

TABLED INFORMATION

Bev Abbott and Paula Warren - reference (b)

Public Forum: Environment Committee. 20 March 2014.

Some early comments on Draft Town Belt Bill from Paula Warren and Bev Abbott

1. We have taken a quick, “fresh eyes” look at the Draft Town Belt Bill, based on several years experience in drafting and working with legislation. We would like the Environment Committee to consider making some changes to the draft bill before it goes out for public consultation.

Clause 9(2)

As drafted:

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.

2. The language in 9(2) is out of character with the rest of the Bill. Its meaning is unclear. Given the public expectations expressed in the earlier consultation, we suggest the following revision:
“When this Act comes into force, the terms of the trust in subsection (1) will be:
 - (a) To hold and administer the Wellington Town Belt in perpetuity as public open space, in accordance with this Act, any management plan created under this Act, and the benefit and enjoyment [those three words from the Reserves Act purpose] of the public; and*
 - (b) To seek to enhance the Town Belt through the acquisition of additional lands to be held under this Act, particularly where those lands formed part of the original town belt or will enhance the ability to manage the Wellington Town Belt;*
 - (c) To manage or support the management of lands within the Wellington Town Belt to enhance their natural heritage, historic heritage, recreation and other relevant public values.”*
3. Our change does two things. It adds the acquisition aspect, and replaces “public recreation ground” with “public open space”. The term ‘public recreation ground’ is too restrictive, and opens the door for more indoor and stadium-type developments. Definitions of ‘public recreation grounds’ can also be stretched.

Clause 9(3)

4. If the change in 9(2) is accepted, change “public recreation ground” to “public open space”.
5. Please change (b) to “protection and restoration of the natural environment.”
6. Please add a new subclause (c): protection of historic heritage.

Clause 10

7. The principles are at the heart of protecting the public interest. The “have particular regard to” requirement is too weak for what are supposed to be guiding principles. Please replace with “give effect to”, or “not be inconsistent with”.
8. Please change para (d) to read “...support healthy indigenous ecosystems”. The focus on ‘populations’ is inappropriate. A similar change was made as a result of public consultation on the Draft TBMP.

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9. Please change para (h) to read “historic heritage within the Wellington Town Belt should be protected, and historical and cultural links to the Wellington Town Belt ...”

Clause 14

10. We recommend adding a new para so that any land taken for a Public Work will be returned automatically to Town Belt if no longer required for the public work. Possible wording is:
“In the event that land ceases to be required for that public work, the land shall be returned to the Wellington Town Belt unless the Council resolves that the condition of the land means that the land could no longer be managed effectively as Wellington Town Belt or its inclusion would be contrary to the interests of the public.”

Clause 17(c)(ii)

11. Please change “persons” to “public” to avoid any risk that this clause may be interpreted as allowing benefits to an individual to over-ride benefits to the wider public.

Clause 18

12. We anticipate that the public will want provisions similar to those for concessions. For-profit activities such as guided walks are not problematic, but many submitters on the Draft TBMP objected to ‘for-profit’ activities based on exclusivity, structures, etc.
13. We recommend adding new parts, (5) and (6) similar to 17U(4) in the Conservation Act.
14. We recommend adding a part (8) that the Council may not delegate the power in section (1).

Clause 19(1)

15. We recommend further clarification by adding the following words:
“...for any purpose that is provided for in the management plan, or that will enhance the public benefit and enjoyment of the Town Belt.”

Clause 19(2)(a)

16. We recommend adding “and the public” after Wellington Town Belt.

Clause 20

17. We recommend adding a statement that explains what a management plan is for. This could be added as part (2). Possible wording is:
The purpose of the management plan is to set out how the Council will give effect to the trust set out in section 8(2), and the principles set out in section 10, and any other matters which will improve the management of the Wellington Town Belt, or better provide for the benefit and enjoyment of the Wellington Town Belt by the public. The management plan must not contain anything inconsistent with this Act.”

Clause 21

18. We recommend placing Clause 21 before clauses 18 and 19 to which Clause 21 refers.