
11.50am	Stewart McKenzie and Selywn Blackmore	NZ Transport Agency	26	84

Appendix 1

Time	Name	Organisation	Submission Number	Page
12.00pm	Robin Boldarin	Miramar Maupuia Progressive Association	50	94
12.10pm	Lunch			
1.00pm	Chris Gray	Coromandel Street Residents	27	96
1.10pm	James Harris		29	121
1.15pm	Chris Gray		22	137

Wellington Civic Trust

P O Box 10183

Wellington

www.wellingtoncivictrust.org



To: townbelt@wcc.govt.nz
Wellington Town Belt Bill
Parks and Gardens (REPLOI)
Wellington City Council
P O Box 2199
WELLINGTON 6140



18 May 2014

SUBMISSION ON THE DRAFT WELLINGTON TOWN BELT BILL

Introduction

1. The Wellington Civic Trust is in broad agreement with the direction of most of the provisions in the draft Bill.
2. The Trust is appreciative of the time and effort devoted over a long time by Councillors and Council staff to reaching this stage of the legislative process.
3. The Trust wishes to make oral submissions.

Balance in Decision-Making Powers

4. Looking, however, at the balance of provisions in the draft Bill, it does appear that greater weighting has been given to administrative convenience and flexibility. This seeming to be at the expense of the citizens of Wellington having the ability to question and challenge decisions made by the Council, and by Council staff exercising

delegated authority.

5. It is considered, therefore, that the draft Bill needs to be altered to give greater facility to achieving a collective approach between the Council and the citizenry in overseeing the management of the Town Belt and in protecting its integrity.
6. To achieve such a balance it is considered to be imperative that the discretionary powers to be bestowed on the Council by legislation be precisely confined and defined and set out preconditions that must be met before the decision-making powers are exercised.

Interpretation

7. To achieve a greater balance between the Council and the citizens, it is suggested that the interpretation provision which defines the meaning of Council be enlarged to refer back to the 1873 Deed that defines the then Corporation, now the Council, as the Mayor, Councillors and citizens of the city of Wellington.

Legal Status – clause 9

8. It is suggested that the wording of clause 9(1) be changed to read:
“The Council holds the Wellington Town Belt as Trustee of the Charitable Purpose Trust created by the Town Belt Deed of 1873 for the citizens of Wellington in their capacity as beneficial owners.”

Definition of Public Recreation Ground – clause 9

9. The definition could be extended to recognise heritage features.
Clause 9(3)(b) could read:
“The protection of the natural environment and heritage features”

Principles – clause 10

10. In stating that:
 “the Wellington Town Belt should be protected and enhanced for future generations”
 clause 10 highlights the gravity and farsightedness of the founding ideals and therefore needs to make these the first point of reference in the evaluation of each of the subsequent principles.
11. Accordingly, clause 10(2) could state:
 “All principles shall be subject to the overriding purpose of principle (a).”
12. Community participation needs greater and unequivocal emphasis. Clause 10(1)(g) could read:
 “Community participation in the management and protection of the Wellington Town Belt must be in a manner that is collaborative and inclusive and provides for citizens’ engagement in all strategic decisions of Council on substantial issues.”

Application of the Public Works Act 1981 – clause 14

13. Clause 14(3)(b) could be extended to read:
 “The Council must seek appropriate compensation, according priority to land of at least equivalent value.”

Powers of the Council –clause 16

14. Unless there are compelling reasons to the contrary, the phrase “or business” should be deleted from the draft Bill in clause 16(1)(a), which gives Council powers to have full capacity and subsequently in clause 16(1)(b) full rights, powers, and privileges.

15. For clarity and to ease the concern of the public, a further subclause (4) could be added to clause 16:
 “(4)(a) provided that the construction of any significant building or fixture shall be fully publicly notified as required by clause 21(1)(d), except when full public notification is required by other legislation; and
 (b) no restriction on public access shall unnecessarily compromise the principle of the Wellington Town Belt being accessible and for all to enjoy as required in Principle 10(1)(e).”

