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## **DRAFT WELLINGTON TOWN BELT BILL**

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### **1. Purpose of report**

To seek the agreement of the Environment Committee (EC) to recommend to the Council to consult on the draft Wellington Town Belt Bill (Bill).

### **2. Executive summary**

In early 2010, a high level analysis of the legislative and policy framework for the Wellington Town Belt took place. This work resulted in a three stage project:

- Stage 1: Development of guiding principles (completed)
- Stage 2: Review of the Wellington Town Belt Management Plan and Town Belt Reinstatement Policy (completed)
- Stage 3: Legislative change through a local Parliamentary Bill

Drafting instructions outlining why legislative changes are needed and what they will achieve were approved by the Council on 27 June 2013. The Council instructed officers to prepare a draft of the Bill for approval by the Council prior to public consultation.

The Bill has been drafted and will rationalise, clarify and consolidate the governance arrangements for the Town Belt. The purpose of the Bill is to:

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

Approval is being sought to consult on the Bill.

### **3. Recommendations**

Officers recommend that the Environment Committee:

1. *Receive the information.*
2. *Recommend to the Council that the draft Wellington Town Belt Bill be approved for public consultation.*

3. *Delegate to the Chief Executive Officer and portfolio leader the authority to approve minor wording, formatting and content changes to the Schedules to the Bill, as well and any changes agreed by the Committee.*
4. *Instruct officers to meet directly with mana whenua and key stakeholder organisations as part of the consultation process.*
5. *Note that public consultation on the Bill will occur from early April for a period of 6 weeks and that, following public consultation, the Bill will be presented to the Environment Committee for recommendation to Council in June 2014.*

#### **4. Background**

In early 2010, a high level analysis of the legislative and policy framework for the Wellington Town Belt took place. This work resulted in a three stage project:

- Stage 1: Development of guiding principles (completed)
- Stage 2: Review of the Wellington Town Belt Management Plan and Town Belt Reinstatement Policy (completed)
- Stage 3: Legislative change through a local Parliamentary Bill (in progress)

**Stage one - Guiding principles:** Consultation on the draft principles took place in mid-2011 with a final set of principles adopted by the Council on 16 December 2011. The Council also agreed to a review of the Town Belt Management Plan and Town Belt Reinstatement Policy.

**Stage two - The Wellington Town Belt Management Plan 1995 and Town Belt Reinstatement Policy 1998 Review Process:** The review was completed in June 2013 with the Council approving the Wellington Town Belt Management Plan to replace both documents.

**Stage three: Legislative changes:** Drafting instructions outlining why legislative changes are needed and what they will achieve were approved by the Council on 27 June 2013. These form the basis for the Bill to rationalise, clarify and consolidate the governance of the Town Belt.

The Council instructed officers to prepare a draft of the Bill for approval by the Council prior to public consultation.

Once a final version of the Bill is approved by the Council following consultation, it is proposed that the Bill will be introduced into Parliament by Wellington Central MP Grant Robertson. It is a local bill<sup>1</sup> and will proceed through the usual Parliamentary process, which normally includes consideration by a Select Committee.

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<sup>1</sup> Local bills are promoted by local authorities and confined to a particular area.

## 5. Discussion

The Bill is based on the drafting instructions. The drafting instructions set out the broad objectives and content of the proposed Bill. The drafting instructions are included in Appendix 1.

The broad objectives and content of the Bill (see Appendix 2) are as follows:

- **Preamble:** This part introduces the legislation and puts it in context. It is proposed that the preamble summarises the history of the Original Town Belt as well as acknowledging its significance to mana whenua and other Wellingtonians.
- **Preliminary provisions:** These provisions set out the purpose of the Bill. They also define the land that is covered by the Bill.
- **Status and principles:** This part sets out the legal status of the Town Belt as being held on trust under the Town Belt Deed. It sets out the principles that the Council must have regard to when performing its role as trustee and manager of the Town Belt. Lastly, it notes that the Town Belt is no longer subject to the Reserves Act 1977.
- **Adding to and removing from the Wellington Town Belt:** This sets out the process by which the Council can add land to the Town Belt. It also sets out that land may not be removed from the Town Belt unless it is acquired under the Public Works Act 1981.
- **Powers in respect of the Wellington Town Belt:** This part provides the Council with the powers necessary to perform its role as trustee and manager of the Town Belt. It ensures however, that there are appropriate limits around the Council's ability to grant leases, licences and easements in regards to the Town Belt and its ability to allow for any 'for profit' use of the Town Belt. The Council will have no power to voluntarily sell, exchange or use as security any part of the Town Belt.
- **Management of the Wellington Town Belt:** This requires the Council to adopt a management plan for the Town Belt. The management plan in force at the time must be complied with by the Council. This part also sets the content of the management plan and the process that must be used when making it. Lastly, it sets out when the Council is required to undertake consultation in relation to the Town Belt. It also enables the Council to make consequential changes to the current management plan at the time of enactment to ensure it is consistent with the legislation.
- **Miscellaneous provisions:** This part addresses existing rights in relation to the Town Belt and other more operational elements to the Bill becoming law. This includes listing legislation to be amended (the Wellington City Reserves Act 1871 and the Health Sector Transfer (Wellington City Council) Order 2002) and repealed (the Wellington City

Reserves Act 1872 and the Wellington (City) Town Belt Reserves Act 1908).

The Basin Reserve is subject to a different deed of trust and will be unaffected by the Bill.

While part of the "original Town Belt",<sup>2</sup> the Wellington Botanic Garden is now subject to a different Act of Parliament (the Wellington Botanic Garden Vesting Act 1891) and will be unaffected by the Bill. However, the Bill will enable the land to be returned to the Town Belt if it ever ceases to be a botanic garden.

### **5.1 What land will be added to or removed from the Town Belt?**

When the Bill is enacted the following land will be deemed to be part of the Wellington Town Belt (see Schedule 2 to the Bill):

- All of the land listed in Appendix 2 to the *Wellington Town Belt Management Plan, June 2013*. This includes:
  - 389.68 hectares already held in trust under the Town Belt Deed; and
  - 130.34 hectares of reserve land currently managed as if it were Town Belt under the management plan.
- All of the land to become Wellington Town Belt as a consequence of the boundary adjustments described below.

Also as a consequence of the boundary adjustments described below, when the Bill is enacted some small parcels of land will be removed from the Town Belt Deed (and thus not become Wellington Town Belt under the Bill) (see Schedule 3 to the Bill).

The boundary adjustments, which are needed to recognise the situation on the ground (for example, where formed road passes over the Town Belt) are:

- **Upper Weld Street:** The upper part of Weld Street is located on the north-western corner of Te Ahumairangi Hill. Upper Weld Street is a formed road of which one side is an encroachment on the Town Belt. The strip of land concerned needs to be removed from the Town Belt and declared legal road.
- **Corner of Washington Avenue and Brooklyn Road:** The area involves three parcels of land at the intersection of Washington Avenue and Brooklyn Road. The sites are subject to the Town Belt Deed. It is proposed that all three sites would be removed from Town Belt and declared legal road. This would include the road frontage adjacent to 181,183,185 and 187 Brooklyn Road.

