

6. YOUR ADDITIONAL COMMENTS:

THE FRIENDS ARE GRATEFUL FOR THE COMMITMENT AND TIME DEMONSTRATED BY THE COUNCIL AND OFFICERS IN PROGRESSING THE DRAFT BILL.

*John Bishop
President/Chairperson*

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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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Free Post Authority Number 2199



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

Draft Town Beltbill Submission due 19th May 2014

Rosamund Averton
12/17 Brougham Street,
Mount Victoria,
Wellington 6011

Mike Oates: Manager of Open Spaces and Recreation Planning,
Wellington City Council,
P.O Box 2199,
Wellington 6011.

[Mike.Oates@wcc.govt.nz]

I make this submission as an individual and do wish to be heard.

Introduction:

This new draft bill has been heralded for some years but I remain unconvinced that it is actually needed other than to allow for the removal or addition of land.

The bill lays a different and sometimes contrary emphasis to the original Deed. My submission, below, seeks remedies to some lacks within the draft bill.

However, having read and re-read the various documents including primary sources relating to this draft bill I remain convinced that the present deed with some minor modifications would suffice rather than its replacement.

Submission:

1: Trusteeship

The bill's purpose refers to "the council's" trusteeship. While the Mayor and councillors are trustees of the Town Belt, the Wellington City Council, described as a "trustee" is not. The citizens of Wellington are also trustees under the Deed but are not mentioned in the bill. This omission can be easily remedied with the addition throughout the bill of the phrase "the citizens of Wellington as trustees". The trustees may delegate their responsibilities but that should not be interpreted as allowing for them to abdicate in favour of non-elected officials without prior public consultation.

The bill should also be reworded to explicitly say that the Council as trustee will continue to work with all residents of Wellington to manage and monitor the Town Belt on their behalf.

The place of the Treaty of Waitangi should be acknowledged and mana whenua should of course be acknowledged as partners in the operation of this bill. Reference should also be made to the newly enacted Heritage NZ Act 2014.

2: WellingtonTown Belt :

The proposed bill is equivocal in regard to the Town Belt's governance and management. It should clearly state that our Town Belt should not be privatised, commercialise or colonised to the financial benefit of any group or organisation nor should the Town Belt land ever be transferred to a third party in a way that allow them to profit, however tangentially, from such an assignment of public land. Current leases should be allowed to stand until they naturally expire but no land transfers to other leaseholders; neither should leaseholders be allowed to assign their leases or permit buildings to be hired out (eg: Innermost Gardens hiring out for commercial purposes the Charles Plimmer "Hall" on Mount Victoria).

3: Reserves Act

I oppose the removal of our Town Belt from the provisions of the Reserves Act 1977. This removal would mean the right of appeal to the Minister of Conservation and implicitly another layer of protection for our Town Belt would be expunged.

Actions of the elected and non elected representatives of Council must remain able to be scrutinised in public after public notification.

4: Natural Character

The modifications to both landscape and ecology of the Town Belt should be treated as an intrinsic part of the history of the site to be added to the schedule of the Heritage NZ Act.

Maori settlers cleared sites by burning all existing vegetation to allow cultivation. Re-growth on Orangi Kaupapa – Mt. Etako – Tinakori Hill was clear felled at least twice post 1840. Sites like Mount Victoria facing west were hostile to self seeded vegetation until the pines and eucalypts were planted to provide shelter and land stability. In recent years many trees have been felled to satisfy the fashion for arboreal purity linked to a mythical past. The actual vegetation extant in earlier time is well documented by early settlers; their reflections should be our model not some aspiration for regional purity.

The landscape and ecology of the Town Belt must be retained to ensure the enjoyment of residents and visitors to Wellington is preserved and that any vegetation that survives should be nurtured to ensure the entire Town Belt is densely covered in a cloak of mixed vegetation providing habitat to fauna.

All "pest" eradication programmes should cease on our Town Belt to avoid the dangers of land and water pollution and the denudation of vegetation thus depriving fauna of habitat. This provision should be enshrined in the bill.

5: Enjoyment

It is important that should the Council decide to persist with this "bill" that the draft specifically includes reference to free, unhindered access to our Town Belt without any direct or indirect charges. I can find no explicit reference in the bill to this important matter.

The areas already colonised by leaseholders must not be allowed to inhibit access to our Town Belt. Leased buildings (eg: Scout building, Pottery building etc) allow members/subscribers to enter their premises but restrict access to the public. WCC should, once leases expire, be cleared of buildings. Town Belt land should then be allowed to revert to open green space. I exclude the "Waterworks Building" opposite Newman Terrace from this stricture; it could be converted into an "Industrial History" museum that commemorates Wellingtons early industries (eg: quarries, brickworks, tree felling and milling etc). This significant heritage building should be listed in the schedule of this bill and also in the Heritage NZ Act 2014.

