

2. DO YOU SUPPORT OR OPPOSE THE FOLLOWING PROVISIONS?

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

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

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

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

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

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

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

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

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

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

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

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

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

a. Upper Weld Street (please circle)

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

b. Corner of Washington Avenue and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
c. Corner of Nairn Street and Brooklyn Road (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
d. Connaught Terrace land (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
e. Liardet Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
f. Mount Albert Road/Volga Street (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
g. Mount Victoria lookout (please circle)				
Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				

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

YES - SELL THE SPORTS HUB AT
MILKBIARIE.

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

YES, MUST HAVE ACCOUNTABILITY
OF OFFICERS TO DISTRICT PLAN -

6. YOUR ADDITIONAL COMMENTS:

WELL, THIS IS OK, BUT WHOSE'S TO SAY THAT OFFICERS WILL SELL OUT THE LAW, AS THEY HAVE DONE AT

- REMOVAL OF MANNERS MALL
- THE WATERFRONT
- THE HOUSING UPGRADE
- LOTS OF NON-~~CONSENT~~^{CONSENT} BUILDING DEVELS.

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Further information

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

Thank you for your submission

PLEASE RETURN THIS SUBMISSION FORM BY 5PM ON MONDAY 19 MAY 2014

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



Mt Victoria Residents Association

P.O Box 19056, Courtenay Place, Wellington.

19 May 2014

Wellington Town Belt Bill

Parks and Gardens (REPL01)

Wellington City Council

Email: townbelt@wcc.govt.nz

Submission on Draft Wellington Town Belt Bill

Contact: Elaine Hampton, President

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The Mount Victoria Residents' Association Inc submits the following on the Draft Wellington Town Belt Bill. The neighbourhood we represent terraces down the northwest slopes of the Mt Victoria/Matairangi section of the Town Belt. The Town Belt is therefore treasured by us as public recreation space open to everyone. We are committed to ensuring the aim of Wellington's British founders is perpetuated for the enjoyment of present and future generations,

We wish to make an oral submission to the Environment Committee.

The Association has previously expressed serious concerns about the Town Belt principles, their embedding in the Management Plan, the need for a Town Belt Bill, and the impact of all this on the future integrity of the Town Belt. In our view, the 1873 Town Belt Deed is sufficient guidance for the Council to fulfil its trusteeship role in managing the Town Belt. The Deed states very clearly the overarching principle that the Town Belt is "...for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington...". The Deed also specifies that:

- the Council has no power to alienate or dispose of the lands
- no thoroughfare shall at any time be created across the lands
- the Council has the power to lease all or any part of the lands for any term not exceeding 42 years, at best and most improved rent.



Mt Victoria Residents Association

We also believe additional guidance is provided in the instructions on the original Town Belt from the New Zealand Company Secretary, John Ward, to William Mein Smith, i.e. that the land be public property on condition that no buildings be ever erected upon it.

That said, we acknowledge that the Bill is apparently a *fait accompli*. We offer our comments on the Bill in the spirit of trying to ensure the Bill reflects as closely as possible the original intent for the Town Belt while also acknowledging current realities. We appreciate that the Bill for the main part does reflect the provisions of the Deed and our comments relate to parts where that is not the case.

Apparent ambiguity regarding status of the 1873 Town Belt Deed

The Section 4 definition of Town Belt Deed states the Deed is set out in Schedule 1 “for ease of reference”, implying it has no status except as a reference document. However, Sections 9, 14(3)(a), and 15(a) imply the Deed continues to exist. In our view it is imperative that the Deed must continue to exist and that this must be explicitly stated in the Bill. Merely deleting the words “for ease of reference” in Section 4 allows the ambiguity to continue.

Section 5 Meaning of Wellington Town Belt

It is not possible to understand from Section 5 and Schedules 2, 4, and 7, what land is included. We trust that it does include the Canal Reserve land between Kent and Cambridge Terraces. We note from the drafting instructions that it was not intended to include the Basin Reserve (as this is subject to a subsequent 1884 Deed). Nor does it include the Exhibition Site or Wellington Botanic Garden per Sections 6 and 7 as they are subject to separate Acts – we agree that these lands should revert to Wellington Town Belt if they cease to be subject to their separate Acts.

