

2. DO YOU SUPPORT OR OPPOSE THE FOLLOWING PROVISIONS?

a. Land included as Town Belt and the statutory principles (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Too many specious arguments have been raised in the past

b. Removing the Town Belt from the provisions of the Reserves Act (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
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Why? A self-contained code is more convenient

c. Powers in respect of the Town Belt such as leasing, rights of way and easements (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Are necessary in some cases, but WCC staff need to be "educated"

d. Adding to and removing land from the Town Belt (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? Additions - re instatement policy should be promoted actively - removal only where really necessary

e. Management of the Town Belt including the provision for a management plan (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why?

f. Giving the Chest hospital and Wellington Zoo special status (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
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Why?

3. DO YOU SUPPORT OR OPPOSE THE RATIONALISATION OF LAND INTO AND OUT OF TOWN BELT IN THE FOLLOWING PROJECTS?

a. Upper Weld Street (please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
-----------------	--------	----------------------------	---------	------------------

Why? But does it need to be as wide a diagram suggests is proposed

b. Corner of Washington Avenue and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
c. Corner of Nairn Street and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
d. Connaught Terrace land (please circle)				
Strongly oppose	Oppose	<input checked="" type="radio"/> Neither support nor oppose	Support	Strongly support
Why?				
e. Liardet Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
f. Mount Albert Road/Volga Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? logical				
g. Mount Victoria lookout (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	<input checked="" type="radio"/> Support	Strongly support
Why? Only as necessary				

4. ARE THERE ANY OTHER MAJOR CHANGES YOU THINK SHOULD BE INCLUDED?

would be great to define "recreation" in terms of its meaning 100 - 150 years ago

5. IS THERE ANYTHING YOU FEEL HAS NOT BEEN ADEQUATELY COVERED IN THE BILL?

6. YOUR ADDITIONAL COMMENTS:

WCC should formulate policy guidelines for "for profit" activities that are in close harmony with intent of original gift

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Further information

Please visit our website Wellington.govt.nz for more information on the recreation activities on the Town Belt and what environmental projects are under way, including details on environmental community groups. The website and libraries also have copies of Council strategies and policies.

Thank you for your submission

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BY 5PM ON MONDAY 19 MAY 2014**

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Wellington Town Belt Bill
Parks and Gardens (REPL01)
Wellington City Council
PO Box 2199
Wellington 6140

Introduction

Wellington City Council's Draft Wellington Town Belt Bill

Thank you for making a submission on the Wellington City Council's Draft Wellington Town Belt Bill.

Consultation runs until 5.00pm Monday 19 May 2014.

Oral Hearings will be held on Tuesday 27 May 2014. (Reserve day if required, Wednesday 28 May 2014).

Privacy Statement

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

Submitter Details

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Last Name: **Beernink**

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Suburb: **Island Bay**

City: **Wellington**

Country: **New Zealand**

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Daytime Phone: **048902148**

Mobile: **0279367557**

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Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Eastern Lambton Northern Onslow-Western

Outside Wellington Southern

Correspondence to:

Submitter

Agent

Both

Submission

1. Overall, do you support or oppose the general direction and objectives of the Bill?

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
 Oppose
 Neither support nor oppose
 Support
 Strongly support

Why?

The Town Belt must continue to be protected by the Reserve Act. If there are issues with this act, then update the act. The Bill can then focus on presenting a separate bill that proposed a governance framework. This should follow a common approach for how reserves are protected and governed across NZ; not just for Wellington.

2. Do you support or oppose the following provisions**2a. Land included as Town Belt and the statutory principles**

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

Principles are not good enough to protect this important asset. I have worked for most of my career on and with principles, and they always get ignored and broken. Using language like 'should be' indicates that you do not strongly believe in upholding these principles. It should say 'must' and show how the council will do uphold these principles using what governance processes.

b. Removing the Town Belt from the provisions of the Reserves Act

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

There is no clear explanation why the Bill seeks to remove the provisions of the Reserves Act. If the Reserves Act has issues, can the Act itself not be improved / updated instead?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

The council must only be able to make grants for these as long as it is in accordance with the Town Belt Deed and Reserves Act. It must be subject to public consultation.

d. Adding to and removing land from the Town Belt

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

The Bill provides no simple clear explanation of what it means by sections 12-14; what the substantial changes are from the current legislation and deed, and why this needs to change.

e. Management of the Town Belt including the provision for a management plan

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support

- Strongly support

Why?