6: Recreation activities

I reiterate, from earlier submissions, that there may have been confusion in relation to what is, or is not "recreation". I believe that the term "recreation" should be used for all of any activity that people engage in for enjoyment including children playing in a crèche or adults making pots as well as "directed" (organised sporting activities eg: team sports, Tai Chi) and or "un-directed" (generally spontaneous activities like walking, bird-watching, photographing etc) but not any activity that is for commercial gain to any party.

Directed activities might also include tending allotments, re-vegetating sites and organised cycling events but not hiring out for commercial activities.

7: Historical and Cultural links

Separate legislation should be considered for the preservation and protection in perpetuity of other significant areas such the Outer Town Belt and the Miramar Peninsula.

Conclusion:

Whilst proffering some changes to the draft bill my essential position remains that the present Deed continues to serve its purpose and does have the advantage of not bestowing beneficial ownership on trustees, Council or

citizens. This omnibus draft bill is far from a simple remedy to an absence of a means of including or removing land from the Wellington Town Belt which was the original intention.

Thank you for this opportunity,

Rosamund.

Rosamund Averton
12/17 Brougham Street,
Mount Victoria,
Wellington 6011.

[3851 495]

12 Versailles St.
Wellington 6012
Tel/Fax (04) 934 2244
Email : hugh@infosmart.co.nz

19 May 2014

Wellington City Council
townbelt@wcc.govt.nz

Submission: Proposed new draft Wellington Town Belt Bill

I oppose this draft Bill, as currently drafted, and am so concerned at what it proposes that I ask that it be withdrawn. I have extensive knowledge of land use and reservation issues (See my background at the end of this submission). **I ask to be heard in support of my submission.**

Some of my concerns are:

1. **The Town Belt should continue to be managed under the original deed - the 1873 Town Belt Deed.** This is the original deed under which the Town Belt was brought into existence, and apart from having central Government and the Wellington City Council trying to steal land from it, and privatise it, the Deed has been relatively successful for its management for the 141 years that it has operated. **Both agencies have found it relatively easy to steal land from the citizens**, and have been arrogant enough to have not been at all embarrassed by doing this. To throw out the Deed is to throw out the baby with the bathwater.
2. **The Town Belt Deed is in favour of the Mayor, councillors and citizens of the City of Wellington.** The citizens are left out of the proposed Bill, and are obviously thought little of by the present councillors who these citizens elected. This should be rectified by having a **Guardian Board** to oversee WCC management of the Town Belt, and Outer Green Belt, appointed by citizen groups that legitimately use the Town Belt for recreation. This **Guardian Board** should be incorporated into the Town Belt Deed.
3. **If there are deficiencies in the deed, then WCC should put up appropriate amendments to the Deed for public consultation**, not dump the deed as proposed. It is the Deed that gives the Town Belt its status and importance. Dumping the Deed as the WCC proposes is totally unacceptable.
4. **The Town Belt should remain a recreation Reserve (the most flexible type of reserve) under the Reserves Act 1977**, so that any sale or other significant change proposed by the WCC can be reviewed by the Minister of Conservation and his/her department, and so be a restraint on bad behaviour and bad decisions by the WCC. This is the status quo, and for good reason. It was a role formerly filled by the Lands & Survey Department prior to DOC's creation in 1987. In spite of that WCC has managed to build caretaker houses on the Town Belt and then sell them off. No-one can trust avaricious councillors.

5. **More Open Space needed:** The purpose of the Town Belt was to provide open space for the enjoyment (walking, running, picknicking, amenity etc) for all the citizens of Wellington (and visitors). Even though much of it is covered with pines and scrub eg gorse, it still does this quite well. However, the purpose should NOT be to re-vegetate the open space into impenetrable native bush, which can and will block its outstanding viewpoints and open space. Some preservationist groups see this as desirable. Recreational groups don't. There should be much more open space in the Town Belt in future than there is now to capitalise on these outstanding views of the City and surrounding seashore and countryside.
6. **Hocking off public land owned by Councils:** I was a Wellington Regional Councillor from 2001-4. During that time there was a great reluctance by most councillors to having regional park land in a secure protective land tenure such as recreation reserve or scenic reserve. Presumably, as businessmen they were always looking for opportunities to sell such land at a "profit" to the Council. I see no reason why there would be almost no difference between WRC and WCC councillors in general. As it is part of the Town Belt is likely to be sold off to the NZ Transport Agency for the SH1 upgrade and second Mt Victoria Tunnel.
7. **Maori claims to the Town belt:** To all intents and purposes, the Town Belt was private land purchased - or more accurately not purchased – by the New Zealand Company. However, in terms of the NZ Government's Treaty Claims policies, private land is not available for treaty claim settlements. The Town Belt is private land by this definition, so is not available for Treaty Claims. In any case, the Waitangi Tribunal is simply an unbalanced pro-tribal agency, whose extreme recommendations are not binding on central Government. It's claim that the Town belt was taken illegally is highly questionable. The Crown in its Treaty Settlement did not include the Town Belt, and rightly so, for the reasons discussed above. That claim appears to be an endeavour to somehow rort the people of Wellington out of their Town Belt. Incidentally the Town Belt is available for the Tenth's Trust members to use, along with the Wellington public and the public in general. The Tenth's Trust took the land that they claim in Wellington by defeating the tribes that formerly lived there prior to 1821, by force, probably genocide. Do they want to live in a multi-cultural non-racist society or go back to New Zealand as it was before 1840?
8. **Unavailability of the Draft Town Belt Bill:** My efforts to view the draft Town Belt Bill were unsuccessful. Even with help from a WCC employee on the phone, I only got as far as a pdf that had been damaged and was unable to download. Obviously there is a draft somewhere. But not readily available – another way of the WCC in my view trying to camouflage what is going on. How can the public be consulted on it if no draft Bill exists?
9. **Bad Signs:** The intention to no longer have the Town Belt as a Recreation Reserve shows removal of a protective framework that is very appropriate for the Town Belt, and can only be seen as a very negative decision in terms of its adequate protection. Mentioning "current management plans are irrelevant, as future management can be completely different, and much more developmental