Section 9 Legal status

We are very concerned that subsection (1) conveys the Town Belt lands to the Council only. This is contrary to the Deed which conveys the lands to “the Corporation”, and defines the Corporation as “The Mayor Councillors and Citizens of the City of Wellington”. We therefore urge that the Bill include in Section 4 the same definition of “the Corporation”, and that Section 9 (1) then states “The Corporation holds the Wellington Town Belt ...”. If that is not feasible, then we suggest that the wording should reflect the nature of the trust and accordingly state “The Council holds the Wellington Town Belt as trustee of the charitable purpose trust created by the 1873 Town Belt Deed for the citizens of Wellington as beneficial owners”.



Mt Victoria Residents Association

To avoid the ambiguity noted above around the status of the 1873 Town Belt Deed, we strongly urge that Section 9 include a part that the Deed continues to prevail as the primary source of guidance to the Council in its trustee role. The Deed provides the key protection of the historic and heritage values of the Town Belt in perpetuity whereas legislation exists at the whim of Parliament.

We do not agree with subsection (2) which states the only term in the Deed that still stands is “will be forever hereafter etc”. We believe the other terms in the Deed regarding no disposal of lands, thoroughfares or buildings should also be included. We note section 17 appears to mean the Council has no power to alienate or dispose of the lands. On thoroughfares, we recognise the benefits of pedestrian tracks, but would otherwise like to see this defined as roads and carparks. On buildings, we note the drafting instructions included (17.3 under Principles) provision that no buildings be ever erected on the Town Belt, but this has been dropped from the Bill. We urge that this provision stand, albeit with some recognition that buildings now exist but should be removed in the event that they are no longer needed for the intended purpose. Existing buildings have essentially alienated the spaces from general public access and do not support the aim of encouraging outdoor recreation.

In addition, we consider it very important to recognise the heritage features of the Town Belt, and the definition of public recreation ground should reflect this.

Section 11 Wellington Town Belt not subject to the Reserves Act 1977

One aspect of this provision that concerns the Association is loss of the right of objection to the Minister of Conservation where anyone believes the Council has contravened its role in administering the Town Belt. We suggest the Bill include an additional section enabling such right of objection, or some other provision to enable people to make formal complaints or objections regarding the Council’s management of the Town Belt.

Section 14 Application of the Public Works Act 1981

Subsection (3)(b) states the council must seek appropriate compensation where land is taken under the Public Works Act. While we understand the Council may not wish to restrict the form of such compensation to land, we believe it should be restricted to land, and suggest adding “with land of an equivalent amenity value” after the word compensation. Land would at least preserve the already much-eroded land area remaining to the Town Belt whereas other forms could potentially disappear into more general council coffers.



Mt Victoria Residents Association

Section 16 Powers of Council

We strongly oppose the power in subsection (3)(a) to construct any building, or for any lease or licence to authorise construction of any building (Section 18(4)(b)). As noted above, this is contrary to the instructions to William Mein Smith which form part of the original intent for the Town Belt. The public consultation requirements in Section 21 are not sufficient protection regarding construction.

We also believe the original intent was to provide outdoor informal public recreation. The top three values of the Town Belt for Wellingtonians in the 2009 survey emphasise the value of the natural unbuilt environment. We are dismayed at the emphasis on increasing formal indoor sporting facilities on the Town Belt. While we recognise the long-standing presence of some such facilities on the Town Belt, we urge that the Bill should not enable any additional land area to be developed for organised indoor recreation facilities. Clubs and groups that want to expand or establish new facilities should seek alternative locations not on Town Belt land, including existing recreation centres or the new facility on Cobham Drive.

The Association recommends that the powers also specifically enable the Council to actively promote the Town Belt as a space for public recreation and the enjoyment of all Wellingtonians. This would help dispel the views of some people, including those in central government, that the Town Belt is an under-used, free, unwanted or spare space.