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<sup>2</sup> The land first provided for as a public reserve around the proposed town of Port Nicholson in the New Zealand Company's plan of 14 August 1840.

- **Corner of Nairn Street and Brooklyn Road:** Two small areas on either side of the electricity substation are isolated from the Town Belt. It is proposed that the land on the corner of Nairn Street and Brooklyn Road (Pt Lot 9, DP 10508) and the land on the corner of Nairn and Thompson streets (Pt Lot 11, DP 10508) be removed from the Town Belt and become road reserve.
- **Connaught Terrace land:** When Connaught Terrace was surveyed and built, a small 154m<sup>2</sup> triangle of land (Lot 3 DP 10337) was isolated from the main Town Belt. It is proposed that this land is removed from Town Belt and sold.
- **Liardet Street:** The defined legal road does not follow the existing formed road in this area of Liardet Street from the intersection with Priscilla Crescent running alongside Macalister Park. The existing road will be declared legal road. Several private properties at the top end of Liardet Street (opposite Macalister Park), all have access encroachments over Town Belt land connecting through to Liardet Street. The section between these properties and Liardet Street will be removed from Town Belt and declared local purpose reserve (road) to enable these access ways to be legalised.
- **Mt Albert Road/Volga Street:** The stretch of road from the Mt Albert Road/Lavaud Street intersection through to the Volga Street/Jackson Street does not follow the alignment of the legal road on Town Belt land. This will require several areas to be removed from Town Belt and some to be added.
- **Mt Victoria lookout:** The square-shaped land parcel surrounding the lookout was originally used as a signal station by the Harbour Board and subsequently vested in Wellington City Council for road and Pleasure Ground purposes. The Council will return the land to Town Belt and legalise the road looping the summit. This will involve declaring the formed carriageway as legal road, and removing two sections from the Town Belt.

Appendix 3 includes a map showing the land to be included in the Bill and the areas of boundary adjustments.

## **5.2 What is the process for drafting a local bill?**

Local bills are promoted by local authorities and deal with matters confined to a particular locality, in this case Wellington. It is proposed that local MP Grant Robertson will be the member in charge of the Bill.

Following consultation on the Bill the stages will be:

1. The Council approves the final version of the Bill and seeks to have the Bill enacted.
2. The Bill will be introduced into Parliament. It will proceed through the normal process for a Parliamentary Bill, which will almost certainly

include Select Committee hearings. At this stage the plan is to introduce the Bill into Parliament in July 2014.

### **5.3 Legal advice**

Council Officers engaged external lawyers and worked closely with them to assist with drafting the Bill. As anticipated by paragraph 1 of the Drafting Instructions, some issues came to light during the drafting process. Proposals for dealing with these have been developed with reference to existing Council policy and incorporated into the Bill. One such issue is the Canal Reserve. The Drafting Instructions recognised that the Canal Reserve would be part of the "Wellington Town Belt" under the Bill, but did not propose the Canal Reserve as a "special area" similar to the Wellington Zoo and Chest Hospital. Lawyers drafting the Bill have suggested that it would be logical for the Canal Reserve to be subject to a similar management regime as the Wellington Zoo and Chest Hospital as this would be consistent with Council's current policy approach (for example, the Wellington Town Belt Management Plan, June 2012 does not apply to the Canal Reserve). The Bill has been drafted to achieve this.

At the conclusion of the drafting process officers also asked for legal advice on the suitability of the Bill, as currently drafted, for enactment as local legislation. Council's lawyers were happy to recommend the Bill to Council subject to one issue. Advice was received that, as drafted, s 14 is likely to adversely affect Council's ability to negotiate with and secure an optimal outcome from NZTA in light of that agency's signalled intention to require part of the Town Belt for works associated with a second Mt Victoria tunnel and the widening of Ruahine Street. Council's lawyers recommend an alternative to s 14 that would enable Council to respond to a compulsory acquisition by negotiating a settlement, provided that certain threshold criteria are met. While officers have previously supported this approach this alternative has not been incorporated into the Bill, as unlike the Canal Reserve example above, doing so would be inconsistent with the Drafting Instructions adopted by Council.

## **6. Consultation and engagement**

The Bill will go out for public consultation and is based on the drafting instructions adopted by the Council in June 2013 following extensive public consultation.

Officers have worked with the Parliamentary Counsel Office to ensure the Bill is drafted to comply with the standard Parliamentary conventions for Bills such as this.

Officers have engaged with the Friends of Wellington Town Belt who have reviewed the Bill and provided feedback. Port Nicholson Block Settlement Trust has provided feedback as well as the whakatauki (proverb) in the preamble of the Bill. Ngati toa have not provided feedback at the time of writing this report.

## **7. Conclusion**

The Bill has been drafted based on the drafting instructions approved by the Council on 27 June 2013. The Bill will strengthen the protection of and modernise the governance arrangements for the Wellington Town Belt.

It is now proposed to release the Bill for public consultation

Contact Officer: *Mike Oates - Manager Open Space and Recreation Planning*

## SUPPORTING INFORMATION

### **1) Strategic fit / Strategic outcome**

*The plan supports the Council's overall vision of Wellington Towards 2040: Smart Capital. In particular it supports the Eco-city and people centred city outcomes.*

### **2) LTP/Annual Plan reference and long term financial impact**

*The project is contained in the Council Plan A004 – Open Space Planning. There are no financial implications at this stage.*

### **3) Treaty of Waitangi considerations**

*The Bill is consistent with the Waitangi Tribunal Report "Te Wanganui ā tara me ōna Takiwā: Report on the Wellington District, 2003".*

### **4) Decision-making**

*This is not a significant decision.*

### **5) Consultation**

#### **a) General consultation**

*The Council will consult with the public on the Bill.*

#### **b) Consultation with Maori**

*Mana whenua have reviewed relevant sections of the Bill and have provided comments that have been incorporated into the draft plan.*

### **6) Legal implications**

*The Council's lawyers have drafted the Bill and have been closely consulted with during the development of this report.*

