

## Wellington Town Belt Bill

### Review of amendments following submission process

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p><b>Preamble</b></p> <p>(1) Whakatauki:</p> <p>"Tumutumu parea, rākau parea, whānui te ara ki a Tāne"</p> <p>"Ward off post and weapon, so that the expansive path of mankind is opened up"</p> <p>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 saw the benefits of building positive relationships with the colonial settlers 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.</p>	<p><b>Preamble</b></p> <p>(1) Whakatauki:</p> <p>"Tumutumu parea, rākau parea, whānui te ara ki a Tāne"</p> <p>"Ward off post and weapon, so that the expansive path of mankind is opened up"</p> <p>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.</p>		
<p>(2) The New Zealand Company was a private land settlement company formed in London in May 1839, which planned to establish a settlement at Wellington harbour. The Company's representatives arrived at Wellington harbour in September 1839.</p>	<p>(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.</p>		
<p>(3) At the time of the New Zealand Company's arrival, the iwi groups with <i>take raupatu</i> over all of 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 <i>ahi kā</i> over particular areas as follows:</p> <p>(a) Te Ātiawa at Te Whanganui ā Tara and parts of the south-west coast;</p> <p>(b) Taranaki and Ngāti Ruanui at Te Aro;</p> <p>(c) Ngāti Tama at Kaiwharawhara and environs, and parts of the south-west coast; and</p> <p>(d) Ngāti Toa Rangatira at parts of the south-west coast.</p>	<p>(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:</p> <p>(a) Te Ātiawa at Te Whanganui ā Tara and parts of the south-west coast;</p> <p>(b) Taranaki and Ngāti Ruanui at Te Aro;</p> <p>(c) Ngāti Tama at Kaiwharawhara and environs, and parts of the south-west coast; and</p> <p>(d) Ngāti Toa Rangatira at parts of the south-west coast.</p>		
<p>(4) The New Zealand Company's initial settlement plan provided for the original Town Belt, being public reserves of 1,562 acres (approximately 632 hectares) around the proposed town of Port Nicholson (now Wellington City), that would separate it from the Company's rural district. These reserves included the land that is now the Wellington Botanic Garden. The instructions from the Company's secretary, John Ward, to its surveyor, William Mein Smith, included that this land be "public</p>	<p>(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".</p>	<p>Friends of the Wellington Town Belt (<b>FWTB</b>) requested a metric conversion of the acreage. This was accepted.</p> <p>FWTB requested specific reference to the Wellington Botanic Garden. This was accepted.</p>	

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
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, at that time, compensating the relevant iwi groups.	(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.	FWTB requested reference to the compensation which has been made over the years (for example the Wellington tenths). This was rejected.	The clause seeks to recognise at a high level the injustice done to local iwi during the early history of the Wellington Town Belt. The history is complex and contested. The statement that neither consultation nor compensation occurred at the time is accurate. It was considered too difficult to succinctly refer to subsequent compensation in a way that would avoid dispute and ill-feeling.
(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".	(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 the Council's predecessor (being the Corporation of the City of Wellington, described as the "Mayor, Councillors and Citizens of the City of Wellington") 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 three parcels of land on trust to the Council's predecessor. The three parcels were the land known as the "Town Belt", "Canal Reserve" and "Basin Reserve".	(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.	FWTB requested clarification of the way that the 1873 deed dealt separately with the "Town Belt", "Basin Reserve" and "Canal Reserve" parcels. This was accepted.	It was decided to clarify that the Council's predecessor was the Corporation of the City of Wellington, which the 1873 deed describes as the "Mayor, Councillors and Citizens of the City of Wellington".
(8) The "Town Belt" parcel and the "Canal Reserve" parcel were conveyed to the Council's predecessor upon trust "to be for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington".		FWTB requested clarification of the way that the 1873 deed dealt separately with the "Town Belt", "Basin Reserve" and "Canal Reserve" parcels. This was accepted.	
(9) The "Basin Reserve" parcel was subsequently resettled on the Council's predecessor by deed dated 17 October 1884 as a separate trust, and the Town Belt Deed has no further application to it.		FWTB requested clarification of the way that the 1873 deed dealt separately with the "Town Belt", "Basin Reserve" and "Canal Reserve" parcels. This was accepted.	
(10) The report of the Waitangi Tribunal <i>Te Whanganui ā Tara me ōna Takiwā: Report on the Wellington District</i> (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. 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.	(8) The report of the Waitangi Tribunal <i>Te Whanganui ā Tara me ōna Takiwā: Report on the Wellington District</i> (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.	FWTB requested that the reference to the Wellington district be deleted. This was accepted.	
(11) 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 are important to the inhabitants of Wellington generally. Over time, many people and community groups have	(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	FWTB requested that the phrase "people of Wellington" be replaced with "inhabitants of Wellington". This was accepted.	It was decided to simplify this clause by making some editorial changes.