The governance / management of the town belt needs to be kept separate from the deed and act. I also fully agree with Councilor David Lee's comments on Scoop that From its origin, the Town Belt has been held in trust for the inhabitants of Wellington. It was gifted to us 'in trust' by the Wellington Provincial Government with the Town Belt Deed of 1873. The Deed made the mayor, councillors and the citizens of Wellington (and 'their successors'), trustees of the Town Belt. The Town Belt Deed, therefore along with the land itself, is the inheritance of present and future Wellingtonians. 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. It prevents for example the sort of 'rubber stamping' of development by council officials that we have seen on the waterfront, which the council does have beneficial ownership of, and which has resulted in the loss of open space and privatisation of public land. All this would change for the Town Belt if this Bill becomes law under the sponsorship of Wellington Central MP Grant Robertson. This legislation would override the Deed which gifted the land to us, with the result it will no longer be the governing document of the Town Belt as intended by the donors of the land. This would be akin to trying to override a will 141 years after it was executed. The legislation would also 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'. It would give 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 and 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! It seems the Bill would also change the trusteeship of the Town Belt. It refers to 'the council's trusteeship' and the council's brochure describes it as 'a trustee' (singular). While the mayor and councilors are trustees of the Town Belt, the council as an organisation is not. The citizens of Wellington, however, who are also trustees, are not referred to. We would be all losing our trusteeship if this bill goes through.

f. Giving the Chest Hospital and Wellington Zoo special status

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

3. Do you support or oppose the rationalisation of land into and out of Town Belt in the following projects?

a. Upper Weld Street

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

b. Corner of Washington Avenue and Brooklyn Road

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
- Oppose
- Neither support nor oppose
- Support
- Strongly support

Why?

c. Corner of Nairn Street and Brooklyn Road

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
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Why?

d. Connaught Terrace land

More Information: [Draft Wellington Town Belt Bill](#)

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Why?

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More Information: [Draft Wellington Town Belt Bill](#)

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Why?

f. Mount Albert Road / Volga Street

More Information: [Draft Wellington Town Belt Bill](#)

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Why?

g. Mount Victoria lookout

More Information: [Draft Wellington Town Belt Bill](#)

- Strongly oppose
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Why?

4. Are there any other major changes you think should be included?

Comments

The major change is that this needs, is to separate the proposals to - Improve the Reserves Act - Implement an improved governance & management framework - Recover or release land Having all of these in this one bill is not the right approach to ensure that the public have a clear understand of the separate problems that are being addressed here.

5. Is there anything you feel has not been adequately covered in this Bill?

Comments

This Bill and the communications material that goes with it, does not provide the necessary information to allow the public to be absolutely clear on - what the real drivers are for this bill - why it looks to remove the existing Reserves Act rather than improve it - how the trustee / governance does change

Attached Documents

File
No records to display.

Introduction

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Submitter Details

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Last Name: **Smith**

Organisation: **My Home Town Limited**

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Resident or Ratepayer:

Ratepayer Resident Non-resident ratepayer Other

Which Community Board Area is your property in?

Eastern Lambton Northern Onslow-Western
 Outside Wellington Southern

Correspondence to:

Submitter
 Agent
 Both

Submission

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Why?

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Why?

c. Powers in respect of the Town Belt such as leasing, rights of way and easements

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Why?

d. Adding to and removing land from the Town Belt

More Information: [Draft Wellington Town Belt Bill](#)

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Why?

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f. Giving the Chest Hospital and Wellington Zoo special status

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Why?

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- Oppose
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- Support
- Strongly support

Why?