under the new Bill/Act. The ability to buy and sell parts of the Town Belt is another bad sign. I conclude **the present Mayor and Councillors have badly let Wellington citizens down in opening the Town Belt up to significant threats of privatisation.**

As stated above, I request to be heard in support of this submission.

Yours truly

Dr Hugh Barr

CC Grant Robertson

My background: Outdoor recreationalist that has tramped, walked and climbed throughout NZ and overseas, and advocated for outdoor recreation nationally eg in requiring the continuation of National Park Boards to oversee management of national parks (1981 National Parks Act).

A past president of Federated Mountain Clubs, and part of the NGO response to the 1987 Crown land Carve-up, to ensure that publicly-owned native forests, and Unalienated Crown Lands (UCL) and other amenity public lands were allocated to DOC, as they should have been.

Argued for re-purchase of ungrazed tussocklands from South Island pastoral lease land. – Pastoral Lease Tenure Review.

A trustee of the Te Araroa Wellington Trust, which uses Town Belt land to access the southern end of the North Island Te Araroa Trail at Island Bay's Shorland Park.

A past Co-chair and current secretary of the Council of Outdoor Recreation Associations of New Zealand.

Past member of the Tongariro-Taupo National Park and Reserves Board

HAVE YOUR SAY ON THE DRAFT WELLINGTON TOWN BELT BILL



You can comment on the Bill by completing this submission form or writing down your comments and sending them to the Council by:

- **Going online:** Wellington.govt.nz/have-your-say
- **Email:** townbelt@wcc.govt.nz
- **Post:** FREEPOST, Wellington Town Belt Bill, Parks and Gardens (REPL01), Wellington City Council, PO Box 2199, Wellington 6140
- **Fax:** 801 3155

You can also attend a public meeting at St Johns in the City Conference Centre on the corner of Willis and Dixon streets between 5.30pm and 7.30pm on Tuesday 6 May. Comments are due by 5pm on Monday 19 May 2014.

What happens next

1. Comments on the Bill will be considered.
2. Oral hearings will be held on Tuesday 27 and Wednesday 28 May (reserve day if required) for submitters.
3. The Council will take submissions into account and approve a final version of the Bill.
4. A local Member of Parliament will sponsor the final version as a local bill through the Parliamentary process. There is likely to be the opportunity for further public comment at the Select Committee stage.

ENTER YOUR NAME AND CONTACT DETAILS

Mr / Mrs / Ms / Miss / Dr (Please circle which applies)

First name*	LORRAINE	Last name*	GRIFFIN
Street address*	3 TALAUERA TCG		
Suburb	Kelburn	City	Wellington
Phone/mobile	0274 300222	Email	pnmc.smith@xtra.co.nz

* Mandatory fields

I am making a submission As an individual On behalf of an organisation

Name of organisation

I would like to make an oral submission to the Environment Committee on Tuesday 27 May. Yes No

If yes, provide a phone number above so that a submission time can be arranged. 0274 300222

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

1. OVERALL, DO YOU SUPPORT OR OPPOSE THE GENERAL DIRECTION AND OBJECTIVES OF THE BILL?

(please circle)

Strongly oppose	Oppose	Neither support nor oppose	Support	Strongly support
Why?				
Strongly oppose removal of TB from Reserve Act, & Deed should be removed in place				

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? Extremely wide powers are given in the bill 'lease to any person for any purpose'

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? The Town Belt is of historical significance & should remain an entity. Land can be added as Reserve land not Town Belt

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? The current management Plan is not adhered to, Any management should be consistent with the Deed.

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? Only the Chest hospital has been effectively alienated from the public
 * The proposed 'Petty Zoo' should be incorporated into the

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?

* The Zoo is likely to become an orphan - what happens to the land then