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>cared for the Wellington Town Belt and worked to recover parts of the original Town Belt not vested in the Council.</p>	<p>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.</p>		
<p>(12) 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:</p> <p>(a) becoming the principal source of the Council's powers for protecting, managing and enhancing the Wellington Town Belt; and</p> <p>(b) providing a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt; and</p> <p>(c) providing a mechanism for land to become part of the Wellington Town Belt.</p>	<p>(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:</p> <p>(a) providing a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt;</p> <p>(b) being the principal source of the Council's powers for protecting, managing and enhancing the Wellington Town Belt; and</p> <p>(c) being a mechanism for land to become part of the Wellington Town Belt.</p>	<p>FWTB requested that paragraphs (a), (b) and (c) in the consultation draft be re-ordered. This was accepted.</p> <p>Other feedback sought more material changes to this clause to introduce concepts contained in the purpose and/or the legal status provisions. This was rejected.</p>	<p>The clause is intended to explain why local legislation was desired. It does not need to repeat concepts elsewhere in the Bill.</p>
<p><b>1 Title</b></p> <p>This Act is the Wellington Town Belt Act 2014.</p>	<p><b>1 Title</b></p> <p>This Act is the Wellington Town Belt Act 2014.</p>		
<p><b>2 Commencement</b></p> <p>This Act comes into force on the day after the date on which it receives the Royal assent.</p>	<p><b>2 Commencement</b></p> <p>This Act comes into force on the day after the date on which it receives the Royal assent.</p>		
<p><b>3 Purpose</b></p> <p>The purpose of this Act is to—</p> <p>(a) provide a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt on behalf of the inhabitants of the city of Wellington; and</p> <p>(b) impose on the Council responsibilities, and provide the Council with powers, to protect, manage and enhance the Wellington Town Belt; and</p> <p>(c) recognise the history of the original Town Belt and its significance to mana whenua and the inhabitants of Wellington.</p>	<p><b>3 Purpose</b></p> <p>The purpose of this Act is to—</p> <p>(a) provide a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt;</p> <p>(b) recognise the history of the original Town Belt and its significance to mana whenua and the people of Wellington generally; and</p> <p>(c) provide the Council with responsibilities and powers to protect, manage and enhance the Wellington Town Belt.</p>		
<p><b>4 Principles</b></p> <p>(1) In performing its role under this Act as trustee and manager of the Wellington Town Belt, the Council must—</p>	<p><b>10 Principles</b></p> <p>(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:</p>	<p>It was submitted that these principles should not be given equal weight. The Wellington Civic Trust (<b>WCT</b>) submitted that (a) should be elevated as it goes to the heart of the Town Belt and its history. This was accepted.</p> <p>The Wellington Botanical Society submitted that it does not believe</p>	<p>In response to submissions, the following key changes have been made to this clause:</p> <ul style="list-style-type: none"> <li>- What was principle (a) has been elevated as something that the Council must "recognise and provide for". The elevation of the other principles as suggested by the</li> </ul>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>(a) recognise and provide for the protection and enhancement of the Wellington Town Belt for future generations; and</p> <p>(b) have particular regard to the following principles:</p> <p>(i) the Wellington Town Belt should be managed in partnership with mana whenua:</p> <p>(ii) the landscape character of the Wellington Town Belt should be protected and enhanced, including by recognising that it was the New Zealand Company's intention that the original Town Belt not be built on:</p> <p>(iii) the Wellington Town Belt should support healthy indigenous ecosystems:</p> <p>(iv) the Wellington Town Belt should be accessible and for all to enjoy:</p> <p>(v) the Wellington Town Belt should be available for a wide range of recreational activities:</p> <p>(vi) community participation in the management of the Wellington Town Belt should be encouraged and supported:</p> <p>(vii) the historic and cultural heritage of the Wellington Town Belt should be recognised and protected.</p> <p>(2) The principles in <u>paragraph (1)(b)</u> must be considered together and the order in which the principles are set out is not to be taken as specifying any order of importance or priority.</p>	<p>(a) the Wellington Town Belt should be protected and enhanced for future generations:</p> <p>(b) the Wellington Town Belt should be managed in partnership with mana whenua:</p> <p>(c) the landscape character of the Wellington Town Belt should be protected and enhanced:</p> <p>(d) the Wellington Town Belt should support healthy populations of indigenous biodiversity:</p> <p>(e) the Wellington Town Belt should be accessible and for all to enjoy:</p> <p>(f) the Wellington Town Belt should be used for a wide range of recreation activities:</p> <p>(g) community participation in the management of the Wellington Town Belt should be encouraged and supported:</p> <p>(h) historical and cultural links to the Wellington Town Belt, including the concept of the original Town Belt, should be acknowledged.</p> <p>(2) The principles in subsection (1) must be considered together and no principle takes precedence over any other.</p>	<p>that the Town Belt will support healthy populations of indigenous biodiversity, and believes reference should be made to "ecosystems". This was accepted.</p> <p>It was submitted that the Deed's sentiment that no buildings be erected on the Town Belt could be included in the principles. Most notably in clause 10(1)(h). However, it was accepted through submissions that some buildings may be required to support outdoor recreation. This was accepted in part.</p> <p>The Council's Environmental Reference Group (ERG) submitted that it is concerned that the Bill does not provide an adequate level of protection. It believes that "have particular regard" should be strengthened to either "give effect to" or "not inconsistent with". The ERG also submitted that the focus on recreation may be too great. This was accepted in part.</p>	<p>ERG was considered too difficult given the potential for different principles to conflict with one another in some circumstances.</p> <ul style="list-style-type: none"> <li>- Principle (c) has been added to by the inclusion of "including by recognising that it was the New Zealand Company's intention that the original Town Belt not be built on".</li> <li>- Principle (d) has been replaced with "the Wellington Town Belt should support healthy indigenous ecosystems".</li> <li>- Principle (h) has been replaced with "the historic and cultural heritage of the Wellington Town Belt should be recognised and protected".</li> </ul>
<p><b>5 Interpretation</b></p> <p>In this Act, unless the context otherwise requires,—</p>	<p><b>4 Interpretation</b></p> <p>In this Act, unless the context otherwise requires, —</p>		
<p><b>business activity</b> means an undertaking carried on for pecuniary gain or reward</p>			<p>This new definition has been included in response to submissions that the way in which the Bill deals with commercial activities on the Wellington Town Belt should be re-thought. It is intended to be broad, so that the Council can have the option of exercising control over most or all commercial activities on the Wellington Town Belt.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<b>Chest Hospital</b> means the land described as the Chest Hospital in the management plan under <u>section 11(3)</u>	<b>Chest Hospital</b> means the land described in Schedule 4		This has been amended so that the boundaries of the Chest Hospital can be defined in the Management Plan rather than "set in stone" in the Bill itself.
<b>Council</b> means the Wellington City Council	<b>Council</b> means the Wellington City Council	The Wellington Botanical Society was concerned about the potential of a super-city. It was submitted that the Bill should address this, rather than leaving it to any future super-city legislation. This was rejected.	It was considered too difficult to endeavour to draft the Bill to take into account the unknown shape of any future amalgamation.
	<b>Exhibition Site</b> means the land described in Schedule 5		This has been amended so that the boundaries of the Exhibition Grounds can be defined in the Management Plan rather than "set in stone" in the Bill itself.
<b>original Town Belt</b> 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	<b>original Town Belt</b> 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		
<p><b>public services</b> means, irrespective of public or private ownership, network infrastructure that is, in the public interest, necessary for—</p> <p>(a) the distribution or transmission of energy (including an electrical installation or work as defined in section 2 of the Electricity Act 1992 and a distribution system as defined in section 2 of the Gas Act 1992); and</p> <p>(b) the provision of telecommunications services; and</p> <p>(c) the provision of water, wastewater and stormwater services</p>			This new definition responds to submissions made by Powerco and Transpower that the Bill should make better and/or clearer provision for their infrastructure on the Wellington Town Belt.