Restrictions on Council’s Powers – clause 17

16. The open-ended wording of clause 17(c)(i) and (ii) concerning for-profit use of the Wellington Town Belt is regarded as being far too imprecise.
17. It is the Civic Trust’s view that most Wellingtonians would be repelled and outright angry at the prospect of any part of the Town Belt being given over to permanent or mid- to long-term commercial activity.
18. It is the Trust’s view that any for-profit activity needs to be confined to temporary special events, with any structure or fixtures being removed afterwards.
19. Accordingly, it is suggested that clause 17(c) be reworded to:
 “the Council has no power to...
 (c) allow any for-profit use of the Wellington Town Belt—
 (i) unless that use is solely temporary; and
 (ii) unless it is associated with a special event; and
 (iii) unless all associated structures and fixtures are immediately removed after that special event; and
 (iv) unless the public are given 60 days’ advance notice and invited to submit objections with the valid reasons for these objections; and
 (v) unless the Council gives due consideration to these objections and either imposes appropriate conditions or declines permission; or
 (vi) if the exercising of that qualified power would unnecessarily compromise the principle of the Wellington Town Belt being accessible and for all to enjoy as required in Principle 10(1)(e).”

20. It is acknowledged that these “positive tests” to be applied to the exercise of a discretionary power may be viewed as pedantic and overly onerous. However, it is the Trust’s understanding that a series of mutually reinforcing positive tests is essential if the public wishes to pursue before the Courts a Judicial Review of a decision made in exercising discretionary powers bestowed by a statute.
21. By comparison, it is understood that “subjective tests” such as would be applied by the Court to the “open-ended” provisions such as those in the present draft would provide no grounds whatsoever for the Court to evaluate the administrative processes followed. In other words, the protections embodied in the Judicature Amendment Act could not provide any redress. Thus the open wording of the draft Bill would render all decisions made by the Council and by Council staff effectively unchallengeable.
22. There are possibly therefore issues of natural justice that arise from there being so untenable statutory powers having been bestowed by Parliament.

Leasing and Licensing – clause 18

23. In our earlier submission we supported the eight-hectare limit. After further reflection, we consider that the eight-hectare limit on leasehold land within the boundaries of the Town Belt is inappropriate.
24. The current area is thought to be 5.9 hectares, as stated in section 6.4.2 of the now authorised Town Belt Management Plan of August 2013.
25. Considering that the most valued land within the Town Belt is that which is flat and easily accessible, and that such land is scarce in such a hilly and confined terrain, the limit of eight hectares risks the allocating of all this scarce land to being entirely in leasehold.
26. It is seen as being of primary importance that the availability of leasehold land be restricted so that there will always remain an inbuilt imperative to encourage joint use of the scarce flat and therefore

easily accessible land.

27. Most of the Town Belt flat land is close to or adjacent to residential areas. As the population of the central city intensifies, the amenity value of this scarce resource will increase rapidly.
28. Accordingly, the Trust suggests that a sustainable proportion of Town Belt land available for leasehold be confined to no more than: six hectares.
29. Clause 19 could be augmented as follows:
 “(3) Easements and rights of way must be granted only as a last resort after exhausting all alternatives.
 (4) The Council has no power to grant any easement or right of way for a private purpose.”
30. These provisions would ensure that such concessions must be an exception to the rule.

Consultation – clause 21

31. For the purposes of ensuring that the Council keeps publicly available records on how each submission was evaluated, clause 21(1)(b) should be augmented by a new sentence stating that a record should be kept of how each submission was evaluated.

Town Belt Management Plan – Requirement to Appoint a Curator

32. The Civic Trust is cognisant of the views of Council’s senior managers that the management and protection of the Town Belt, of necessity, requires the application of a wide range of management responsibilities and skills.
33. From a non-institutional perspective, however, there is much merit in there being one senior Council staff member who is formally designated as the point of contact for the public to have access to in the first instance. Should there be local government amalgamations, the merit of having a Curator would be even more relevant.

34. This formal appointment under the statute would make it plain that the role is to be one of liaison between the public and the Councillors and their senior advisors.
35. Accordingly it is suggested that a further clause 21(3) be included in the draft Bill, namely:
 “As Trustee the Council will ensure that at all times a senior Council manager is designated as the Curator or alternatively Guardian of the Wellington Town Belt, and that this role is to be one solely of liaison for the citizens of Wellington to have a one-person contact on all issues relating to the Town Belt.”