### **7) Consistency with existing policy**

*The preparation of the Bill is consistent with current Council policy.*



## APPENDIX 1 - Drafting instructions

### The Wellington Town Belt Bill

#### INTRODUCTION

- 1 Council's instructions for preparing draft local legislation for the Wellington Town Belt (in this document called 'the Bill') are set out below. While these instructions endeavour to provide a reasonably comprehensive framework for preparing the Bill, they do not and are not intended to cover every detail. Council will consult further on the Bill once it has been prepared. It is intended that this subsequent stage of consultation will deal with detailed matters of drafting.
- 2 It is important to be clear about what is meant by the Town Belt. In this document:
  - 2.1 'Original Town Belt' refers to all of the land intended as Town Belt in the New Zealand Company's 14 August 1840 plan and/or proclaimed as Town Belt in 1841. This land includes the Wellington Botanic Garden.
  - 2.2 '1873 Town Belt' refers to that part of the Original Town Belt that was conveyed upon trust to the 'Mayor, Councillors and Citizens of the City of Wellington' by deed dated 20 March 1873 (**1873 deed**).
  - 2.3 'Legal Town Belt' refers to that part of the 1873 Town Belt that has never been alienated from and is still held by Council, as well as any other land that becomes added to the Legal Town Belt.
  - 2.4 'Council' refers to the Councillors who, from time to time, comprise the governing body of Wellington City Council; which is itself a body corporate with perpetual succession.
- 3 In very broad terms, Council wants the Bill to:
  - 3.1 Be consistent with the Town Belt Guiding Principles adopted by Council in December 2011 and any subsequent amendments in June 2013.
  - 3.2 Recognise the history and significance of the Original Town Belt.
  - 3.3 In conjunction with the 1873 deed, establish a legal framework for Council's trusteeship and management of the Legal Town Belt that is self-contained and easily understood.
  - 3.4 Provide Council with powers to manage the Legal Town Belt, provided that it does so in a way that is consistent with the purpose of the 1873 deed, the management plan in force at the time, and the principles in paragraph 17 below.
- 4 It is possible that unforeseen matters of law and/or policy may arise as part of the drafting process. For example, these instructions have been prepared without any input from the Parliamentary Counsel Office, which will be sought during the

# APPENDIX 1

Bill drafting process. Rather than going back to Council as any new matters arise, they will be incorporated into and consulted on as part of the Bill. Such further consultation will take place before any decision is made by Council to proceed with the Bill.

## INSTRUCTIONS

### Preamble

- 5 This part of the Bill will not create any legal rights or obligations. The Bill will:
- 5.1 Acknowledge the significance of the Original Town Belt to both mana whenua and the citizens of Wellington; and
  - 5.2 Summarise the history and concept of the Original Town Belt from the instructions given by the New Zealand Company to William Mein Smith in 1839 through to the 1873 deed.

### The land

#### *Defining what land is Legal Town Belt*

- 6 The Bill will recognise the boundaries of the Original Town Belt by reference to the relevant plans and/or proclamations.
- 7 The Bill will, by reference to a schedule, define what land is Legal Town Belt and thus held by Council and managed subject to the 1873 deed and the Bill. The schedule will:
- 7.1 Include all of the 1873 Town Belt that has never been alienated from and is still held by Council;
  - 7.2 Include any other land held by Council that Council considers ought to become Legal Town Belt from the day that the Bill is enacted; and
  - 7.3 Define Zoo and Chest Hospital special areas. The Chest Hospital will comprise only the building footprint and immediately surrounding grounds, not all of the land that was transferred to Council from Capital and Coast District Health Board.
- 8 It is noted that:
- 8.1 The Basin Reserve is subject to a different deed of trust and will be unaffected by the Bill.
  - 8.2 Those parts of the Canal Reserve which have not become legal road are Legal Town Belt. (The Canal Reserve is the lawn/garden area running between Kent and Cambridge Terraces.)
  - 8.3 While part of the Original Town Belt, the Wellington Botanic Garden is now subject to a different Act of Parliament (the Wellington Botanic Garden Vesting Act 1891) and will be unaffected by the Bill.

# APPENDIX 1

- 9 The Bill will provide an appropriate mechanism enabling minor boundary adjustments to be made so that the status of land within and adjacent to the Legal Town Belt matches the facts on the ground. This mechanism is required because, in some places, existing formed roads and other infrastructure does not match the registered surveyed boundaries. The mechanism will not provide for boundary adjustments to be made in respect of either private encroachments or any new roads or infrastructure. To the extent possible, the mechanism will:
- 9.1 Override the usual legislative requirements for stopping and creating legal road;
  - 9.2 Deem any added land to be Legal Town Belt;
  - 9.3 Deem any subtracted land to be free from the 1873 deed and not Legal Town Belt;
  - 9.4 Require appropriate surveys to be completed and documents lodged with LINZ and/or Gazette notices published;
  - 9.5 Exempt such boundary adjustments from any restrictions applicable under other legislation (for example subdivision restrictions under the Resource Management Act 1991).

## *Adding new land*

- 10 The Bill will include a mechanism that enables Council to add new land (i.e. land not included within the schedule referred to in paragraph 7 above) to the Legal Town Belt at any time after the Bill has come into force. Such new land may be part of the Original Town Belt, part of the 1873 Town Belt, or any other appropriate land. For any new land to be eligible, Council must be the registered proprietor of the fee simple title to the land. The mechanism will require public consultation and a Council resolution that is not able to be delegated. Upon being added to the Legal Town Belt, any new land will be deemed to be subject to the 1873 deed.
- 11 Save for any minor boundary adjustments (refer to paragraph 9 above), the Bill will **not** include a mechanism that allows Council to remove land from the Legal Town Belt (although the Public Works Act 1981 will continue to apply). In the event of Legal Town Belt being required for a public work, Council will not be empowered to consent or agree to any acquisition; but, where Legal Town Belt is compulsorily acquired, Council must seek appropriate compensation. A decision by Council to remove any land from the Legal Town Belt would require a subsequent Act of Parliament.
- 12 The Bill will ensure that any land no longer required or used as part of either the Wellington Botanic Garden or Winter Show Buildings will revert to Legal Town Belt.

# APPENDIX 1

## Legal status

- 13 The Bill will confirm that Council holds the Legal Town Belt upon trust pursuant to the 1873 deed. The Bill will codify the terms of that trust as being:
- 13.1 Council holds the Legal Town Belt as trustee;
  - 13.2 The purpose of the trust is to forever hereafter use and appropriate the Legal Town Belt as a public recreation ground for the inhabitants of the City of Wellington.
- 14 The Bill will define 'recreation ground' generally in accordance with the following definition:
- Recreation ground** means an area provided for recreation and sporting activities, the enjoyment of the public and the protection of the natural environment, with an emphasis on outdoor activities (both active and passive).
- 15 The Bill will be a code for how the Legal Town Belt is governed. Following the Bill's enactment, the legal status of the Legal Town Belt will be sourced primarily from the Bill, rather than the underlying 1873 deed.
- 16 The Bill will provide that the Legal Town Belt is not subject to the Reserves Act 1977 (or any corresponding legislation which succeeds the Reserves Act 1977).

## Principles

- 17 The Bill will include an appropriate set of statutory principles based broadly on:
- 17.1 The 1873 deed;
  - 17.2 The Town Belt Guiding Principles adopted by Council in December 2011 and any subsequent amendments in June 2013.
- ; and
- 17.3 The concept of the Original Town Belt, including the instructions from the New Zealand Company Secretary John Ward to William Mein Smith, which included the intention that the land be “public property on condition that no buildings be ever erected upon it”;
- 18 The Bill will require Council and any other person involved in the trusteeship and management of the Legal Town Belt to have regard to and seek to apply the statutory principles. All of the statutory principles must be considered together, and no statutory principle will take precedence over any other.