<p><b>publicly available</b> means, in relation to making a document or other information publicly available, taking reasonable steps to—</p> <p>(a) ensure that the document or other information or a copy of the document or other information is accessible free of charge to the general public; and</p> <p>(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</p>	<p><b>publicly available</b> means, in relation to making a document or other information publicly available, taking reasonable steps to –</p> <p>(a) ensure that the document or other information or a copy of the document or other information is accessible to the general public; and</p> <p>(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</p>		
	<b>registered interest</b> means any registered estate or interest in land under the Land Transfer Act 1952; and includes any mortgage or charge registered under that Act		
<b>Registrar-General</b> means the Registrar-General of Land			This definition is required as part of the new mechanism to help rationalise the titles to the Wellington Town Belt after the Bill has

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
appointed under section 4 of the Land Transfer Act 1952			been enacted.
<p><b>temporary</b>, in relation to an activity, means an activity that—</p> <p>(a) is of a non-repetitive, transient nature; and</p> <p>(b) does not exceed four weeks' duration; and</p> <p>(c) does not involve the construction of permanent structures or facilities</p>			This definition is required as part of the re-think about how the Bill controls activities on the Wellington Town Belt.
<p><b>Town Belt Deed</b> means the deed reproduced in <u>Schedule 1</u> that was entered into between the Superintendent of the Province of Wellington and the Corporation of the City of Wellington dated 20 March 1873</p>	<p><b>Town Belt Deed</b> 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</p>		This is an editorial change only. In part it clarifies that the trustee under the 1873 deed was the Corporation of the City of Wellington.
<p><b>Wellington Botanic Garden</b> means the land described in <u>Schedule 6</u></p>	<p><b>Wellington Botanic Garden</b> means the land described in Schedule 6</p>		
<p><b>Wellington Zoo</b> means the land described as the Wellington Zoo in the management plan under <u>section 11(3)</u></p>	<p><b>Wellington Zoo</b> means the land described in Schedule 7.</p>		This has been amended so that the boundaries of the Wellington Zoo can be defined in the Management Plan rather than "set in stone" in the Bill itself. This is particularly important for the Zoo, as it has not been surveyed and it would be very expensive to do so.
<p><b>6 Meaning of Wellington Town Belt</b></p> <p>In this Act, unless the context otherwise requires, <b>Wellington Town Belt</b>—</p> <p>(a) means—</p> <p>(i) land included under <u>section 21</u>; and</p> <p>(ii) land referred to in section 25(2); and</p> <p>(iii) the land described in <u>Schedule 2</u>; but</p> <p>(b) does not include—</p> <p>(i) land referred to in section 25(1); and</p> <p>(ii) land referred to in <u>section 27</u>.</p>	<p><b>5 Meaning of Wellington Town Belt</b></p> <p>In this Act, unless the context otherwise requires, Wellington Town Belt –</p> <p>(a) means –</p> <p>(i) the land described in Schedules 2, 4 and 7; and</p> <p>(ii) land referred to in section 6(2); and</p> <p>(iii) land referred to in section 7(2); and</p> <p>(iv) land included under section 12; but</p> <p>(b) does not include –</p> <p>(i) land referred to in section 6(1); and</p> <p>(ii) land referred to in section 7(1); and</p> <p>(iii) land referred to in section 14(3)(a).</p>		<p>The structure of the schedules has been simplified:</p> <ul style="list-style-type: none"> <li>- Schedule 2 will list all of the land that is to be Wellington Town Belt, including the Canal Reserve, Chest Hospital, Exhibition Grounds, Wellington Zoo and land rationalisations (i.e. legal road to become Wellington Town Belt).</li> <li>- Schedules 3 and 4 will list the land that is to cease being subject to the 1873 deed (i.e. land rationalisations – to become legal road and local purpose reserve).</li> </ul>

Wellington Town Belt Bill		Corresponding part of the consultation draft		Summary of submissions received	Explanation
<b>7</b>	<b>Name</b>  The land that comprises the Wellington Town Belt is to be called the "Wellington Town Belt".	<b>8</b>	<b>Name</b>  The land comprising the Wellington Town Belt is to be called the "Wellington Town Belt".		
<b>8</b>	<b>Legal status</b>  (1) The Council holds the Wellington Town Belt on behalf of the inhabitants of the city of Wellington as trustee of the trust created by the Town Belt Deed.  (2) The Town Belt Deed is to be read as if the only term of the trust is to forever hereafter use and appropriate the Wellington Town Belt as a public recreation ground for the inhabitants of the city of Wellington.  (3) For the purposes of <u>subsection (2)</u> , <b>public recreation ground</b> means an area provided for—  (a) recreation, sporting activities and the enjoyment of the public, with an emphasis on the retention of public access, open spaces and outdoor activities; and  (b) the protection of the natural environment and historic heritage.	<b>9</b>	<b>Legal status</b>  (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.	The ERG submitted that the wording of clause 9(2) could be expressed through modern reserve concepts, rather than the recreation concept used in the deed. This was rejected.  The ERG further believes that a reference to acquisition could be added to the terms of the trust. This was rejected.  A number of submitters express concern that the Bill appears to make the Council the trustee, in a manner that is inconsistent with the Deed's reference to "the Corporation", which is described as the "Mayor, Councillors and Citizens of the City of Wellington". This was rejected. The 1873 deed made the Corporation the trustee of the Town Belt. The Council is the successor to the Corporation. The interests of the public have always been represented by the Corporation/Council rather than directly.	In response to submissions a decision was made to refer to the retention of public access, open spaces and the protection of historic heritage.
<b>9</b>	<b>Public access</b>  (1) Members of the public are entitled to freedom of entry and access to the Wellington Town Belt, subject to—  (a) <u>subsections (2) to (4)</u> ; and  (b) <u>section 12(3)</u> ; and  (c) any temporary conditions and restrictions that the Council considers necessary for the protection of the Wellington Town Belt or the safety of the public.  (2) No business activity may be undertaken on the Wellington Town Belt (including under an easement, lease or licence) unless authorised under <u>sections 18 to 20</u> .  (3) The Council may impose reasonable charges for the use of facilities on the Wellington Town Belt that are provided by the Council.  (4) A lessee or licensee in respect of any facility, structure, site or place on the Wellington Town Belt may, to the extent provided by the relevant lease or licence, restrict access to it and impose a reasonable charge for its use.				As part of the re-think about how the Bill controls activities on the Wellington Town Belt a new clause was drafted to protect appropriate public access. This was also a response to submissions expressing concern that taking the Wellington Town Belt out from the Reserves Act 1977 might reduce the public's rights.