Section 17 Restrictions on the Council's powers

We agree with subsection (c) that the Council has no power to allow any for-profit use of the Town Belt and to the exceptions in subsections (c)(i) and (c)(iii). However we do not agree to the vague and broad exception in subsection (c)(ii) as this could open the door to enable for-profit activity by anyone using the Town Belt.

Section 18 Leasing and licensing

Subsection (2) provides that no more than eight hectares (excluding the Chest Hospital and Zoo) may be subject to lease. We note from the 2012 draft Town Belt Management Plan that 5.9 hectares was leased to clubs and community groups, most having buildings available only for club members. We do not agree that any more than the current area (say six hectares) should be subject to lease, particularly as the lease or licence term can be granted for up to 20 years, and as the lessee can restrict access and charge admission or membership.



Mt Victoria Residents Association

Section 22 Application to the Chest Hospital and Wellington Zoo

We note this Section exempts the Chest Hospital and Zoo from the restrictions regarding for-profit use, maximum lease land coverage, and maximum lease term of 20 years, and inclusion in the Management Plan. We assume the for-profit use will enable the Zoo to continue operating a cafe and the SPCA's plans to operate one, but do not wish to see these organisations otherwise being allowed to operate on a for-profit basis. We also do not wish to see them granted leases in perpetuity, and that the Management Plan's rules for use and development should apply.

Section 23 Existing rights not affected

We note the Act does not affect any lease or licence existing when the Act comes into force. This is of concern unless the Council can assure itself that no existing lease or licence enables a term of more than 20 years. This will ensure that the public consultation provisions of Section 21 will apply so the public will be able to comment on any new lease or licence for the same club or group.

Addition of a guardian/kaitiaki

The Association believes protection of the Town Belt for future generations merits requiring the appointment of a guardian/kaitiaki or other senior person responsible for ensuring that both the intent of the 1873 Deed and the interpretation of the Wellington Town Belt Act if enacted, are honoured by Councillors and Council officers. This person could also be the point of contact between the public and Council.

Elaine Hampton

President



T R A N S P O W E R

Draft Wellington Town Belt Bill

**Submission by Transpower New Zealand Limited
to the Wellington City Council**

15 May 2014

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Transpower New Zealand Ltd
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1. Transpower welcomes the opportunity to submit on the Draft Wellington Town Belt Bill (the draft Bill) and wishes to appear before the Council to present our submission in person.

Summary of Transpower’s suggested amendments to the draft Bill

2. Transpower owns and operates two National Grid transmission lines that traverse sections of the Wellington Town Belt (as shown in the map in Appendix 1).
3. Transpower recognises the importance of protecting and managing the Town Belt. Transpower has existing rights, granted under the Reserves Act 1977, to operate, maintain, upgrade, and develop National Grid assets in the Town Belt. The exercise of these rights has not, and will not, impact on the protection and management of the Town Belt.
4. Transpower supports the draft Bill provided it does not restrict the operation, maintenance, upgrade and development of National Grid assets in the Town Belt¹. Transpower understands this is not the intention of the draft Bill and seeks amendments to clarify this.
5. Transpower seeks amendments to the draft Bill, to recognise:
 - a. The need for particular public utilities, such as electricity networks, to be located in the Town Belt to provide services to the public (clause 10, “Principles”);
 - b. That the Council’s power to construct, repair, demolish or maintain any building or fixture in the Town Belt does not apply to National Grid assets (clause 16(3)(a) – “Powers of the Council”);
 - c. That a lease or licence can be granted for National Grid assets in the Town Belts (clause 18(4)(b) – “Leasing and licensing”);
 - d. That any lease or licence granted to Transpower would need to apply without time or area restrictions (clause 18(2) and 18(3)(a)); and
 - e. Transpower’s existing rights under the Electricity Act 1992 that enable entry onto land for the inspection, maintenance or operation of existing works² (clause 23(2) – “Existing rights not affected”).
6. Further details on the amendments suggested above are provided at the end of this submission.
7. For clarity, Transpower suggests that clause 20(3) is amended so the management plan must be reviewed at intervals of not more than 10 years (as opposed to “not less” than 10 years).