Appeal Provisions

36. Considering the limitations of the Judicature Amendment Act and the exclusion of the limited protections available under the Reserves Act, the proposed Bill should ideally contain clauses that will provide the citizens of Wellington with an avenue for pursuing challenges to decisions made by the Council.
37. The Civic Trust has yet to identify the most appropriate public office for performing this critical safeguard. Possibilities include the Minister of Conservation outside the provisions of the Reserves Act; the Auditor-General; the Ombudsman; the Local Government Commission; or a retired Judge of the High Court appointed by the Chief Justice.
38. For the appeal authority to be effective, there would need to be a statutory power to not only overturn a decision of the Council but to impose an alternative decision.

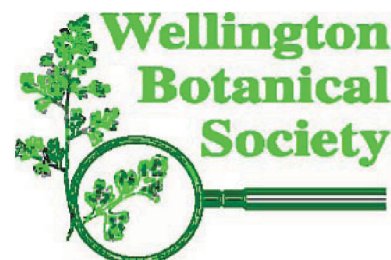


Craig Palmer, Board member
 For Alan Smith, Chair of the Wellington Civic Trust

Contact details:

Toni Izzard, Deputy Chair, phone 027 5480 989, email tizzard@eqc.govt.nz
 Craig Palmer, phone 385 0366, email palmerspring@actrix.co.nz

PO Box 10-412
Wellington 6143
New Zealand



Charities Commission Registration CC10518

19 May 2014

DRAFT WELLINGTON TOWN BELT BILL

Submitter: Wellington Botanical Society
Contact details Bev Abbott
 40 Pembroke Rd, Northland, Wellington 6012
bevabbott@xtra.co.nz
 Phone 04 475 8468 (H)

INTRODUCTION

1. Wellington Botanical Society welcomes this opportunity to comment on the draft bill.
2. Our submission focuses on two issues: the taking of land under the Public Works Act, and the Guiding Principle for indigenous biodiversity.
3. A final section signals our support for matters raised by the Wellington Civic Trust. We saw a draft of their submission shortly before the closing date for submissions.
4. We also expect the current trustees of the Town Belt, on behalf of the citizens of Wellington, to add further provisions to the Bill to address the potential for local-body amalgamation. If it doesn't happen in this decade, it is likely to be proposed during some future decade. We recommend a provision that would ensure that, in the event of the abolition of Wellington City Council, the trusteeship of the Town Belt shall be transferred to the new territorial local authority which will be directed to act on behalf of the citizens of the present city of Wellington.
5. We wish to be heard in support of this submission.
6. We would welcome opportunities for further discussions with Councillors and / or staff on matters in the Bill.

BACKGROUND

7. We first raised these issues in September 2011 in our submission on the Draft Guiding Principles. The next two paragraphs trace subsequent events.

8. Officers reported the results of the analysis of submissions on the Draft Guiding Principles to the Strategy and Policy Committee in December 2011. They said the submissions showed that the term ‘natural character’ was too generic, and that further definition was required on what natural aspects of the Town Belt were to be protected and enhanced. Council subsequently agreed to replace the draft ‘natural character’ principle with two more specific principles, one on ‘landscape’ and one on ‘indigenous biodiversity’. The new biodiversity principle was “*The Town Belt will support healthy populations of indigenous biodiversity*”. This principle appeared for the first time in the Ecology Chapter of the Draft Town Belt Management Plan (DTBMP).
9. Our submission on the DTBMP, and a Council-led workshop with other stakeholders, contributed to a change in the biodiversity principle. The principle in Chapter 5 of the approved Wellington Town Belt Management Plan states:

Healthy ecosystems supporting indigenous biodiversity are once again flourishing in many parts of the Wellington Town Belt.

