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Local Government and Environment Select Committee  
Parliament Buildings  
WELLINGTON 6160  
Email: LocalGovernment.Environment@parliament.govt.nz

**Submission on the Draft Town Belt Bill**

The attached submission is made on behalf of an organisation, **Mt Victoria Historical Society Inc. (MVHS)**.

MVHS is an incorporated society with the aims of researching and sharing the history of the suburb of Mt Victoria and promoting interest in, and preservation of, its unique heritage. One of the long boundaries of the suburb abuts an important, high-use and high-profile section of the Town Belt.

We wish to be heard in support of our submission (please see attached).

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## **Submission on the Draft Town Belt Bill**

From the **Mt Victoria Historical Society Inc**

The Mt Victoria Historical Society (MVHS) is an incorporated society with the aims of researching and sharing the history of the suburb of Mt Victoria and promoting interest in, and preservation of, its unique heritage. One of the long boundaries of the suburb abuts an important, high-use and high-profile section of the Town Belt.

### **Introduction**

We oppose, in part, the Wellington Town Belt Bill.

This response is consistent with our submissions in December 2012 on the Town Belt Legislative and Policy Review, and in May 2014 on the draft Wellington Town Belt Bill. Unfortunately, the Bill still does not address the concerns we expressed in our previous submissions.

An important part of the heritage of Mt Victoria (and all of Wellington) is the Town Belt, a natural legacy of the great foresight of the founders of Wellington. The Town Belt has a special status and heritage going back to the very foundation of New Zealand as a nation. It is of national importance and, as an example of the green belt concept in 19th century town planning, it has international significance. The MVHS is concerned that historic and heritage values of the Town Belt on Mt Victoria are protected and that the intentions of the founders of Wellington in reserving the land are followed.

The MVHS welcomes, however, the ability provided under Clause 21 of the Bill to add land to the Wellington Town Belt, including scope to return former Town Belt land now in Council ownership to Town Belt trust status. We are also pleased to note Clause 15(5) requires a Council employee, whose details will be publicly available, to act as a liaison officer and have oversight of the Town Belt management plan.

With regard to the other matters in the Bill, our key concerns are as follows:

1. The Bill results in the Town Belt no longer being governed by the Town Belt Deed of 1873.

We strongly oppose this change. The Town Belt Deed must be retained as the governing document of the Town Belt, as intended by the founders of Wellington when they gifted the land to the citizens of Wellington and their successors.

Along with the Town Belt itself, the Deed is the inheritance of present and future Wellingtonians. It protects the Town Belt because it means the Council does not have beneficial ownership of the land.

We believe this change is not consistent with Wellington City Council's original drafting instructions – on which it consulted - which stated that the Bill would seek to “In conjunction with the 1873 deed, establish a legal framework for Council's trusteeship” [Drafting Instructions 3.3].

2. **Clause 12** grants the Council very broad and ill-defined powers to do anything other than what is specifically covered by the rest of the Bill. We acknowledge **Clause 4 Principles** in theory place some limitations on the powers, although we wonder how seriously the principles are to be regarded when powers granted elsewhere in the Bill contravene the principles (see 3. below as an example).
3. Of particular concern is **Clause 15** which grants the Council the power to “build or extend (or authorize the building or extension of) a structure or facility” where the effect will be more than minor.

We oppose the inclusion of such a broad power. While subclause (2) requires public consultation before the Council exercises this power, we believe this provides insufficient protection of the Town Belt. This power is also inconsistent with the Clause 4 (1) (b) (ii) principle that the Town Belt not be built upon, and is contrary to instructions to William Mein Smith that no buildings be ever erected on the land (see the Bill's Preamble at (4)).

We recommend that subclause (2) include additional requirements that:

- the purpose for which the structure or facility is needed is consistent with the use of the Town Belt as a public recreation ground, and with protection of the natural environment and historic heritage
- the structure or facility is absolutely necessary to achieve the purpose of the service or activity
- alternative sites, routes or other methods for achieving the purpose have been fully considered
- the structure or facility must be removed by the owner when no longer required for its purpose.

4. In similar vein, **Clauses 16, 17, 18** and **20** regarding leases, licences, business activities and public services provide powers that are too broad, including building or extending structures and facilities. We recommend such powers are restricted by including additional requirements as set out in 3. above.

5. **Clause 24** provides that the Town Belt will no longer be subject to the Reserves Act 1977.

We oppose removal of the Town Belt from the authority of the Reserves Act (and any corresponding legislation which succeeds it) because it removes a level of protection that we believe could be required in future for the main Town Belt lands and for the Canal Reserve. The ability of the citizens of Wellington to appeal to an authority other than the Council should be retained in legislation.