Wellington Town Belt Bill		Corresponding part of the consultation draft		Summary of submissions received	Explanation
<p><b>10 Management plan</b></p> <p>(1) The Council must adopt a management plan for the Wellington Town Belt.</p> <p>(2) In exercising its powers with respect to the Wellington Town Belt, the Council must comply with the management plan.</p> <p>(3) The Council must review the management plan at intervals of not more than 10 years and, as appropriate, replace or amend it by passing a resolution adopting the new or amended management plan as the operative management plan.</p> <p>(4) Any new or amended management plan must be prepared in draft, and the Council must—</p> <p>(a) make the draft publicly available for inspection; and</p> <p>(b) invite the public to make submissions on the draft; and</p> <p>(c) give every submitter who asks to be heard a reasonable opportunity to appear in support of the submitter's submission; and</p> <p>(d) take into account all submissions made on the draft.</p> <p>(5) The Council may, without complying with <u>subsection (4)</u>, amend the management plan, if it passes a resolution that—</p> <p>(a) the proposed amendments are minor or technical in nature; and</p> <p>(b) compliance with <u>subsection (4)</u> is unnecessary.</p>	<p><b>20 Management plan</b></p> <p>(1) The Council must adopt a management plan for the Wellington Town Belt.</p> <p>(2) The management plan must not contain anything inconsistent with this Act.</p> <p>(3) The Council must review the management plan at intervals of not less than 10 years and, as appropriate –</p> <p>(a) replace it; or</p> <p>(b) amend it.</p> <p>(4) In performing its functions and exercising its powers in respect of the Wellington Town Belt, the Council must comply with the management plan.</p> <p>(5) The management plan may set out conditions and rules regulating use of the Wellington Town Belt.</p>	<p>Feedback from stakeholders included a desire that the management plan provision provide greater guidance on what it should contain and how it should link to the provisions in the bill.</p>	<p>An editorial decision was made to divide the management plan provision up into one clause requiring a management plan and setting out the process for its adoption; and a subsequent clause directed to the content of the management plan.</p> <p>It was also necessary to include how the special areas would be defined.</p>		
<p><b>11 Contents of management plan</b></p> <p>(1) The management plan must not contain anything inconsistent with this Act or the trust described in <u>section 8</u>.</p> <p>(2) The management plan may set conditions and rules to manage use of the Wellington Town Belt.</p> <p>(3) The management plan must—</p> <p>(a) describe the land that comprises the Chest Hospital and Wellington Zoo; and</p>					

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>(b) clearly define the boundaries of the Chest Hospital and Wellington Zoo and ensure that they are easily identifiable in practice; and</p> <p>(c) limit the size of the Chest Hospital to a continuous area not exceeding 0.8973 hectares; and</p> <p>(d) limit the size of the Wellington Zoo to a continuous area not exceeding 10.8 hectares.</p>			
<p><b>12 Powers of the Council</b></p> <p>(1) For the purposes of performing its role as trustee and manager of the Wellington Town Belt, the Council has—</p> <p>(a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and</p> <p>(b) for the purposes of paragraph (a), full rights, powers, and privileges.</p> <p>(2) <u>Subsection (1)</u> applies except as provided in this Act or another Act or rule of law.</p> <p>(3) Without limiting <u>subsection (1)</u>, the Council has the power to manage use of the Wellington Town Belt, including by setting conditions and rules in a management plan under <u>section 10</u>.</p>	<p><b>16 Powers of the Council</b></p> <p>(1) For the purposes of performing its role of trustee and manager of the Wellington Town Belt, the Council has –</p> <p>(a) full capacity to carry on or undertake any activity or business, do any act, or enter into any transaction; and</p> <p>(b) for the purposes of paragraph (a), full rights, powers, and privileges.</p> <p>(2) Subsection (1) is subject to any other enactment, the general law, and this Act.</p> <p>(3) Without limiting subsection (1), the Council has the power to –</p> <p>(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</p> <p>(b) restrict public access to the Wellington Town Belt to enable work to be carried out safely or to facilitate temporary activities; and</p> <p>(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.</p>	<p>The Wellington Civic Trust submitted that the Bill should confine and ring-fence discretionary powers. This is because elected members and Council officials will need to be protected from outside pressures. In its view, broad powers risk influence from undue pressure. This was rejected.</p> <p>Transpower New Zealand Ltd submitted that it does not want the Bill to inadvertently grant Council power to interfere with the national grid (drawing attention to clause 16(3)(a)). This was accepted.</p> <p>The Mt Victoria Residents Association submitted that this clause should better reflect the original intent of the Town Belt as an area of land that should not be built on. This was rejected. The general intent (pre-dating the 1873 deed) that the Town Belt not be built upon has been recognised in other parts of the Bill.</p>	<p>This clause was simplified by removing some of the concepts that submitters were opposed to (for example the explicit power to "undertake any work"). Some of the content has also been included as part of the clause dealing with public access.</p>
<p><b>13 Restrictions on the Council's powers</b></p> <p>(1) Despite <u>section 12</u>, the Council has no power to—</p> <p>(a) sell, exchange, or use as security any part of the Wellington Town Belt; or</p> <p>(b) grant any easement, lease or licence in respect of the Wellington Town Belt other than in accordance with <u>sections 16, 17, 19</u></p>	<p><b>17 Restrictions on the Council's powers</b></p> <p>Despite section 16, the Council has no power to –</p> <p>(a) sell, exchange, or use as security any part of the Wellington Town Belt; or</p> <p>(b) grant leases, licences, easements, or rights of way other than in accordance with this Act; or</p>	<p>The ERG submitted it is concerned that clause 17(c)(i) could be used to justify a development that benefits only a small number of people. This was accepted in part.</p>	<p>This clause has been amended as part of the re-think about how the Bill controls activities on the Town Belt.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>or 20; or</p> <p>(c) authorise any business activity on the Wellington Town Belt other than in accordance with <u>sections 18 to 20</u>.</p>	<p>(c) allow any for-profit use of the Wellington Town Belt unless that use is –</p> <p>(i) considered by the Council to enhance the amenity value of, or the experience of the public using, the Wellington Town Belt; or</p> <p>(ii) for the convenience of persons using the Wellington Town Belt; or</p> <p>(iii) temporary and will have an immaterial effect on the Wellington Town Belt.</p>		
<p><b>14 Delegation of the Council's powers</b></p> <p>(1) The Council must not delegate—</p> <p>(a) the power to add land to the Wellington Town Belt under section 21; or</p> <p>(b) the power to agree compensation under section 23; or</p> <p>(c) the power to impose charges under section 9; or</p> <p>(d) the power to adopt, replace or amend a management plan under section 10.</p> <p>(2) Other than to a committee of the Council, the Council must not delegate—</p> <p>(a) the power to grant leases under section 16; or</p> <p>(b) the power to grant licences under section 17; or</p> <p>(c) the power to grant leases and licences under section 19; or</p> <p>(d) the power to grant easements, leases and licences under section 20.</p>		<p>The ERG submitted that there should be more limitations on what can be delegated. It was submitted that this would ensure that all significant decisions are made by the Council. This was accepted in part.</p>	<p>This new clause brings together in one place the Bill's restrictions on how the Council's powers can be delegated. It is more specific and comprehensive than the consultation draft.</p>