## Council's powers

### *General*

- 19 Subject to the restrictions imposed by the Bill itself, the Bill will provide that Council has full capacity for the purposes of performing its role as trustee of the Legal Town Belt (refer to section 12 of the Local Government Act 2002). To

# APPENDIX 1

resolve any doubt, Council's powers will include:

- 19.1 Undertaking work within the Legal Town Belt which Council considers desirable (including constructing, repairing, demolishing and maintaining buildings);
- 19.2 Restricting public access to the Legal Town Belt to enable work to be carried out safely or facilitate temporary activities; and
- 19.3 Setting conditions or rules to regulate use of the Legal Town Belt.

20 Council will have no power to:

- 20.1 Voluntarily sell, exchange or use as security any part of the Legal Town Belt;
- 20.2 Grant leases, licences or easements other than in accordance with the Bill;
- 20.3 Act in a way that does not comply with the management plan in force at the time (refer to paragraph 25.5 below); or
- 20.4 Authorise any 'for profit/commercial' use of any part of the Legal Town Belt unless that use is (a) necessary to enable the public to obtain the benefit and enjoyment of the Legal Town Belt or for the convenience of persons using the Legal Town Belt; or (b) temporary and will have a de minimis (i.e. an immaterial) effect on the Legal Town Belt.

## ***Leasing, licensing and buildings (other than for the Chest Hospital and Zoo)***

21 The Bill will require Council to have regard to the principles in paragraph 14 above whenever making a decision to:

- 21.1 Grant a lease or licence of any part of the Legal Town Belt;
- 21.2 Authorise a sub-lease or sub-licence of any part of the Legal Town Belt; or
- 21.3 Authorise any use of the Legal Town Belt.

22 Notification of and consultation with the public will be required before Council:

- 22.1 Grants a lease or licence of any part of the Legal Town Belt;
- 22.2 Authorises a 'for profit/commercial' sub-lease, sub-licence or use of any part of the Legal Town Belt; or
- 22.3 Constructs, or authorises the construction of, any building on the Legal Town Belt.

23 For leases and licences which are granted:

- 23.1 The maximum term will be 20 years (including any rights of renewal). This maximum term will not prevent a lessee from applying for a new replacement lease upon the expiry of an existing lease.

# APPENDIX 1

- 23.2 Council may authorise the lessee or licensee to restrict access to facilities and/or charge for admission or membership.
- 23.3 Council may authorise the construction or retention of buildings.
- 23.4 The lease or licence must specify what uses of the land are permitted.
- 23.5 Any sub-leasing, sub-licensing or unpermitted use of the land must be authorised by Council.
- 23.6 No more than 8 hectares of Legal Town Belt may be leased.
- 24 Appropriate transitional arrangements will be put in place for existing leases and licences.

## ***Easements and rights of way***

- 25 The Bill will allow easements and rights of way to be granted over the Legal Town Belt for any public purpose (including any environmental purpose), provided that:
  - 25.1 Notification of and consultation with the public is required; and
  - 25.2 Council must:
    - 24.2.1 Have regard to the principles in paragraph 17 above;
    - 25.2.2 Consider the impact that any easement or right of way would have on the Legal Town Belt; and
    - 25.2.3 Consider whether alternatives exist.

## ***Existing rights***

- 26 The Bill will not affect any registered interests in the Legal Town Belt which exist at the time it comes into force and such interests will be deemed lawful. Any public utilities on the Legal Town Belt that owned by Council and exists at the time the Bill comes into force will:
  - 26.1 Be deemed lawful; and
  - 26.2 Council will, at any time in the future, be able to register an easement in respect of any such utility in favour of any party entitled to the use of it.

## ***Chest Hospital and Zoo***

- 27 The Bill will provide that, in respect of the defined areas containing the Chest Hospital and Zoo, Council will have appropriate powers to manage these facilities (including by granting leases and licences), limited only by its obligation to comply with the Town Belt management plan.

# APPENDIX 1

## Management plan

- 28 The Bill will codify the requirement for a management plan, including:
- 28.1 Council must adopt a management plan.
  - 28.2 Appropriate notification of and consultation with the public about any proposed management plan or amendment to a management plan is required.
  - 28.3 There must be no more than 15 years between reviews of the management plan.
  - 28.4 When adopting a management plan, Council must have regard to the principles in paragraph 17 above.
  - 28.5 In the exercise of its functions, Council must comply with the management plan in force at the time.
  - 28.6 The management plan must set out any conditions or rules to regulate the use of the Legal Town Belt, including any restrictions on leasing or licensing any part of the Legal Town Belt or constructing any building on the Legal Town Belt.
- 29 A transitional provision will allow for the management plan that exists at the time the Bill comes into force to be carried over.

## Repeal of other legislation

- 30 The Bill will repeal or amend any other local legislation that, when the Bill comes into force, would be in conflict with it or have become redundant. The enactments to be considered for repeal will include:
- 30.1 The Wellington City Reserves Act 1871 and the Wellington City Reserves Act 1872; and
  - 30.2 The Wellington (City) Town Belt Reserves Act 1908.

Grant Robertson

**Wellington Town Belt Bill**

Local Bill

**Contents**

	Page
Preamble	2
1 Title	4
2 Commencement	4
<i>Preliminary provisions</i>	
3 Purpose	4
4 Interpretation	4
5 Meaning of Wellington Town Belt	5
6 Exhibition Site	5
7 Wellington Botanic Garden	6
<i>Status and principles</i>	
8 Name	6
9 Legal status	6
10 Principles	6
11 Wellington Town Belt not subject to the Reserves Act 1977	7
<i>Adding to and removing from the Wellington Town Belt</i>	
12 Additions of land to the Wellington Town Belt	7
13 No removal of land from the Wellington Town Belt	7
14 Application of the Public Works Act 1981	7
15 Land not to be part of the Wellington Town Belt	7
<i>Powers in respect of the Wellington Town Belt</i>	
16 Powers of the Council	8
17 Restrictions on the Council's powers	8
18 Leasing and licensing	8
19 Easements and rights of way	9
<i>Management of the Wellington Town Belt</i>	
20 Management plan	9
21 Consultation	10



*Canal Reserve, Chest Hospital and Wellington Zoo*

22	Application to the Canal Reserve, Chest Hospital and Wellington Zoo	10
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*Miscellaneous provisions*

23	Existing rights not affected	10
24	Transitional provisions	11
25	Consequential amendments	11
26	Repeals	11

**Schedule 1****Town Belt Deed****Schedule 2****Land to be part of the Wellington Town Belt on this Act coming into force****Schedule 3****Land not to be Wellington Town Belt on this Act coming into force****Schedule 4****Canal Reserve land****Schedule 5****Chest Hospital land****Schedule 6****Exhibition Site land****Schedule 7****Wellington Botanic Garden land****Schedule 8****Wellington Zoo land****Schedule 9****Consequential amendments****Schedule 10****Enactments repealed****Preamble**