4. Are there any other major changes you think should be included?

Comments

5. Is there anything you feel has not been adequately covered in this Bill?

Comments

The attached submissions are made on behalf of My Home Town Limited, a company that has been established specifically to promote Wellington as a destination for visitors and to support various projects that are undertaken with that objective in mind. The Town Belt is a tremendous asset for our city. It is one of the things that sets us apart. It doesn't belong to any particular faction (however well meaning). It is for the benefit of us all. Care needs to be taken with the drafting of the Bill that it does not strangle the use of the Town Belt by turning it into a museum piece. The legislation needs to be enabling so that many uses of the Town Belt can evolve with the recreational wants of Wellingtonians, be they Morris dancing or flying drones. The fundamental principle is that access and the right of enjoyment should be available to all. That should not be interpreted as meaning the public should have unrestricted access to every square inch of it. Organised sport ought to be allowed to have facilities on it, education outside the classroom ought to be allowed and commercial activity that is consistent with Town Belt values ought to be allowed, Facilities which enhance the enjoyment of the Town Belt for more people or open it up for access by those who are not so mobile should be encouraged. We should be proud of our Town Belt. We should be showing it to our visitors, so we can hear them say WOW. More detailed submissions on the drafting of the Bill have been attached. They support the Bill but recognise that improvements can be made to the drafting to put more emphasis on the City's partnership with mana whenua and to remove some of the ambiguity. Kind regards Hugh Smith Director My Home Town Limited

Attached Documents

File
Gonda - Submissions on the Wellington Town Belt Bill 2014

Submissions by My Home Town Limited

on

The Wellington Town Belt Bill 2014

Clause Reference	Topic	Submission
3(b)	Purpose Significance to mana whenua	The clause understates the importance of the Town Belt to the mana whenua and its role as a “partner” in the custodianship of the Town Belt – see Principle 10(1)(b)
9(2)	Legal Status	The provisions of the original Town Belt Deed have become too narrow and are no longer in line with who actually uses the Town Belt today and how they wish to use it. Visitors to Wellington make extensive use of certain parts of the Town Belt. This needs to be recognised by either by: (1) deleting the words “for the inhabitants of Wellington”; or (2) inserting “, and visitors to, ”after “of” in the last line.
9(3)	Meaning of “public recreation”	<p>The drafting puts too much emphasis on sporting activity as being recreation. It needs to be made clear that recreation covers other forms of physical activity and also covers passive activities – eg. those who just want to admire the view or “just want to sit and think”. It should also allow for education outside the class room activities which are primarily educational but are consistent the Principles in clause 10. The Town Belt is not museum piece. The Bill needs to be drafted in broad permissive terms so it doesn’t constrain the use of the Town Belt for future enjoyment of activities that may not exist today. For example would the demand for use of the Town Belt by mountain bikers been anticipated even 10 years ago and flying drones might be the next.</p> <p>We submit that the subsections be redrafted as follows:</p> <p><i>(a) the enjoyment of the public: including without limitation for:</i></p> <p><i>(i) recreation;</i></p> <p><i>(ii) physical activities;</i></p>

		<p><i>(iii) outdoor activities, including sporting activities;</i></p> <p><i>(b) use as paths, tracks (including bike tracks) lookouts, playgrounds and other recreational amenities;</i></p> <p><i>(c) education outside the classroom (being defined as curriculum based learning that takes place outside of the four walls of the class room); or</i></p> <p><i>(d) the promotion and protection of the natural environment for the enjoyment of the public.</i></p>
10(1)(a)	Principles	<p>The clause is too passive. It ought to require the Council to be more active in the promotion of the town Belt and the facilitation of its use. As noted above the Town Belt is not a museum piece. The words “<i>and enhanced and protected</i>” are well intentioned but in terms of creating a legal responsibility their meaning is vague and uncertain and would most likely create inflexibility in the use of the Town Belt as the concept of enjoyment will change over time. They are also not logical when used together an activity required to “protect” may very well conflict with one that is necessary to “enhance”. Which prevails? We submit that subclause 10(a) should be redrafted as follows:</p> <p><i>(a) the Wellington Town Belt should be kept whole and actively promoted as an amenity available for use by current and future generations;</i></p>
10(b)	Principles – mana whenua	<p>We strongly support the principle of management in partnership with the mana whenua. This recognises the settlement reached following the Waitangi Tribunal’s Report on land that ought to have been reserved for Maori.</p>
10(1)(e)	Principles – access	<p>There should be more emphasis on the Council being obliged to make access available to all regardless of ages or disability. We submit it should be redrafted as follows:</p> <p><i>(e) access to the Wellington Town Belt should be made available for all to use and enjoy irrespective of age or liability.</i></p>
10(2)	Precedence of Principles	<p>Clause 10(1)(b) is in a different category and should be given greater weight under the spirit of the settlement reached between the Crown and mana whenua (even though the Council was not a party to that settlement)</p>