¹ In this submission ‘Town Belt’ includes all land covered by the draft Bill - i.e. land that is currently protected by the Town Belt Deed and land that will become part of the Town Belt.

² Electricity Act 1992, s 23.

Transpower's assets in the area covered by the draft Bill

8. Transpower has two transmission lines that traverse the Town Belt.
9. The Central Park to Wilton A (110kV) and Central Park to Wilton B (220kV) are both on the same support structures between Durham Street and the Central Park substation on the corner of Brooklyn Road and Nairn Street. The two lines take different routes between the Central Park and Wilton substations but they both traverse the Town Belt (the map in Appendix 1 shows Transpower's assets in the Town Belt).

Background on Transpower and our rights in relation to the National Grid

10. Transpower New Zealand Limited is the State Owned Enterprise that owns, maintains, operates, and develops New Zealand's high voltage transmission network, the National Grid. The National Grid comprises a network of high voltage lines and substations that transport electricity from where it is generated to towns and cities across New Zealand. We connect with local distribution companies, like Wellington Electricity, who connect to individual homes and businesses.
11. The National Grid has been recognised as being of national significance by Central Government through the National Policy Statement on Electricity Transmission 2008 (NPSET³) and the Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (NESETA⁴) under the Resource Management Act 1991 (RMA).
12. Transpower has access rights for inspecting, operating, and maintaining *existing* works under the Electricity Act 1992⁵ and tree trimming rights under the Electricity (Hazards from Trees) Regulations 2003. Shifting or modifying existing lines, or building new infrastructure, such as a tee-point off an existing line, would require Transpower to obtain property rights, such as an easement or licence. Transpower currently has the ability to secure property rights for land in the Town Belt.
13. Wellington's Town Belt is currently managed through the Town Belt Management Plan which is made under the Reserves Act 1977.

³ The objective of the NPSET is to recognise the national significance of the electricity transmission network by facilitating the operation, maintenance and upgrade of the existing transmission network and the establishment of new transmission resources to meet the needs of present and future generations, while managing the adverse environmental effects of the network; and managing the adverse effects of other activities on the network.

⁴ The provisions of the NESTA apply to National Grid transmission lines in existence as at 14 January 2010. The NESETA manages the effects of the operation, maintenance, development and upgrading of the National Grid transmission lines under the RMA.

⁵ Section 23.

14. The Reserves Act authorises the Wellington City Council to grant rights of way and other easements over any part of the Town Belt for (among other things), an electrical work⁶ which includes National Grid transmission lines⁷.
15. Transpower currently has easements in the Town Belt authorising the construction, operation, and maintenance of telecommunications. The easements also grant the right to transmit signals along the telecommunications line and to access the line with vehicles, machinery or equipment. The draft Town Belt Bill should similarly allow for rights of way and other easements to be granted for electrical works.
16. Transpower's rights of access for operation, maintenance and inspection of the National Grid apply to "existing works". Without the amendments Transpower proposes to the draft Town Belt Bill, Transpower would not be able to obtain the necessary property rights, such as an easement, in order to carry out work on the Central Park to Wilton A and B lines (such as reconductoring work or any tower relocation for instance), nor would it be able to build any new assets that traversed any part of the Town Belt. This could in turn impact on the efficient and secure operation of the transmission network and security of electricity supply.

Further detail on Transpower's suggested amendments to the draft Bill

17. Transpower recognises the importance of protecting and managing the Town Belt. Transpower has existing rights, granted under the Reserves Act 1977, to operate, maintain, upgrade, and develop the National Grid assets in the Town Belt. The exercise of these rights has not, and will not, impact on the protection and management of the Town Belt. The Council's power to grant rights of way and other easements over the Town Belt for particular public purposes, such as the transmission of electricity, should be carried over into the new Town Belt legislation so that important infrastructure can continue to operate.
18. Transpower seeks amendments to the draft Bill, to recognise:
 - a. The need for particular public utilities, such as electricity networks, to be located in the Town Belt to provide services to the public (clause 10, "Principles");
 - b. That the Council's power to construct, repair, demolish or maintain any building or fixture in the Town Belt does not apply to National Grid assets (clause 16(3)(a) – "Powers of the Council");
 - c. That a lease or licence can be granted for National Grid assets in the Town Belts (clause 18(4)(b) – "Leasing and licensing");
 - d. That any lease or licence granted to Transpower would need to apply without time or area restrictions (clause 18(2) and 18(3)(a)); and