(1) Whakatauki—

"Tumutumu parea, rākau parea, whānui te ara ki a Tāne"

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

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

- (2) The New Zealand Company was a private land settlement company formed in London during May 1839, which planned to establish a settlement at Wellington harbour. The Company's representatives arrived at Wellington harbour in September 1839.
- (3) At the time of the New Zealand Company's arrival, the iwi groups with *take raupatu* over all the lands within the Wellington harbour and its environs were Te Ātiawa, Ngāti Ruanui, Taranaki, Ngāti Tama (together, Taranaki Whānui ki Te Upoko o Te Ika) and Ngāti Toa Rangatira. These iwi each had their own *ahi kā* over particular areas as follows:
  - (a) Te Ātiawa at Te Whanganui ā Tara and parts of the south-west coast;
  - (b) Taranaki and Ngāti Ruanui at Te Aro;
  - (c) Ngāti Tama at Kaiwharawhara and environs, and parts of the south-west coast; and
  - (d) Ngāti Toa Rangatira at parts of the south-west coast.
- (4) The New Zealand Company's initial settlement plan provided for the original Town Belt, being public reserves of 1,562 acres around the proposed town of Port Nicholson (now Wellington City), that would separate it from the Company's rural district. The instructions from the Company's secretary, John Ward, to its surveyor, William Mein Smith, included that this land be "public property on condition that no buildings be ever erected upon it".
- (5) On 16 October 1841, the Governor of New Zealand notified that the reserves provided for in the Company's plans were "reserved by the Crown for Public Purposes". This was done without consulting or providing compensation at the time to the relevant iwi groups.
- (6) On 3 June 1861, the Crown conveyed some of the original Town Belt to the Superintendent of the Province of Wellington, "in trust for the purposes of Public Utility to the Town of Wellington and its inhabitants".
- (7) The Wellington City Reserves Act 1871 instructed the Superintendent to convey some of the original Town Belt to Council's predecessor upon trust for "purposes of public utility to the City of Wellington and its inhabitants". The Superintendent carried out this instruction in 1873 by executing the Town Belt Deed, which conveyed certain land on trust to the Council's predecessor. While the land known as the "Basin Reserve" was conveyed to the Council's predecessor by the Town Belt Deed, the Basin Reserve was subsequently resettled on Council by deed dated 17 October 1884 and the Town Belt Deed has no further application to the Basin Reserve.
- (8) The report of the Waitangi Tribunal *Te Whanganui ā Tara me ōna Takiwā: Report on the Wellington District* (Wai 145, 2003) concluded that breaches of the Treaty of Waitangi by the Crown had occurred, including in relation to the Crown's acquisition of lands within the Wellington harbour and its environs. For the Wellington District, the historical claims of Taranaki Whānui ki Te Upoko o Te Ika were settled on 19 August 2008, and the historical claims of Ngāti Toa Rangatira were settled on 7 December 2012.

- (9) As well as the significance of some of the land to mana whenua, the concept of the original Town Belt and having open green space around the central city is important to the people of Wellington generally. Over time, many Wellingtonians and community groups have cared for the Wellington Town Belt, opposed the removal of land from the Wellington Town Belt and worked to recover parts of the original Town Belt not vested in the Council.
- (10) There is some uncertainty about the legal status of the Wellington Town Belt, the extent to which the Wellington Town Belt is protected for future generations, and the Council's powers to protect, manage and enhance the Wellington Town Belt. This Act will provide certainty by:
- (a) providing a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt;
  - (b) being the principal source of the Council's powers for protecting, managing and enhancing the Wellington Town Belt; and
  - (c) being a mechanism for land to become part of the Wellington Town Belt.

**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**

This Act is the Wellington Town Belt Act **2014**.

**2 Commencement**

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

*Preliminary provisions*

**3 Purpose**

The purpose of this Act is to—

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

**4 Interpretation**

In this Act, unless the context otherwise requires,—

**Canal Reserve** means the land described in Schedule 4

**Chest Hospital** means the land described in Schedule 5

**Council** means the Wellington City Council

**Exhibition Site** means the land described in Schedule 6

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

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

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

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

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

**Wellington Botanic Garden** means the land described in Schedule 7

**Wellington Zoo** means the land described in Schedule 8.

## 5 Meaning of Wellington Town Belt

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

- (a) means—
  - (i) the land described in Schedules 2, 4, 5 and 8; and
  - (ii) land referred to in section 6(2); and
  - (iii) land referred to in section 7(2); and
  - (iv) land included under section 12; but
- (b) does not include—
  - (i) land referred to in section 6(1); and
  - (ii) land referred to in section 7(1); and
  - (iii) land referred to in section 14(3)(a).

## 6 Exhibition Site

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

**7 Wellington Botanic Garden**

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

*Status and principles***8 Name**

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

**9 Legal status**

- (1) The Council holds the Wellington Town Belt as trustee of the trust created by the Town Belt Deed.
- (2) When this Act comes into force, the only term of the trust in subsection (1) will be to forever hereafter use and appropriate the Wellington Town Belt as a public recreation ground for the inhabitants of the City of Wellington.
- (3) In subsection (2) and for the purpose of the trust in subsection (1), **public recreation ground** means an area provided for—
  - (a) recreation, sporting activities, and the enjoyment of the public, with an emphasis on outdoor activities; and
  - (b) the protection of the natural environment.

**10 Principles**

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

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

### **11 Wellington Town Belt not subject to the Reserves Act 1977**

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

#### *Adding to and removing from the Wellington Town Belt*

### **12 Adding land to the Wellington Town Belt**

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

### **13 No removal of land from the Wellington Town Belt**

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

### **14 Application of the Public Works Act 1981**

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

### **15 Land not to be part of the Wellington Town Belt**

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

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

*Powers in respect of the Wellington Town Belt*

**16 Powers of the Council**

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

**17 Restrictions on the Council's powers**

Despite section 16, the Council has no power to—

- (a) sell, exchange, or use as security any part of the Wellington Town Belt; or
- (b) grant leases, licences, easements, or rights of way other than in accordance with this Act; or
- (c) allow any for-profit use of the Wellington Town Belt unless that use is—
  - (i) considered by the Council to enhance the amenity value of, or the experience of the public using, the Wellington Town Belt; or
  - (ii) for the convenience of persons using the Wellington Town Belt; or
  - (iii) temporary and will have an immaterial effect on the Wellington Town Belt.

**18 Leasing and licensing**

- (1) The Council may grant a lease or licence over any part of the Wellington Town Belt to any person.

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

## **19 Easements and rights of way**

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

### *Management of the Wellington Town Belt*

## **20 Management plan**

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



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

## **21 Consultation**

- (1) This section applies to the exercise of the Council's powers to—
- (a) grant any lease or licence under section 18; or
  - (b) grant any easement or right of way under section 19; or
  - (c) consent to any sub-lease or sub-licence for for-profit use of the Wellington Town Belt; or
  - (d) construct, or authorise the construction of, any building on the Wellington Town Belt.
- (2) Before exercising a power in subsection (1), the Council must consider the views of persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by—
- (a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and
  - (b) taking all submissions made on the proposed exercise of the power into account.