<p><b>15 Consultation</b></p> <p>(1) <u>Subsection (2)</u> applies to the exercise of the Council's powers to—</p> <p>(a) build or extend (or authorise the building or extension of) a structure or facility under</p>	<p><b>21 Consultation</b></p> <p>(1) This section applies to the exercise of the Council's powers to –</p> <p>(a) grant any lease or licence under section 18; or</p>	<p>The Wellington Civic Trust and others strongly advocated in favour of the Bill providing for a curator who would be a senior manager acting as a liaison or contact point between Council and the public. This was accepted in part.</p> <p>The Wellington Botanical Society submitted that this person should report back to the community. It raised concerns about the level of</p>	<p>Several submitters expressed support for a "curator", although little detail was provided about the precise role this person would have or what their powers might be. An amendment was made to require the Council to appoint a person to a specific liaison role. This will give the public a single point of contact and responds to the frustration sometimes experienced by having to deal with a range of different business units regarding matters affecting the Town Belt.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>sections 12 or 16 to 20, where the effect on the Wellington Town Belt of that structure, facility or extension will be more than minor; and</p> <p>(b) impose charges under section 9; and</p> <p>(c) grant leases or consent to the disposal of a lessee's interest under section 16; and</p> <p>(d) grant licences or consent to the disposal of a licensee's interest under section 17; and</p> <p>(e) grant leases and licences under section 19; and</p> <p>(f) grant easements, leases and licences under section 20; and</p> <p>(g) add land to the Wellington Town Belt under section 21.</p> <p>(2) Before exercising a power in <u>subsection (1)</u>, the Council must consider the views of the public and persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by—</p> <p>(a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and</p> <p>(b) taking into account all submissions made on the proposed exercise of the power.</p> <p>(3) At all times there must be an employee of the Council whose—</p> <p>(a) role includes acting as a liaison officer between the public and the Council with respect to the Wellington Town Belt; and</p> <p>(b) role includes oversight of the management plan under section 10; and</p> <p>(c) name and contact details are made publicly available.</p>	<p>(b) grant any easement or right of way under section 19; or</p> <p>(c) consent to any sub-lease or sub-licence for for-profit use of the Wellington Town Belt; or</p> <p>(d) construct, or authorise the construction of, any building on the Wellington Town Belt.</p> <p>(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 –</p> <p>(a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and</p> <p>(b) taking all submissions made on the proposed exercise of the power into account.</p>	<p>reporting back on what the Council has achieved against its own strategies. This was accepted in part.</p>	<p>More generally, in response to feedback the range of matters requiring consultation was expanded.</p>
<p><b>16 Leases</b></p> <p>(1) The Council may, on any conditions that it considers appropriate, grant leases in respect of the Wellington Town Belt.</p> <p>(2) At any point in time, no more than eight hectares in total of the Wellington Town Belt may be leased, excluding any leases for public services, any leases in respect of</p>	<p><b>18 Leasing and licensing</b></p> <p>(1) The Council may grant a lease or licence over any part of the Wellington Town Belt to any person.</p> <p>(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.</p>	<p>FWTB submitted that the maximum area of leased land should be reduced to approximately four to six hectares. A limit of six hectares was also supported by the Wellington Civic Trust and the Mt Victoria Residents Association. This was rejected.</p>	<p>Approximately six hectares of the Wellington Town Belt is already leased. A limit of eight is already a significant improvement on the status quo. Setting a lower limit would provide no flexibility until some existing leases have come to an end. This has the potential to drive sub-optimal outcomes and cause the Council to miss opportunities as they present themselves.</p> <p>Separate clauses have been provided for leases and licences respectively. Licences are to be preferred unless a lease is</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>the Chest Hospital and Wellington Zoo and the lease referred to in <a href="#">section 26(3)</a>.</p> <p>(3) A lease under this section must—</p> <p>(a) specify what activities are authorised by the lease; and</p> <p>(b) not be granted for a term, including any renewals, exceeding 20 years; and</p> <p>(c) not be granted for an activity that could reasonably be undertaken pursuant to a licence; and</p> <p>(d) not allow a right to transfer, sublease, assign, or otherwise dispose of the lessee's interest without the Council's consent.</p> <p><b>17 Licences</b></p> <p>(1) The Council may, on any conditions that it considers appropriate, grant licences in respect of the Wellington Town Belt.</p> <p>(2) A licence under this section must—</p> <p>(a) specify what activities are authorised by the licence; and</p> <p>(b) not be granted for a term, including any renewals, exceeding 10 years; and</p> <p>(c) not allow a right to transfer, sub-licence, assign, or otherwise dispose of the licensee's interest without the Council's consent.</p>	<p>(3) Any lease or licence granted under subsection (1) must –</p> <p>(a) not be for a term of more than 20 years, including any rights of renewal; and</p> <p>(b) specify how the lessee or licensee is permitted to use the land; and</p> <p>(c) not allow for any sub-lease, sub-licence, or unpermitted use of the land without the prior consent of the Council.</p> <p>(4) Any lease or licence granted under subsection (1) may authorise –</p> <p>(a) the lessee or licensee to restrict access to facilities and charge for admission or membership; and</p> <p>(b) the construction, repair, demolition, and maintenance of any building.</p>		<p>necessary. The permissible term of licences has been reduced to 10 years. A lease or licence for a business activity will also require approval under clause 18.</p>
<p><b>18 Business activities</b></p> <p>(1) The Council must not authorise a business activity on the Wellington Town Belt unless—</p> <p>(a) the activity is temporary, and any effect of the activity on the Wellington Town Belt and the public will be no more than minor; or</p> <p>(b) the activity is consistent with the use of the Wellington Town Belt as a public recreation ground (as defined in section 8) and the effect on the Wellington Town Belt of any structure or facility required to be built or extended for the activity will be no more than minor.</p> <p>(2) Subject to subsection (1), The Council may authorise business activities on the Wellington Town Belt on any</p>		<p>The Wellington Civic Trust Board is opposed to permanent commercial activities on Wellington Town Belt land. It believes that only special events should be provided for and the permission for such events should follow a precise procedure. This was accepted in part.</p>	<p>In response to feedback it was decided that a more specific provision was required to regulate the use of Wellington Town Belt land for business/commercial activities. No long term business activities that require new buildings or structures can be permitted.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
conditions that it considers appropriate.			