17(c)	Restrictions on Council's Powers – Commercial Activity	It is important that the right balance be struck between Town Belt Values and allowing commercial activity on the Belt. Commercial activity is not per se inconsistent with Town Belt values but allowing commercial activity carte blanche is totally unacceptable. Any commercial activity has to be consistent with the Town Belt values regarding access and use. We submit that the drafting of clause 17c) strikes the right balance.
18 and 21(2)(b)	Leasing and Licensing	<p>There is no logical reason for the leasing or licensing regime for the Town Belt to be any different from the regime that applies to Concessions in respect of DoC land. Essentially these are:</p> <ul style="list-style-type: none"> • under 10 years no notification • 10 – 30 years notification required • up to 60 years only with the consent of the Minister (i.e. in the case of the Town Belt this should be the Council).
20	Management Plan 5(6)(d)	<p>We submit that the clause is ambiguous and impossible to apply if taken literally. It should be redrafted to read:</p> <p><i>“(d) consider all submissions made on the draft.”</i></p>
21(2)(b)	Leases	<p>We submit that the clause is ambiguous and impossible to apply if taken literally. It should be redrafted to read:</p> <p><i>“(b) consider all submissions made on the draft.”</i></p>
24(2)	Changes to the current Wellington Town Belt Management Plan	<p>We support the requirement align the current Management Plan with the [Act] as soon practicable after the Act comes into force.</p>

Comments on the Draft Wellington Town Belt Bill

From: Ms Joan Quinn,
28 Marewa Road, Hataitai, Wellington 6021.
Phone: (04) 3861796.

I am making a submission as an individual although I am also involved as a Committee Member of the Friends of the Wellington Town Belt.

Yes, I would like to make an oral submission to the Environment Committee on Tuesday 27 May. Please contact (04) 3861796.

I have studied and researched the Wellington Town Belt since the mid-1960s. On many occasions I have spoken out and protested for the protection of the Town Belt. Throughout the process of drafting a new Management Plan and this Draft Legislation for the Wellington Town Belt I have made submissions many of which have been accepted.

I now make no apology for repeating some of the reasons why I strongly believe the Draft Wellington Town Belt Bill (with a few important additions) is ready to proceed to the Parliamentary process.

The Draft Wellington Town Belt Bill reinforces the fact that the Town Belt is held in trust. However the 1873 Deed specified that "The Mayor, Councillors and Citizens of the City of Wellington" (referred to as the Corporation) were the trustees. The wording "Council" in the Bill seems to imply the Mayor and Councillors, and while they obviously represent the people of Wellington, to really follow the spirit of the 1873 Deed it seems vital that the term "people of Wellington" or "citizens" is added. We are all Trustees – holding the land in trust for future generations. This could be added under the term "**Council**" in **Section 4 Interpretation** or by a new term "**Trustees**".

Overall I strongly support the general direction and objectives of the Draft Wellington Town Belt Bill.

I believe the Bill will strengthen the 1873 Deed. The vital clause in the Deed is that the area will forever be "a Public Recreation Ground for the inhabitants of the City of Wellington". By adding the concepts from the 1839 instructions that the land be for the enjoyment of the public "on condition that no buildings be ever erected upon it" this gives further emphasis to the importance of outdoor recreation, enjoyment and protection of the natural environment and the green backdrop to our city. I appreciate the 1839 words are in the Preamble but would suggest that they could be added as well within the Bill itself. Under **Principles 10(1)** it would read as follows: historical and cultural links to the Wellington Town Belt, including the concept of the original Town Belt **that the land be "public property, on condition that no buildings be ever erected upon it"**, should be acknowledged. (Alternatively include the words on the 1840 Plan "**reserved for the enjoyment of the Public, and not to be built upon**",)

Yes, there are sports buildings and some vital public infrastructure on the Town Belt but I am pleased that the leased area is to be limited to 8 hectares, and leased for a maximum period of 20 years (including right of renewal). Both aspects are a vast improvement on earlier legislation. It is essential that further flat land is not lost for informal use by the growing population of Wellington.