*Canal Reserve, Chest Hospital and Wellington Zoo*

## **22 Application to the Canal Reserve, Chest Hospital and Wellington Zoo**

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

*Miscellaneous provisions*

## **23 Existing rights not affected**

- (1) This Act does not affect any of the following in existence at the commencement of this Act:
- (a) any registered interest in the Wellington Town Belt; or
  - (b) any interest in land which comprises part of the original Town Belt, but is not part of the Wellington Town Belt; or

- (c) any lease or licence existing when this Act comes into force.
- (2) Any public utility on the Wellington Town Belt that is owned by the Council at the commencement of this Act—
- (a) is lawful; and
  - (b) may be the subject of an easement in favour of any party entitled to use the utility, and the Council is empowered to register the easement against the computer register for the relevant part of the Wellington Town Belt.

#### **24 Transitional provisions**

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

#### **25 Consequential amendments**

Amend the Acts specified in Schedule 9 as set out in that schedule.

#### **26 Repeals**

The Acts specified in Schedule 10 are repealed.

**Schedule 1****Town Belt Deed**Dated 20<sup>th</sup> March 1873The Superintendent of the Province of Wellington

to

The Corporation of the City of Wellington

Town Belt and Basin Reserve Wellington

C of W No. 1

## C O N V E Y A N C E

under the Wellington City Reserves Act

Corpn. Book Fol. 1

**THIS DEED**

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

**BETWEEN****THE HONOURABLE WILLIAM FITZHERBERT**

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

of the one part and

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

(who with their Successors are hereinafter termed "the Corporation")

of the other part

**WITNESSETH**

that in pursuance and by virtue and in exercise and execution of the powers and authorities given to and vested in him the said William Fitzherbert as such Superintendent as aforesaid under and by virtue of "The Wellington City Reserves Act 1871" and of all other powers and authorities in anywise enabling him in that behalf HE THE SAID William Fitzherbert as such Superintendent as aforesaid DOTH hereby convey and assure unto the Corporation ALL AND SINGULAR the lands and hereditaments comprised and described in the first Schedule hereunder written and delineated upon the plan numbered 1 drawn upon these presents and therein colored red WITH all the rights and appurtenances to the same TO HOLD the same unto the Corporation UPON AND FOR the trusts and purposes and with under and subject to the powers provisoes conditions declarations and agreements hereinafter declared expressed and contained of and concerning the same (that is to say) UPON TRUST as to such parts of the said lands hereby conveyed or expressed and intended so to be as are comprised and colored purple in the second plan hereunto annexed AND as to such parts of the said lands as are comprised and colored Blue in the third plan hereunto annexed and known as the Canal Reserve (subject as to the lands comprised and colored purple in the said second plan to the power of leasing hereinafter contained) to be for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of

Wellington in such manner as in and by rules and regulations to be from time to time made in that behalf by the Corporation shall be prescribed and directed AND UPON TRUST as to such parts of the said lands as are comprised and colored green in the said third plan hereunto annexed and known as the Basin Reserve by any deed or deeds to convey the same to a body of not less than three Trustees to be from time to time appointed by the Corporation UPON SUCH TRUSTS and for such purposes of public utility to the City of Wellington and the inhabitants thereof as shall in and by such deed or deeds of conveyance be expressed and declared but without any power for the said trustees to alienate or dispose of the same AND so that no thoroughfare shall at any time be created across the said lands or any part thereof AND IT IS HEREBY DECLARED that it shall be lawful for the Corporation to demise or lease all or any part or parts of the lands hereby conveyed or intended so to be which are comprised and described in the second schedule hereunder written and delineated upon the plan numbered 2 drawn upon these presents and therein colored purple for any term or number of years absolute not exceeding Forty two years to take effect in possession and not in reversion or by way of future interest so that there be reserved in every such demise or lease the best and most improved rent to be payable during the continuance of the term thereby granted which may be reasonably had or gotten for the same without taking any fine premium foregift for the making thereof and so that there be contained in every such demise or lease a clause in the nature of a condition for re-entry or non-payment of the rent therein reserved for the space of twenty one days and so as the lessee or lessees do execute a counterpart thereof respectively and do covenant for the due payment of the rent thereby reserved and are not exempted from punishment for committing waste AND IT IS HEREBY ALSO DECLARED that the Corporation shall stand possessed of all the rents issues and profits arising or to arise from the lands comprised and described in the second Schedule to these presents UPON TRUST to apply or appropriate the same in manner described in and by "The Wellington City Reserves Act 1871" and "The Wellington City Reserves Act 1872" respectively IN WITNESS whereof the said William Fitzherbert as such superintendent as aforesaid hath hereunto subscribed his name and affixed his seal the day and year first above written.

#### **SCHEDULE 1**

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

#### **SCHEDULE 2**

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

#### **SCHEDULE 3**

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

#### **SIGNED SEALED AND DELIVERED**

By the Honourable William Fitzherbert  
Superintendent of the Province of Wellington

in the presence of us

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

C.B. BORLASE  
Provl. Solr.  
Wellington  
Wm. Jones  
Clerk to Superintendent

William **SEAL** Fitzherbert

## Schedule 2

## Land to be part of the Wellington Town Belt on this Act coming into force

Area	Description	Certificate of title
6.5595ha	Part Lot 1 DP 10507	CT 427/150
38.9220ha	Part of the land DP 8835	CT 52B/855
0.0033ha	Lot 1 DP 84926	CT 52B/853
0.0018ha	Lot 2 DP 84926	CT 52B/854
0.1075ha	Lot 1 DP 32684	CT 10A/991
0.6032ha	Lot 2 DP 32684	CT 10A/992
0.0670ha	Lot 3 DP 32684	CT 10A/993
0.0278ha	Lot 1 DP 33290	CT 10A/1025
35.7020ha	Parts Lot 1 DP 8519 and Parts College Reserve	CT 48B/341
0.0374ha	Lot 1 DP 81724	CT 48B/336
0.0511ha	Lot 2 DP 81724	CT 48B/337
0.0596ha	Lot 3 DP 81724	CT 48B/338
0.2515ha	Lot 4 DP 81724	CT 48B/339
0.0579ha	Lot 5 DP 81724	CT 48B/340
0.0407ha	Part College Site Reserve	CT 19A/370
0.0584ha	Lot 1 DP 34625	CT 12C/1223
0.0662ha	Lot 1 DP 34024	CT 15A/1225
0.0928ha	Lot 1 DP 33006	CT 9C/1229
0.0607ha	Lot 1 DP 33683	CT 20B/500
0.0803ha	Lot 1 DP 47203	CT 18D/1360
0.2588ha	Part Lot 1 DP 34279	CT 18D/1361
0.1629ha	Lot 1 DP 46505	CT 18C/585
0.0028ha	Lot 1 DP 80431	CT 47A/502
0.0050ha	Lot 1 DP 80751	CT 47B/500
0.0088ha	Lot 2 DP 80751	CT 47B/501
15.7634ha	Part Lot 1 DP 8914	CT 12D/1441
24.1836ha	Part Lot 1 DP 8754	CT 47B/502
0.2201ha	Lot 1 DP 45564	CT 19B/858
0.1866ha	Lot 2 DP 45564	CT 19B/859
0.1365ha	Lot 3 DP 45564	CT 19B/860
57.1086ha	Part of the land in DP 10181	CT 19B/861
45.3454ha	Part Lot 1 DP 10322	CT 47B/388
0.0027ha	Lot 1 DP 80711	CT 47B/387
0.0347ha	Part Town Belt (SO 18506)	Deeds Index 1/4a