⁶ Section 48(1)(d) Reserves Act 1977.

⁷ 'Works' is defined in section 2 of the Electricity Act 1992.

- e. Transpower's existing rights under the Electricity Act 1992 that enable entry onto land for the inspection, maintenance or operation of existing works⁸ (clause 23(2) – "Existing rights not affected").
19. In relation to (a) above, Transpower notes that having public utilities in the Town Belt is not contrary to the purpose of the draft Bill. It is possible to protect, manage, and enhance the Town Belt as well as allowing for the operation, maintenance, upgrading and development of the National Grid in this area. To date there have been no issues with accessing and maintaining our assets in the Town Belt.
 20. In relation to (b) above, Transpower notes that clause 16(3)(a) gives the Council the power to construct, repair, demolish or maintain any building or fixture in the Town Belt. The terms "building" and "fixture" are not defined in the draft Bill. Transpower notes that it is not the intention of the draft Bill to allow the Council to undertake work on National Grid assets in the Town Belt. Therefore, Transpower seeks an amendment to clause 17 "Restrictions on Council's powers" to clarify that clause 16(3)(a) does not apply to National Grid assets.
 21. In relation to (c) above, clause 18(4)(b) refers to granting licences for the construction, repair, demolition, and maintenance of any "building". As mentioned above, the term "building" is not defined in the draft Bill. Therefore Transpower seeks an amendment to clarify that clause 18(4)(b) applies to National Grid assets.
 22. In relation to (d) above, Transpower notes that in the current draft of the Town Belt Bill, leases and licenses cannot be granted for a term longer than 20 years (clause 18(3)(a)) and are limited to 8 hectares in total (clause 18(2)). Transpower does not currently have any leases or licences in the Town Belt. However, if Transpower did need to negotiate a lease or licence in the future, this would need to apply indefinitely, given the enduring nature of the National Grid. The lease or licence may also need to be for an area that exceeds the 8 hectare limit, depending on the area covered by the asset. Therefore Transpower seeks an exemption from these restrictions on leases and licences.
 23. In relation to (e) above, clause 23(2) of the draft Bill only recognises existing public utilities owned by the Council as lawful and notes that they may be subject to an easement. In Transpower's view, this clause should also extend to other public utilities, such as electricity networks. Transpower has access rights for inspecting, operating, and maintaining existing works under the Electricity Act 1992. The "Wellington Town Belt Management Plan – June 2013" recognises that the use of the Town Belt for public utilities is considered appropriate in some circumstances and sets out conditions for new utilities and replacements and upgrades of existing utilities. Transpower seeks that this recognition is also included in the draft Bill.
 24. Transpower notes that a parcel of land next to the Central Park substation is being removed from the Town Belt and sold (Pt Lot 11, DP 10508). Given the proximity of

⁸ Electricity Act 1992, s 23.

this land to the substation, Transpower would be concerned if this land was sold for residential or other sensitive uses. The location of sensitive activities in close proximity to National Grid assets would be contrary to Policies 10 and 11 of the National Policy Statement on Electricity Transmission and the Resource Management Act 1991.

Conclusion

25. In summary, Transpower supports the purpose of the draft Bill and recognises that it is not the intention of the draft Bill to restrict the operation, maintenance, upgrade and development of National Grid assets in the Town Belt. The amendments that Transpower is seeking are to ensure that we can continue to operate, maintain, upgrade and develop the National Grid in the Town Belt, without compromising the Council's ability to protect, manage and enhance the Town Belt.