Draft Town Belt Bill, Section 10(1)(d) Guiding Principles

10. The amended Guiding Principle for indigenous biodiversity was not incorporated into the Drafting Instructions or the Draft Bill. Section 10(1)(d) of the draft bill reverts to the original wording:
- “The Town Belt will support healthy populations of indigenous biodiversity”.*
11. Managing the Town Belt so that it supports healthy populations of an unspecified number of unspecified indigenous species is very weak as a guiding principle. We strongly believe that Town Belt management should be focused on establishing healthy ecosystems not just healthy populations. Healthy ecosystems protect indigenous biodiversity. We will not have healthy populations of iconic indigenous species such as silver ferns, wetas, earthworms and geckos etc, if we don’t protect the ecosystems in which they live. Managing for healthy ecosystems encompasses their biotic and abiotic components, and the ecological processes which connect them. We must to pay attention to the soil, water, non-vascular plants such as mosses and lichens, vascular plants (ferns, flowering plants, and podocarps), other invertebrates, birds, lizards, fungi, and the soil bacteria which make up the host ecosystems. Healthy ecosystems also deliver other ecosystem services which contribute to the city’s resilience, for example, absorbing carbon from the atmosphere, reducing flooding by slowing runoff, and filtering pollutants and sediments from runoff.
12. We recommend changing Section 10(1)(d) to *either* read something like:
- Healthy ecosystems supporting indigenous biodiversity are once again flourishing in many parts of the Wellington Town Belt. (Consistent with the Town Belt Management Plan 2014)*
- or wording similar to that used in other principles, for example:
- “Healthy ecosystems on the Wellington Town Belt should support indigenous biodiversity.”*

13. The change we are seeking is a shift to a focus on ecosystems, not populations.

Section 14: Application of the Public Works Act 1981

14. In our submission on the guiding principles in 2011, we argued that legislation authorising any alienation of Town Belt land should require the Crown (or beneficiaries of the acquisition) to replace the alienated land with an equivalent area of open space land adjacent to the Town Belt, and that priority be given to additions (replacements) that will reduce the ecological fragmentation, or advance the ecological integrity of the Town Belt.
15. We remain committed to this approach with one clarification. When we used the phrase ‘equivalent area’, we were not speaking solely on hectares, but of the values of the land.
16. Under the draft bill, “the Council must not consent or agree to any land being removed from the Wellington Town Belt under the Public Works Act 1981”.
17. Another provision provides that “where, pursuant to the Public Works Act 1981, any land ceases to be held by the Council, the Council must seek appropriate compensation”. We found no draft statutory guidance on what would be “appropriate”.
18. A quick check of the Public Works Act shows that, if the Crown takes the land anyway, and the Council and the Crown cannot agree on the amount of compensation to be paid, Council can give notice to the Crown requesting that the issue of compensation be determined by the Land Valuation Tribunal (LVT). The value of land would then be based upon the amount the land would be expected to sell for if sold on the open market by a willing seller to a willing buyer on a specified date.
19. This could lead to a situation with the following elements:
- the Crown will use the Public Works Act to take exactly what Town Belt land it wants; the opportunities for Council to suggest alternative solutions, or minor modifications to boundaries will be severely constrained
 - the Trustees will be able to say that they have upheld their responsibilities to never agree to land being removed from the Town Belt
 - the Council will receive financial compensation, either directly from the Crown, or after a LVT determination, and the money can be spent on whatever a future Council chooses; it does not have to be spent on purchasing land
 - the city gets the “improved” roading or other public works
 - the Town Belt gets smaller
 - the ratepayers pay the legal costs.

20. We do not think this is a satisfactory outcome. We urge Council to give serious consideration to:

- adding a clause that would allow the Crown to take Town Belt land only if there were no other practicable options for achieving the objectives of the public work
- adding a clause requiring that compensation shall be in the form of land of equivalent value, preferably but not necessarily land adjacent to the Town Belt, but otherwise other nearby open space
- adding a clause that would require any land that is no longer required for a public work to automatically become Town Belt again at no cost to Council.

Support for submission from Wellington Civic Trust

21. Shortly before submissions closed, we read a draft of a submission by the Wellington Civic Trust. We support their call for:

- giving pre-eminence to Principle 10(1)(a) over the other principles, i.e. “the Town Belt should be protected and enhanced for future generations”
- a shift in the balance of decision-making powers towards a more collaborative approach between the Council and the citizens of Wellington in overseeing the management of the Town Belt, protecting its integrity, and making decisions on substantial issues
- including “positive tests” that the Courts could apply to Council’s exercise of discretionary powers in the event that the citizens of Wellington wished to seek a Judicial Review of a Council decision made under those discretionary powers
- the need for appeal provisions.

In conclusion

22. We recommend that Council give serious consideration to alternative drafting provisions, even if this means that the draft bill cannot be introduced into the House before it rises for the General Election. Getting the legislation “right” is too important to be rushed.