<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
0.0260ha	Lot 1 DP 34790	CT 11B/1136
30.1695ha	Part Lots 1 - 2 DP 10397 & Lot 1 DP 42773	CT46D/915
0.0042ha	Lot 2 DP 80169	CT 46D/914
0.0026ha	Lot 1 DP 80169	CT 46D/913
0.0948ha	Lot 1 DP 80322	CT 47A/234
0.0060ha	Lot 2 DP 80322	CT 47A/235
22.2125ha	Lots 1, 3, 5, 6 & Part Lots 2 and 7 DP 10337 and Lot 1 DP 31911	CT 46D/917
5.2230ha	Lot 4 DP 10337	CT 46D/917
0.0079ha	Lot 1 DP 80170	CT 46D/916
0.0102ha	Lot 11 DP 8655	CT 385/90
0.0032ha	Lot 1 DP 80376	CT 47A/347
25.0141ha	Lots 3, 5, 6, 7 & 8 and Part Lots 1,2,4,9 & 11 DP 10508	CT 12D/1438
7.1139ha	Lots 1, 2 & 3 DP10541	CT 469/200
0.0234ha	Part Section 435 Town of Wellington (SO 19119)	CT 46C/419
6.4657ha	Lot 1 DP 10086	CT 19A/369
70.0072ha	Lots 1, 3 and 6 DP 5461 & Part Lot 1 DP 8709	CT 12D/1439
0.0727ha	Lot 2 DP 46132	CT 17B/358
0.0043ha	Lot 1 DP 81126	CT 47C/457
0.0541ha	Part Lot 1 DP 46132	CT 47C/458
6.4719ha	Pt Sections 13 & 14 Orangi Kaupapa Blk, & Pt Lot 4 DP 706 & Lot 2 DP 51241	CT 21C/945
0.0506ha	Lot 16 DP 2011	Part of CT D1/609
0.0986ha	Lot 60 DP 34918	CT 11C/754
1.1558ha	Lot 73 DP 33790	CT 451/173 & CT 437/213
3.3061ha	Lot 1 DP 51766	CT 21A/468
0.1362ha	Lots 18 & 19 DP 27337	CT E2/191
2.8ha	Pt Section 30 Karori Area	CT 437/213
18.6364ha	Section 2 SO Plan 38299	CT 58B/128
4.7345ha	Section 2 SO Plan 452140	590650
0.929ha	Part Lot 11 DP 32496	CT 10C/1492
0.0354ha	Lot 24 DP 1453	CT 162/266
0.0111ha	Lot 3 DP 33855	CT12D/1439
0.0605ha	NZ Gazette 1928/700	

<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
33.9405ha	Section 30 Ohiro District and Section 1153 Town of Wellington	CT676/81
0.4075ha	Part Subdivision 3 Block XVA Polhill Gully Native Reserve	CT362/202
0.1406 ha	Lots 1 & 2 DP 2322	CT 420/183
0.4027 ha	Lots 12, 13, 14 and 15 DP 995	CT 425/168
15.0027ha	Pt Sec 1 Upper Kaiwharawhara District, defined on Application Plan 844	CT 6D/671
0.0296ha	Pt Sec 1 Upper Kaiwharawhara District	CT 20A/507
0.0631ha	Lot 8 DP 313319	CT 52420
0.7599ha	Pt Sec 10 Owhiro District	Pt CT 568/165 Cancelled
2.2224ha	Pt Sec 10 Owhiro District	CT 568/231
0.2188ha	Lot 13-17 Application Plan 1524	CT 388/156
0.0938ha	Lot 20-22 Application Plan 1524	CT 23A/607
0.2023ha	Pt Sec 11 Ohiro District	CT 81/265
0.0921ha	Lot 18-19 DP 124	CT 345/47
0.6118ha	Sec 28 Owhiro District	WN593/206
0.3828ha	Lot 44 DP 66894	WN 36B/370
13.4047ha	Pt Lot 1 DP 66893	CT47A/439
0.1456ha	Lot 2 DP 66893	CT 36B/369
0.0850ha	Lot 18-19 DP 1402	CT E2/465
0.2786ha	Lot 2-8 DP 1402	CT 501/195
0.0779ha	Lot 1 DP 995	CT 835/93
0.1477ha	Lot 2-3 Block IX DP 995	CT 849/7
0.0717ha	Pt Lot 6 Block IX DP 995	CT 834/34
0.1044ha	Pt Sec 10 Owhiro District also known as Pt Lots 102-105 DP 114	CT 863/42
0.0692ha	Pt Lot 4 Block IX DP 995	CT 539/83 Cancelled
0.0665ha	Pt Lot 5 Block IX DP 995	CT 555/253
0.1937ha	Lot 4-8 DP 22555	CT 934/78
0.4982ha	Part lot 1 DP 10508	CT 608/49
0.4071ha	Section 34 Town of Wellington	CT 75/271



<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
0.2522ha	Section 36 Town of Wellington	CT 125/25
0.8479ha	Lot 3 DP 78149	CT 44D/514
0.2727ha	Lots 445, 446 & 447, DP 9808	CT 559/64
0.0918ha	Lot 448, DP 9808	CT 549/96
0.1999ha	Lots 449 & 450, DP 9808	CT 489/262
0.1678ha	Closed Street as shown on SO Plan 23070	CT 624/38
0.2109ha	Section 1 SO Plan 22375	CT 597/102
0.1617ha	Lot 2 DP 80801	CT 47B/602
0.2995ha	Lots 35 and 36 DP 17934	CT 42D/764
2.3028ha	Lot 3 DP 316137	CT 63102
0.8973ha	Lot 4 DP 316137	CT 63103
0.3462ha	Section 1342 Town of Wellington	CT 38A/760
8.1142ha	Section 1324 Town of Wellington	CT 22C/3
0.3778ha	Sec 2 SO 303812	Part of CT 69533
0.2402ha	Sec 4 SO 303817	Part of CT 69533
0.0905ha	Sec 5 SO 303817	Part of CT 69533
0.2405ha	Sec 6 SO 303817	Part of CT 69533
0.086ha	Sec 1 SO 303812	Part of CT 123577
0.0506ha	Sec 8 SO 303817	Part of CT 123577
0.1658ha	Lot 2 DP 306858	CT 55700
0.0555ha	Lot 1 DP 11417	CT 464/324
1.8678ha	Part of Mt Victoria and part of the land described in the 7th Schedule to the "Wellington Corporation and Harbour Board Streets and Lands Act 1892"	CT 716/19
3.7365ha	Lots 2 & 3 DP 10507	CT 427/150
0.7147ha	Section 167 Evans Bay District	CT 22B/899
2.3028ha	Lot 3 DP 316137	CT 45C/357