<p><b>19 Application to Chest Hospital and Wellington Zoo</b></p> <p>(1) The purpose of—</p> <p>(a) the Chest Hospital is to allow for the use and conservation of the Chest Hospital buildings; and</p> <p>(b) the Wellington Zoo is to allow for the operation of the Wellington Zoo.</p> <p>(2) Despite anything in this Act, for the purposes in <u>subsection (1)</u> the Council may, on any conditions that it considers appropriate, grant leases and licences and authorise business activities in respect of the Chest Hospital and Wellington Zoo and <u>sections 16 to 18</u> will not apply.</p> <p>(3) A lease or licence under <u>subsection (2)</u> must not be granted for a term, including any renewals, exceeding 33 years.</p>	<p><b>6 Exhibition Site</b></p> <p>(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.</p> <p>(2) Any part of the Exhibition Site that ceases to be subject to a lease under that Act –</p> <p>(a) forms part of the Wellington Town Belt; and</p> <p>(b) ceases to be subject to the Wellington City Exhibition Grounds Act 1959.</p> <p><b>22 Application to the Chest Hospital and Wellington Zoo</b></p> <p>Sections 17(b) and (c), 18(2) and (3), and 20 do not apply to the Chest Hospital and Wellington Zoo.</p>		<p>In response to feedback the role and purpose of the Chest Hospital and Zoo areas has been clarified.</p>
<p><b>20 Public services</b></p> <p>(1) Despite anything in this Act, the Council may, on any conditions that it considers appropriate, grant easements, leases and licences and authorise business activities in respect of the Wellington Town Belt for public services and <u>sections 16 to 18</u> will not apply.</p> <p>(2) Before deciding whether to grant any right under <u>subsection (1)</u>, the Council must consider—</p> <p>(a) the effect on the Wellington Town Belt of the proposed activity; and</p> <p>(b) alternative sites, routes or other methods for achieving the objectives of the proposed activity.</p> <p>(3) Any public service owned by the Council on the Wellington Town Belt at the commencement of this Act is lawful and may be the subject of an easement in favour of any party entitled to use the service.</p> <p>(4) The Council may grant a right under this section to itself.</p>	<p><b>19 Easements and rights of way</b></p> <p>(1) The Council may grant easements and rights of way over the Wellington Town Belt for any public purpose.</p> <p>(2) Before granting any easement or right of way under subsection (1), the Council must consider –</p> <p>(a) the impact that the proposed easement or right of way will have on the Wellington Town Belt; and</p> <p>(b) what alternatives there are to granting the proposed easement or right of way.</p>	<p>Two submitters were confused by the meaning of "public purpose". They requested that this be defined. This was accepted.</p>	<p>In response to feedback, the ability of utility providers such as Transpower to secure rights has been clarified and strengthened.</p>
<p><b>21 Adding land to the Wellington Town Belt</b></p> <p>(1) The Council may pass a resolution that any land vested in it for an estate in fee simple forms part of the Wellington Town Belt.</p>	<p><b>12 Adding land to the Wellington Town Belt</b></p> <p>(1) The Council may pass a resolution that land vested in it is to form part of the Wellington Town Belt.</p> <p>(2) The Council may not pass a resolution under subsection</p>	<p>The ERG submitted that clause 12 should allow for advanced determinations of land that should automatically become Town Belt if acquired. It was submitted that doing so would allow the District Plan to identify desirable areas and that subsequent Council decisions could be avoided. This was rejected. It was considered that this additional complexity was unnecessary in the light of the</p>	<p>The machinery elements have been moved to a separate clause.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>(2) Upon any resolution being passed under <u>subsection (1)</u>, the relevant land vests in the Council as Wellington Town Belt.</p> <p>(3) The Council may not pass a resolution under <u>subsection (1)</u> unless it has consulted the public about the proposal using the special consultative procedure under the Local Government Act 2002.</p> <p>(4) The Council must make publicly available and publish in the <i>Gazette</i> any resolution passed under <u>subsection (1)</u>.</p>	<p>(1) unless it has consulted the public about the proposal using the special consultative procedure in section 83 of the Local Government Act 2002.</p> <p>(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.</p> <p>(4) On and from a notice under subsection (3) being gazetted, the affected land forms part of the Wellington Town Belt.</p> <p>(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).</p> <p>(6) The Council may not delegate the power in subsection (1).</p>	<p>Council's power to add new land.</p>	
<p><b>22 No removal of land from the Wellington Town Belt</b></p> <p>Subject to <u>sections 23 and 27</u>, no land can be removed from the Wellington Town Belt.</p>	<p><b>13 No removal of land from the Wellington Town Belt</b></p> <p>Subject to sections 14 and 15, no land can be removed from the Wellington Town Belt.</p>		
<p><b>23 Application of the Public Works Act 1981</b></p> <p>(1) Sections 17 to 21, 27 and 114 of the Public Works Act 1981 do not apply to the Wellington Town Belt.</p> <p>(2) Sections 40 to 42 of the Public Works Act 1981 do not apply to the addition of land to the Wellington Town Belt under <u>section 21</u>.</p> <p>(3) The Council and the inhabitants of Wellington each have standing to object under section 23(3) of the Public Works Act 1981 to the taking of any part of the Wellington Town Belt.</p> <p>(4) Whenever, following a notice of intention to take part of the Wellington Town Belt under section 23 of the Public Works Act 1981, steps may be taken under section 26 of that Act, the following provisions apply:</p> <p>(a) the Council and the Minister must make all reasonable endeavours to agree the compensation that will be made to the Council before the Minister makes any recommendation to the Governor-General to issue a Proclamation taking the land:</p> <p>(b) when agreeing any compensation under paragraph (a), the Minister's discretion is not limited by any amount of compensation</p>	<p><b>14 Application of the Public Works Act 1981</b></p> <p>(1) The Wellington Town Belt is subject to the Public Works Act 1981.</p> <p>(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.</p> <p>(3) Where, pursuant to the Public Works Act 1981, any land ceases to be held by the Council</p> <p>(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</p> <p>(b) the Council must seek appropriate compensation.</p> <p>(4) The Council must not consent or agree to any land being removed from the Wellington Town Belt under the Public Works Act 1981.</p>	<p>The Wellington Civic Trust submitted that the Council should not be able to engage in preliminary negotiations in relation to PWA acquisitions. It would rather that negotiations only take place when the PWA is being enforced. This was accepted.</p> <p>Robin Buxton submitted that it needs to be made clear that compensation should be in the form of appropriate contiguous land (new land not former Wellington Town Belt land). This was supported by FTB. FTB further submitted that any monetary compensation provided for the acquisition of land should be held in trust and only applied for the benefit of the Town Belt. This was accepted in part.