I strongly support the addition of land to the Wellington Town Belt. Many of the some 130 hectares being added were part of the original Town Belt, lost prior to 1873, and since regained by the City. Areas such as the old signal station land on Mount Victoria/Matairangi, land on Te Ahumairangi, part of the Vice-Regal land, and the former Chest Hospital land will regain Town Belt status following the passing of this Bill. Other new areas are adjacent and appropriate. There is also the mechanism for adding appropriate or regained land in the future without waiting decades for future legislation. Hopefully future direct negotiation with the Crown will enable areas such as land in Clifton Terrace, Abel Smith Street, and the slopes behind Wellington College and Wellington East Girls College to be added through this mechanism.

I strongly support the clear statement that there will be "no removal of land from the Wellington Town Belt" and that there is no power to "sell, exchange, or use as security any part of the Town Belt." Also that while the Public Works Act might remove land – "the Council must not consent or agree to any land being removed."

Small adjustments have been listed involving Town Belt land to road, or road to Town Belt, and this is largely needed to match situations existing for decades. There is some concern however whether this is the case for all of Weld Street.

I support the fact that Council powers in respect of leasing, right of way and easements, and construction and for "profit use" are subject to restraints in this Bill, in the Management Plan and the consultation process. It would however be helpful to remove the term "**business**" in **16[1](a)**. The public and Councillors will need to monitor and be vigilant in the coming decades to see that no further commercialisation occurs on the Wellington Town Belt. Alternative sites outside the Town Belt must be considered for such uses.

It is pleasing to note that the Botanic Garden is acknowledged as part of the semi-circle of green – part of the Original Town Belt.

The former Chest Hospital Buildings and immediate surroundings and the Wellington Zoo do require special status.

I still have concerns however that the Canal Reserve, while referred to in the 1873 Town Belt Deed, was listed separately as was the Basin Reserve. It needs an appropriate statement in this Bill and not just to be listed in the Town Belt schedule. (Perhaps it could be acknowledged even in the Preamble where it is noted in **(7)** that the Basin Reserve has since gained its own deed, **while the Canal Reserve remains linked to the present Town Belt in this Bill.**

The Exhibition Site also needs clarification – Schedule 5 is still in acres and it is not clear which part has now returned to Town Belt and which area Town Belt status is still in suspension.

Schedule 9 repeals the 1872 Wellington City Reserves Act. Is it absolutely clear that this will not hinder any future action if Council attempts to regain areas of land listed in the First, Second or Third Schedules of this Act?

Reserves Act 1977 – is it absolutely clear that all essential aspects are covered in this Bill?

The Wellington Town Belt is a precious taonga gifted to us by the instructions of the New Zealand Company's secretary John Ward to the surveyor William Mein Smith and shown clearly on the plan of 1840. It has been recognised world-wide as an important aspect of Town Planning and I hope in the near future it will be recognized with a listing on the New

Zealand Historic Places Register (as noted in Appendix 5 of the Wellington Town Belt Management Plan).

Today we recognise the areas of special importance to Mana Whenua and we recognise the importance to all Wellingtonians of the beauty of a green space and backdrop to our city. All benefit physically, emotionally and spiritually from the Town Belt.

I believe this Council will be acknowledged in the future if the passing of this legislation enables the further protection, management and enhancement of the Wellington Town Belt. It will help to redress some of the abuses of the past.

I thank all the Council staff for their hard work over many years, also the Mayor and Councillors who have worked to benefit the Town Belt and to progress this Bill.

I strongly support the Draft Wellington Town Belt Bill being forwarded to the Parliamentary process.