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

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

*[Insert reference to map for consultation purposes]*

**Schedule 3****Land not to be Wellington Town Belt on this Act coming into force**

<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
-------------	--------------------	-----------------------------

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

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

*[Insert reference to map for consultation purposes]*

**Schedule 4****Canal Reserve land**

<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
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*[Insert area, description and certificate of title reference for the Canal Reserve land]*

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*[Schedule 4 will describe the Canal Reserve land, which comprises the garden areas between Kent and Cambridge Terraces running north from the Basin Reserve to Courtenay Place]*

*[Insert reference to map for consultation purposes]*

**Schedule 5****Chest Hospital land**

<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
0.8973ha	<u>Lot 4 DP 316137</u>	CT 63103

*[Insert reference to map for consultation purposes]*

**Schedule 6****Exhibition Site land**

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

*[Insert reference to map for consultation purposes]*

**Schedule 7**

**Wellington Botanic Garden land**

<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
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*[Insert area, description and certificate of title reference for the Wellington Botanic Garden land]*

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*[Schedule 7 will describe the Wellington Botanic Garden land]*

*[Insert reference to map for consultation purposes]*

**Schedule 8**

**Wellington Zoo land**

<b>Area</b>	<b>Description</b>	<b>Certificate of title</b>
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*[Insert area, description and certificate of title reference for the Wellington Zoo land]*

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*[Schedule 8 will describe the Wellington Zoo land]*

*[Insert reference to map for consultation purposes]*



**Schedule 9****Consequential amendments****Health Sector Transfers (Wellington City Council) Order 2002 (SR 2002/393)**

Revoke regulations 9, 10 and 11.

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

Repeal section 37.

**Wellington City Reserves Act 1871 (1871 No 23)**

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

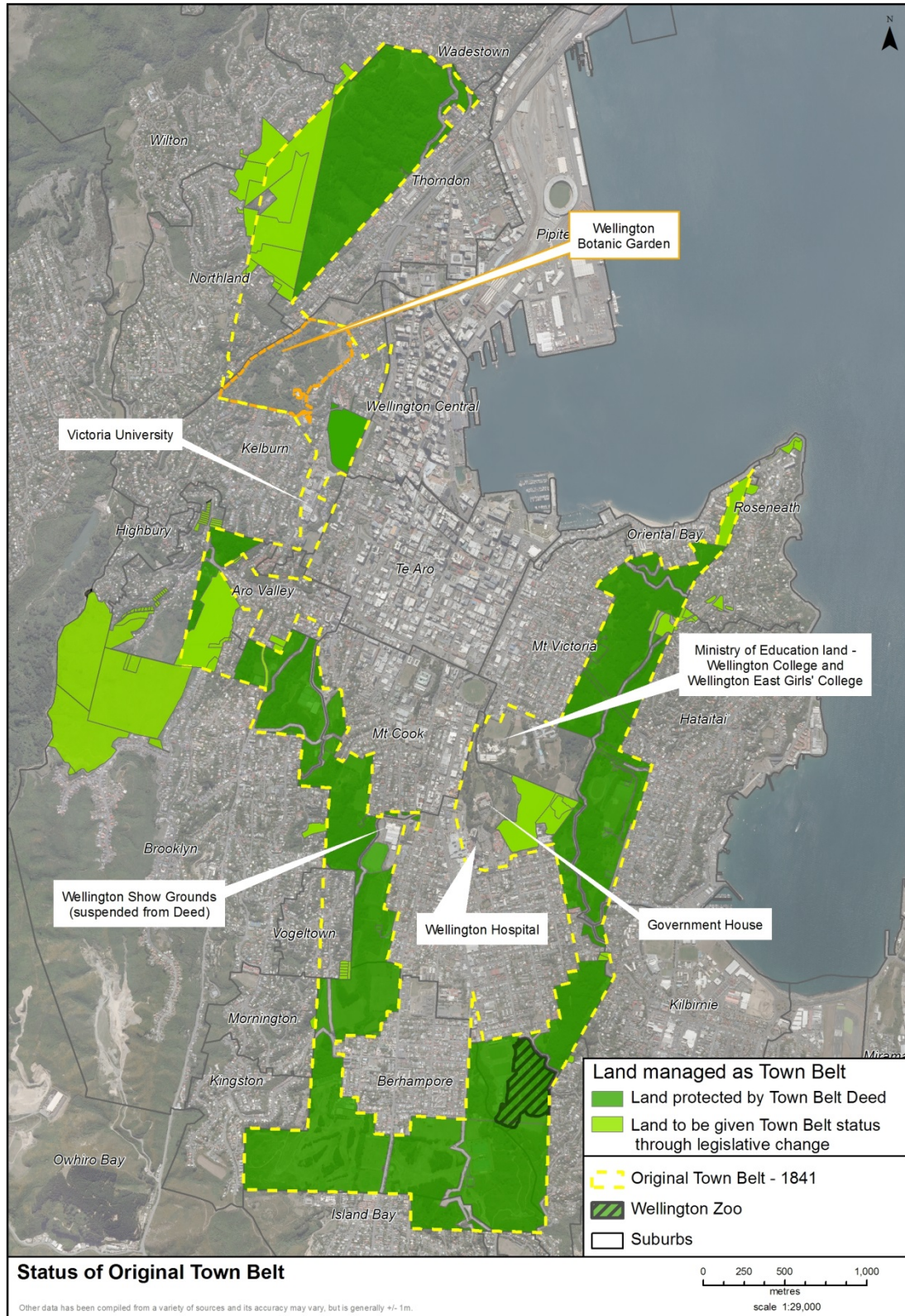
**Schedule 10**

**Enactments repealed**

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

**Wellington City Reserves Act 1872 (1872 No 13)**

## Land to be included and excluded from Wellington Town Belt on enactment of the Bill



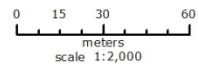




**Town Belt Land Rationalisation**  
Weld Street, Wadestown

Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m.

MAP PRODUCED BY:  
Wellington City Council  
101 Wakefield Street  
WELLINGTON, NZ



Town Belt to Road





**Town Belt Land Rationalisation**  
Brooklyn Road and Nairn Street, Mount Cook

Other data has been compiled from a variety of sources and its accuracy may vary, but is generally +/- 1m.

MAP PRODUCED BY:  
Wellington City Council  
101 Wakefield Street  
WELLINGTON, NZ