</p> <p>FTB submitted that some new wording should be inserted into the Bill to respond to any compulsory acquisition. FTB is concerned that the Council does not enter into preliminary agreements with NZTA without people having visibility of that. This was accepted on part.</p> <p>NZTA was concerned that clause 14(4) may force the Council to object to the compulsory acquisition through the Environment Court. This was accepted in part.</p> <p>They also considered that the requirement to provide land as compensation was unreasonable as there is unlikely to be sufficient available land to compensate for the Town Belt land required for the Project. This was accepted in part.</p> <p>Transpower New Zealand Ltd submitted that a new principle clause should be inserted into the clause 14 of the Bill to recognise the</p>	<p>In the light of the Council's policy position that it disagrees with acquisition by agreement and the weight of submissions seeking a strengthening of the Council's position with respect to the Public Works Act 1981, this clause has been changed so that:</p> <ul style="list-style-type: none"> <li>- Acquisition by agreement is impossible; but</li> <li>- Upon compulsory acquisition, the parties must endeavour to agree compensation; and</li> <li>- As a back-stop if compensation cannot be agreed, the Minister must provide equivalent land adjoining the Town Belt.</li> </ul>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>assessable under the Public Works Act 1981:</p> <p>(c) any compensation agreed under paragraph (a) may include a grant of land:</p> <p>(d) where Wellington Town Belt is taken or acquired without compensation being agreed under paragraph (a), then compensation for the land that is taken or acquired must be assessed on the basis of the reasonable cost of equivalent reinstatement of land of similar or better value for use as part of a public recreation ground for the inhabitants of the city of Wellington than the land taken or acquired:</p> <p>(e) paragraph (d) does not apply where only the subsoil of the relevant land is taken or acquired.</p>		<p>need for the regulatory framework for electricity. This was rejected.</p>	
<p><b>24 Wellington Town Belt not reserve or road</b></p> <p>(1) On and from the commencement of this Act, the Wellington Town Belt—</p> <p>(a) is not reserve under the Reserves Act 1977; and</p> <p>(b) any status the Wellington Town Belt had as reserve is revoked.</p> <p>(2) On and from the commencement of this Act, the Wellington Town Belt—</p> <p>(a) is not road under the Local Government Act 1974 or the Public Works Act 1981; and</p> <p>(b) any status the Wellington Town Belt had as road is stopped.</p>	<p><b>11 Wellington Town Belt not subject to the Reserves Act 1977</b></p> <p>The Wellington Town Belt is not a reserve or public reserve under the Reserves Act 1977.</p>	<p>The Mt Victoria Residents Association expressed concern that this clause removes the right to allege that the Council has contravened its role in managing the Town Belt. This right previously existed through the right to object to the Minister of Conservation. It was suggested that the Bill provide some other formal complaint or objection process. This was rejected.</p> <p>Several other submitters were concerned over the loss of protection of the Wellington Town Belt if it was taken out from the coverage of the Reserves Act 1977.</p>	<p>As confirmed by the opinion obtained from Paul Radich QC, the Bill provides equivalent or better protections than the Reserves Act 1977.</p>
<p><b>25 Application to the Wellington Botanic Garden</b></p> <p>(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.</p> <p>(2) Any land that ceases to be subject to the Wellington Botanic Garden Vesting Act 1891 forms part of the Wellington Town Belt.</p>	<p><b>7 Wellington Botanic Garden</b></p> <p>(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.</p> <p>(2) Any land that ceases to be subject to the Wellington Botanic Garden Vesting Act 1891 forms part of the Wellington Town Belt.</p>		
<p><b>26 Existing rights not affected</b></p> <p>(1) This Act does not affect any of the following in existence at the commencement of this Act:</p> <p>(a) any estate or interest registered in the</p>	<p><b>23 Existing rights not affected</b></p> <p>(1) This Act does not affect any of the following in existence at the commencement of this Act:</p> <p>(a) any registered interest in the Wellington</p>		<p>Editorial changes were made.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>Wellington Town Belt under the Land Transfer Act 1952; or</p> <p>(b) any interest in land which comprises part of the original Town Belt, but is not part of the Wellington Town Belt; or</p> <p>(c) any easement, lease or licence in relation to the Wellington Town Belt; or</p> <p>(d) any business activity authorised under an easement, lease or licence in relation to the Wellington Town Belt; or</p> <p>(e) any public service that is lawfully established on the Wellington Town Belt.</p> <p>(2) This Act does not affect the operation of any law that confers rights to access, operate, inspect, maintain, replace or upgrade public services.</p> <p>(3) Despite <a href="#">section 31</a>, the Council and any lessee of the lease granted under the Wellington City Exhibition Grounds Act 1959 have the same rights and obligations in all respects as if that Act had not been repealed.</p>	<p>Town Belt; or</p> <p>(b) any interest in land which comprises part of the original Town Belt, but is not part of the Wellington Town Belt; or</p> <p>(c) any lease or licence existing when this Act comes into force.</p> <p>(2) Any public utility on the Wellington Town Belt that is owned by the Council at the commencement of this Act –</p> <p>(a) is lawful; and</p> <p>(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.</p>	<p>One submitter proposed that the land covered under the Wellington City Exhibition Grounds Act be brought fully back into Town Belt. Partially accepted.</p>	
<p><b>27 Land not to be part of the Wellington Town Belt</b></p> <p>(1) On and from the commencement of this Act, the land described in <a href="#">Schedule 3</a>—</p> <p>(a) ceases (where relevant) to be subject to the Town Belt Deed and the Reserves Act 1977; and</p> <p>(b) vests in the Council as road within the meaning of section 315 of the Local Government Act 1974.</p> <p>(2) On and from the commencement of this Act, the land described in <a href="#">Schedule 4</a>—</p> <p>(a) ceases (where relevant) to be subject to the Town Belt Deed; and</p> <p>(b) vests in the Council as local purpose reserve under the Reserves Act 1977.</p> <p>(3) On and from the commencement of this Act, the land described in <a href="#">Schedule 5</a>—</p> <p>(a) ceases (where relevant) to be subject to the Town Belt Deed and the Reserves Act 1977; and</p>	<p><b>15 Land not to be part of the Wellington Town Belt</b></p> <p>On and from the commencement of this Act, the land described in <a href="#">Schedule 3</a> ceases to be subject to –</p> <p>(a) the Town Belt Deed; and</p> <p>(b) the Reserves Act 1977.</p>		<p>A decision was made that some of the surveyed land to come out of the Wellington Town Belt as part of the proposed boundary rationalisations should be local purpose reserve rather than road.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>(b) vests in the Council for an estate in fee simple free of any encumbrance, interest or other right or obligation affecting the land existing immediately before the commencement of this Act.</p>			