19 May 2014

Wellington City Council

20/5/14

Proposed Wellington Town Belt Bill

I strongly oppose any changes to the 1873 Town Belt Deed.

I strongly oppose mana whenua involvement.

I strongly oppose removal of the Reserves Act 1977.

I strongly oppose removal of the Wellington Botanic Garden and Zoo.

I would like to discuss some other matters including status and principles.

Adding to and removing land from the Town Belt should be achieved by a Special Bill.

I wish to make an oral submission.



Victor Davie

P.O. Box 19091
Wellington

victordavie@hotmail.com

Tel 0210787747

Antoinette Bliss

From: Michael Gibson <michaelpcgibson@hotmail.com>
Sent: Monday, 19 May 2014 9:59 a.m.
To: Kevin Lavery
Cc: BUS: Town Belt; Councillor Andy Foster; Councillor Helene Ritchie;
 Councillor Jo Coughlan; Councillor Simon Woolf
Subject: Submission re Town Belt Bill

Dear Dr Lavery - I oppose the Bill because it allows the Council's unelected officers to abuse the delegated authority which the Bill proposes to transfer to them.

The Bill is highly controversial because of its transfer of Trusteeship from the Citizens of Wellington to such an unsatisfactory surrogate.

This is particularly the case when officers of the Wellington City Council are involved with property-related matters.

I therefore oppose Clause 16 (1) (a) of the Bill which allows the Council to carry on or undertake "*any activity or business, do any act or enter into any transaction*" regarding the Town Belt with "*full rights, powers and privileges*" to do so (Clause 16 (1) (b)).

I oppose the Bill's possible gift to commercial enterprises regarding encroachment onto the Town Belt as is surreptitiously permitted by Clause 17(c)(i) of the Bill: "*the Council has no power to.....allow any for-profit use of the Wellington Town Belt unless that use is (i) considered by the Council to enhance the amenity value etc*" (emphasis added).

This could happen to the detriment of the Citizens of Wellington if the Council were taken over by (for example) a crazed cyclist & if such a person wished to develop cycle-ways by using a cycle-manufacturer as a commercially-driven sponsor.

I wish to speak on this submission so that I can illustrate the above concerns with

- 1/ up-to-date & relevant examples of the Council's formal record-keeping,
- 2/ some results of its present interface with the Citizens of Wellington,
- 3/ examples of its general approach to consultative practices (including those described in S. 83 of the Local Government Act 2002) &
- 4/ illustrations of the effects of the way in which authority is presently delegated.

SIGNED

Michael Gibson
 7 Putnam Street
 Northland
 Wellington 6012
 Tel 4757545



c/o 20 Porritt Avenue
Mt Victoria
WELLINGTON
Phone (04) 385 2254

www.mtvictoria.history.org.nz

May 19, 2014

Wellington City Council
PO Box 2199
Wellington 6140

Submission on the Draft Town Belt Bill

This submission is made on behalf of an organisation, **Mt Victoria Historical Society Inc.** (MVHS).

It is an incorporated society with the aims of researching and sharing the history of the suburb of Mt Victoria and promoting interest in, and preservation of, its unique heritage. One of the long boundaries of the suburb abuts an important, high-use and high-profile section of the Town Belt.

We wish to be heard in support of our submission.

Contact details: Joanna Newman
 Convenor
 jnewman@xtra.co.nz
 Phone 027 7577 984

Introduction

We oppose, in part, the draft Wellington Town Belt Bill.

This is consistent with our submission in December 2012 on the Town Belt Legislative and Policy Review.

An important part of the heritage of Mt Victoria (and all of Wellington) is the Town Belt, a natural legacy of the great foresight of the founders of Wellington. The Town Belt has a special status and heritage going back to the very foundation of New Zealand as a nation. It is of national importance and, as an example of the green belt concept in 19th century town planning, it has international significance.

The Mt Victoria Historical Society (MVHS) is concerned that historic and heritage values of the Town Belt on Mt Victoria are protected and that the intentions of the founders of Wellington in reserving the land are followed.

MVHS welcomes, however, the ability provided under the proposed legislation to return former Town Belt land now in Council ownership to Town Belt trust status, and the ability to add land to compensate for land which cannot be restored.