<p><b>28 Entry of the Wellington Town Belt in registers</b></p> <p>(1) The Registrar-General must, in accordance with a written application by the Council, do anything that is necessary to give effect to this Act, including, without limitation, <u>subsections (2) to (5)</u>.</p> <p>(2) To the extent that part of the Wellington Town Belt is all of the land contained in a computer freehold register, the Registrar-General must, in accordance with a written application by the Council,—</p> <p>(a) record against the computer freehold register a notification that the land is subject to this Act; and</p> <p>(b) remove from the computer freehold register any notification that the land is subject to the Town Belt Deed or the Reserves Act 1977, or held for any purpose that is inconsistent with this Act.</p> <p>(3) To the extent that part of the Wellington Town Belt is not all of the land contained in a computer freehold register, or there is no computer freehold register for part of the Wellington Town Belt, the Registrar-General must, in accordance with a written application by the Council,—</p> <p>(a) create a computer freehold register for the fee simple estate in the land in the name of the Council; and</p> <p>(b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.</p> <p>(4) <u>Subsection (3)</u> is subject to the completion of any survey necessary to create a computer freehold register.</p> <p>(5) The Registrar-General must, in accordance with a written application by the Council—</p> <p>(a) register any instrument granting a right under <u>section 20</u>; and</p> <p>(b) comply with <u>subsections (2) and (3)</u> in relation to any land that vests under <u>section 21</u> in the Council as Wellington Town Belt;</p>			<p>This machinery provision is required as a consequence of further work on reviewing the titles to the Wellington Town Belt land.</p>

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p>and</p> <p>(c) do anything that is necessary to give effect to <u>section 27</u>, including to create computer freehold registers and record anything in, and remove anything from, the register.</p> <p>(6) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to any matter required for the purpose of, or incidental to, this section.</p>			
<p><b>29 Transitional provisions</b></p> <p>(1) The Council's <i>Wellington Town Belt Management Plan (June 2013)</i> is to be treated as the management plan under this Act until it is replaced or amended under <u>section 10(3)</u>.</p> <p>(2) After the commencement of this Act, the Council may, without complying with <u>section 10(4)</u>, make changes to the <i>Wellington Town Belt Management Plan (June 2013)</i> that are consequential on the commencement of this Act.</p>	<p><b>24 Transitional provisions</b></p> <p>(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.</p> <p>(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.</p>		
<p><b>30 Consequential amendments</b></p> <p>The Acts specified in <u>Schedule 7</u> are amended as set out in that schedule.</p>	<p><b>25 Consequential amendments</b></p> <p>Amend the Acts specified in Schedule 8 as set out in that schedule.</p>		
<p><b>31 Repeals</b></p> <p>The Acts specified in <u>Schedule 8</u> are repealed.</p>	<p><b>26 Repeals</b></p> <p>The Acts specified in Schedule 9 are repealed.</p>		
<p><b>Schedule 2 - Land to be part of the Wellington Town Belt on this Act coming into force.</b></p>		<p>NZTA were unclear if the provisions of the Bill will apply to the Canal Reserve.</p>	<p>The Canal Reserve will be included in Schedule 2 of the Bill and will be covered by the provisions in the bill.</p>
<p><b>Schedule 3 – Land not to be Town Belt on this Act coming into force - road</b></p>		<p>NZTA proposed that the draft Bill should remove two parcels of Hataitai Sector Town Belt land from the Town Belt currently covered by the alignment of State Highway One. Accepted.</p>	<p>The areas currently used as part of the existing State Highway One will be surveyed off and included in Schedule 3 of the Bill.</p>
<p><b>General feedback on the Bill</b></p>			
<p><b>Land additions and removals</b></p> <p>The draft Bill identified several areas of land where boundary adjustments were needed to recognise the situation on the ground.</p>			

Wellington Town Belt Bill	Corresponding part of the consultation draft	Summary of submissions received	Explanation
<p><b>Upper Weld Street</b></p> <p>Proposal to remove this strip of land from the Town Belt and declare legal road.</p>		<p>Some submitters were concerned that the whole strip would be declared legal road and asked that only the portion of formed road be declared legal road. This was rejected.</p>	<p>The unformed portion of road provided legal access to several houses. Above the houses the unformed portion is surrounded by Wellington Town Belt so there is no risk of this being used as future access to residential properties. .</p>
<p><b>Brooklyn Road and Nairn Street</b></p>		<p>Transpower expressed concern over the proposed removal from Town Belt and sale of a small triangle next to their substation as it would be contrary to some of the policies in the National Policy statement on Electricity Transmission. This was accepted.</p> <p>One submitter expressed concern over the removal of Town Belt in front of properties on Brooklyn Road and its vesting as road. In particular the effects on the vegetation. This was rejected.</p>	<p>It is proposed to remove the land from Town Belt and vest it as local purpose reserve (road)</p> <p>The streetscape is unlikely to change given the current topography and formed access including garage access which has been formed for many years.</p>
<p><b>Volga Street</b></p> <p>Realigning the defined legal road to follow the existing formed road.</p>		<p>One submitter required reassurance that the garages on Volga Street would remain on road. This is correct. They also wanted confirmation that they could still park on the unformed road and access it by car if it became Town Belt.</p>	
<p><b>Encroachments and the effect of the Bill</b></p>		<p>Several submitters from Coromandel Street who access their properties through the Town Belt were concerned that the Bill would change their rights of access and in particular clause 24 (2) regarding changes to the management plan as a result of the Bill being enacted.</p>	<p>The draft Bill will not change any "rights" of historic access. The policies in the management plan will still be operative. There will be minor consequential changes to the Plan on enactment of the Bill but they will not change the status of their access. Essentially residents using the access through Town Belt cannot be granted any permanent rights through easement or Right of Way. The policies (9.6.8.9 in the management Plan) outline that agreements for removal through a fixed term licence will be prepared recognising that in this case there has been long term historic access.</p>