Draft Wellington Town Belt Bill

With regard to the other matters in the draft Bill, our key concerns are as follows:

1. The proposed Bill results in the Town Belt no longer being governed by the Town Belt Deed of 1873.

We strongly oppose this change. The Town Belt Deed must be retained as the governing document of the Town Belt, as intended by the founders of Wellington when they gifted the land to the citizens of Wellington and their successors.

Along with the Town Belt itself, the Deed is the inheritance of present and future Wellingtonians. It protects the Town Belt because it means the Council does not have beneficial ownership of the land.

We believe this change is not consistent with Wellington City Council's original drafting instructions – on which it consulted - which stated that the bill would seek to “In conjunction with the 1873 deed, established a legal framework for Council's trusteeship” [Drafting Instructions 3.3].

2. S.11 provides that the Town Belt will no longer be subject to the Reserves Act 1977.

We oppose removal of the Town Belt from the authority of the Reserves Act (and any corresponding legislation which succeeds it) because it removes a level of protection that we believe could be required in future for the main Town Belt lands and for the Canal Reserve. The ability of the citizens of Wellington to appeal to an authority other than the Council should be retained in legislation.

3. S. 16 grants the Council “full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction” and “undertake any work on the Wellington Town Belt . . . including the construction . . . of any building”.

S. 17 allows profit-making business to operate on the Town Belt if the Council considers they enhance the amenity value of the public.

We believe these powers are too broad and ill-defined and therefore oppose current wording.

4. In similar vein, S.18 allows the council to lease or license Town Belt land and for buildings to be constructed on that land that can have restricted, charged (i.e. non-public) access.

We believe these powers are too broad and ill-defined and therefore oppose current wording.

Wellington Town Belt Bill
Parks & Gardens
Wellington City Council
P O Box 2199
Wellington, 6140

17 May 2014

Submission on the Draft Wellington Town Belt Bill by Action for Environment Inc

Action for Environment has acted as a guardian of the Town Belt since its foundation over 40 years ago. We have long advocated for former Town Belt land to be legally returned to Town Belt status, so we support the Draft Bill's object in doing this. We can also appreciate the logic behind land rationalisation of areas of Town Belt taken out for roading etc under the Public Works Act. The bill however, as currently drafted, goes way beyond these objects. If passed into law it would radically change the status and protection of the Town Belt. Action for Environment therefore strongly opposes the Bill as it is currently drafted.

The Town Belt was gifted "in trust" to the citizens of Wellington "and their descendants" by the 1873 Town Belt Deed. The Deed, along with the Town Belt land are the natural inheritance of present and future Wellingtons. Overriding the Deed, the governing document of the Town Belt, which this bill seeks to do, would be in our view similar to attempting to change a will 141 years after it was executed.

It is claimed the aim of the bill is to "strengthen" the protection of the Town Belt (as if it wasn't already one of the best protected urban reserves in New Zealand!) This statement doesn't stack up as the bill aims to give what is described as "broad powers" over the Town Belt to council officials (powers they don't have now). Under the Deed the council organisation manages the Town Belt on behalf of the trustees but it does not have beneficial ownership of the land. This is the Town Belt's best protection because it prevents the sort of 'in-house deals' deals being done by council officials on the waterfront, where the council does have beneficial ownership of the land. All this would change for the Town Belt if this bill becomes law: the Town Belt will become more like the waterfront

We are also disturbed that the bill seeks to remove the Town Belt from the Reserves Act 1977. The council claims the bill, if it is enacted, will "simplify" the Town Belt's management and make what is described as a "one-stop-shop" for it. Removal of the protection of the Reserves Act from the first land to be reserved in New Zealand for the sake of bureaucratic convenience, is quite frankly outrageous. Action for Environment strongly opposes it.

Legislation based on this bill would allow the council to carry on or undertake "any activity or business, do any act or enter into any transaction" on the Town Belt and for the purposes of the above would give the council "full rights, powers and privileges". (our underlining). It would give the council officials the power to undertake "any" work in the Town Belt "the council considers desirable" including the "construction of any building" (so much for publicly notified consents & the protection of the Town Belt's open space!). It would allow the council to restrict access to the Town Belt by the public of Wellington (the owners of the land) not just for safety but also to facilitate "temporary activities" (presumably including commercial ones). Talk about "broad" powers over the Town Belt, this Bill would give council officials total power!

We oppose the removal of the Wellington Show grounds, Botanic Garden land, and Wellington Zoo land from the Town Belt Deed. It needs to be remembered that the original layout of Town Belt has an important heritage value that should be protected. The instructions for reservation of the Town Belt and the first plan of Wellington showing it are part of the foundation documents of New Zealand as a nation. These areas should therefore remain in the Town Belt and the administration of their special requirements can be adequately dealt with by management plans.

The principles should not be enacted but should remain just that: principles for the management

plan. There was considerable opposition from submitters to joint management of the Town Belt with mana whenua contrary to the Town Belt Deed, under which only the council is entitled to do so. Despite many submissions requesting that the Deed be referred to in the principles and a promise by councillors to include it, Town Belt Deed is not mentioned in the principles

It seems the Bill would also change the very trusteeship of the Town Belt. It refers to "the council's" trusteeship and the council's brochure describes it as trustee (singular). While the mayor and councillors are trustees of the Town Belt, the council is an organisation is not. The citizens of Wellington who are also trustees of the Town Belt are not referred to in the bill. So it would appear that we, the people of the City Wellington and our descendants would be all losing our trusteeship under legislation from this bill. It should be sent back for substational redrafting.

We wish to speak in support of our submission

ACTION FOR ENVIRONMENT INC



David Lee
Chairman
(davidjohnlee@hotmail.com)

J C Horne
 28 Kaihuia Street
 Northland
 WELLINGTON 6012
 Ph 475 7025, fax 475 7253
 bmitcalfe@clear.net.nz

B J Mitcalfe
 15 Boundary Road
 Kelburn
 WELLINGTON 6012
 Ph/fax 475 7149

19 May 2014

Wellington Town Belt Bill
 Parks and Gardens (REPL01)
 Wellington City Council
 WELLINGTON 6140

SUBMISSION: Draft Wellington Town Belt Bill

Thank you for the opportunity to comment on the draft bill.

We wish to be heard in support of this submission.

Introduction

We welcome Council's intention to enshrine in legislation the permanent protection of the Wellington Town Belt, which was gifted to the inhabitants of the city of Wellington, by the New Zealand Company, to be managed on behalf of the inhabitants by Wellington City Council, acting as trustees.

As members of the Friends of the Wellington Town Belt, Wellington Botanical Society and Wellington Civic Trust, we support the general direction of the submissions of those organisations.

Submission

1. Overall, we strongly support the general direction and objectives of the Bill. *Reason:* we want the letter and spirit of the Town Belt Deed 1873 enshrined in legislation..

2a: We strongly support land included as Town Belt and the statutory principles. *Reason:* the land is the property of the citizens of Wellington, managed by Wellington City Council, acting as trustees on behalf of the citizens.

2b: We support removing of the Town Belt from the provisions of the Reserves Act. *Reason:* it would prevent the Minister of Conservation from over-riding a decision made by Council, acting as trustees, on behalf of the citizens of Wellington. Instead, such a decision would have to be made by Parliament.

2c: We oppose powers in respect of the Town Belt such as leasing, rights of way and easements, unless each proposal is advertised in the public notices in *The Dominion Post*, *The Wellingtonian*, *Cook Strait News*, and *The Independant Herald*, with adequate notice, for public submissions on the proposals.

2d: We strongly support proposals for adding to the Town Belt. We generally strongly oppose proposals for removing land from the Town Belt, because it was gifted by the New Zealand Company to the citizens of Wellington.

2e: We strongly support management of the Town Belt, including the provision of a management plan. *Reason:* the Town Belt is the property of the citizens of Wellington, managed on their behalf by Wellington City Council, acting as trustees.

2f: We strongly oppose giving the Chest Hospital and Wellington Zoo special status simply because they are on Town Belt land, which is the property of the citizens of Wellington.

4. Interpretation

We recommend that the term “public purpose”, as used in 19(1), be defined in “Interpretation”.

20. Management Plan

We recommend that 20(4) be amended to read: “in performing its functions and exercising its powers in respect of the Wellington Town Belt, the Council must comply with the management plan, and to assist in exercising this responsibility must appoint an officer of Council as Town Belt Curator, this person to be the contact at Council for the citizens of Wellington for all matters pertaining to the Town Belt.”

Appendix 1: Maps

Figure 1 – Land included in the Draft Wellington Town Belt Bill

We may comment on this map at the hearing.

Figure 2 - Upper Weld Street

We oppose Council's proposal to take Town Belt land which extends south from the top of Weld Street, then designate it as 'road'. *Reason:* it would turn Town Belt into a private drive.

Figure 3 - Brooklyn Road & Nairn Street

We support Council's proposal to take Town Belt land, then designate it as 'road'. *Reason:* the land is either already Washington Avenue, or, in effect, road reserve on Brooklyn Rd.

Figure 4 - Connaught Terrace

We oppose Council's proposal to dispose of Town Belt land on Connaught Terrace. *Reason:* the triangle of Town Belt land is contiguous with vegetated road reserve.

Figure 5 - Liardet Street

We support the proposal to take Liardet Street as 'road', in exchange for taking the Unformed Legal Road across Liardet Park as Town Belt. We oppose taking Town Belt land west of Liardet St and gazetting it as reserve. *Reason:* it is contiguous with vegetated land south toward Farnham St.

Figure 6 - Mt Albert Road

We support adding to Town Belt the two areas in blue. We oppose taking the western part of the area in pink, as 'road'. *Reason:* it is contiguous with the land west of Mt Albert Rd which is proposed be added to Town Belt.

Figure 7 - Volga Street

We support these proposals. *Reason:* the gains for the Town Belt are more extensive than the losses. Also some of the land proposed to be taken as 'road' is already 'road', or road reserve.

Figure 8 - Lookout Road, Mt Victoria

We support the proposed transfers of reserve to Town Belt. We oppose the proposal to take from Town Belt part of Lookout Road. *Reason:* the prime function of this section of Lookout Road is to provide access to Mt Victoria / Tangi te Keo, one of the higher summits on the Town Belt.

Yours sincerely

Chris Horne and Barbara Mitcalfe.

HAVE YOUR SAY ON THE DRAFT WELLINGTON TOWN BELT BILL



You can comment on the Bill by completing this submission form or writing down your comments and sending them to the Council by:

- **Going online:** Wellington.govt.nz/have-your-say
- **Email:** townbelt@wcc.govt.nz
- **Post:** FREEPOST, Wellington Town Belt Bill, Parks and Gardens (REPL01), Wellington City Council, PO Box 2199, Wellington 6140
- **Fax:** 801 3155

You can also attend a public meeting at St Johns in the City Conference Centre on the corner of Willis and Dixon streets between 5.30pm and 7.30pm on Tuesday 6 May. Comments are due by 5pm on Monday 19 May 2014.

What happens next

1. Comments on the Bill will be considered.
2. Oral hearings will be held on Tuesday 27 and Wednesday 28 May (reserve day if required) for submitters.
3. The Council will take submissions into account and approve a final version of the Bill.
4. A local Member of Parliament will sponsor the final version as a local bill through the Parliamentary process. There is likely to be the opportunity for further public comment at the Select Committee stage.

ENTER YOUR NAME AND CONTACT DETAILS	
Mr / Mrs / Ms / Miss / Dr (Please circle which applies)	
First name* Robin	Last name* Buxton
Street address* 40 Central Tee	
Suburb Kelburn	City Wellington
Phone/mobile 9709876	Email buxton)rb@hotmail.com

*Mandatory fields

I am making a submission	<input checked="" type="checkbox"/> As an individual	<input type="checkbox"/> On behalf of an organisation
Name of organisation		
I would like to make an oral submission to the Environment Committee on Tuesday 27 May.		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If yes, provide a phone number above so that a submission time can be arranged.		

Privacy statement Please be aware that all submissions (including name and contact details) are published and made available to elected members and the public. Personal information will also be used for the administration of the consultation process. All information collected will be held by Wellington City Council, 101 Wakefield Street, Wellington. Submitters have the right to access and correct personal information.

1. OVERALL, DO YOU SUPPORT OR OPPOSE THE GENERAL DIRECTION AND OBJECTIVES OF THE BILL?				
(please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why? Have been pushing for new legislation since 2001				