



9 December 2012

Parks and Gardens (REPL01)
Wellington City Council
P O Box 2199
Wellington 6140

Submission on the Town Belt legislative and policy review

This submission is made on behalf of an organisation, **Mt Victoria Historical Society Inc.**

It 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.

We wish to be heard in support of our submission.

Contact details:

Introduction

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 inspiration for Wellington's Town Belt was Adelaide in South Australia. Plans prepared by Adelaide's first surveyor-general, Colonel William Light, in 1837 showed the future city surrounded on all sides by land reserved as park grounds - reserved from sale, for use and recreation of the citizens. Many of the directors and officials of the New Zealand Company such as Edward Gibbon Wakefield were associated with, or were aware of, the South Australian scheme.

The Mt Victoria Historical Society (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.

We commend the author of the Plan's Town Belt historical outline (Appendix 4), Shona McCahon, for correcting Wellington City council's long-standing, and historically incorrect, contention that the founders of Wellington had "mixed motives" for reserving the Town Belt; namely, that 'public good' was not their only motivation and that the New Zealand Company reserved the Town Belt to keep land prices high in the town acres to preserve a social

hierarchy. Rather, Ms McCahon has correctly referred to the setting of 'sufficient price' of land as being intended to preserve the class system, not the reservation of the Town Belt

Our submission is divided into two sections: the *Draft Town Belt Management Plan* (TBMP) and the drafting instructions for proposed legislation on the Town Belt.

Draft Town Belt Management Plan

1.2 What is the Wellington Town Belt?

The fourth paragraph in this section states: "*A total of 1061 acres (429 hectares) was finally conveyed to Wellington City Council on trust...*" This statement is not historically accurate. As stated in the Deed, the land comprising the Town Belt was not just conveyed to the Wellington City Council but to: "*The Mayor, Councillors, and citizens of the City of Wellington...*" (our emphasis). We request that the aforementioned statement be amended to reflect this.

We strongly support the statement that the 1873 Deed "*remains the most important document for the Town Belt today*". MVHS is, however, concerned that the drafting instructions for the proposed legislation run counter to this statement.

2.2 Town Belt Principles

MVHS expressed its views on the Town Belt principles in our submission of September 2011. Along with many submitters, we were critical of aspects of these principles. We are disappointed that concerns over principles 3 and 7 have been ignored. We maintain our position that joint management (principle 3) is contrary to the Deed under which only the Wellington City Council has the right to manage the Town Belt. We are also concerned that the *intensification of sports facilities in 'hubs'* (principle 7) threatens the loss of more of the Town Belt's finite open space, contrary to the intentions of the donors of the land, the council's existing policy and the wishes of the people of Wellington as expressed in the 2009 public survey and workshops on the Town Belt in 2011.

2.7 Proposed approach to Town Belt additions

In MVHS's view the Town Belt, as set aside for reservation by Wellington's founders, has historic and heritage values. We therefore strongly support the return of former Town Belt land as identified in categories 1 and 2 to Town Belt trust status, when the opportunity arises. It is difficult to not approve of additions to the Town Belt to move towards restoring it to its original size, but caution should be exercised over adding too much land which was never part of the Town Belt. If Wellington City Council were to follow Adelaide's example of seeking World Heritage status for its Town Belt, adding land not originally part of it may affect this. If additions are made, we would recommend that they remain as close as possible within the borders of the 1873 Town Belt land.

2.9 Policies for the protection of the Town Belt.

With regard to policy 2.9.2, adding land not formerly part of the Town Belt would not "enhance" its heritage value and historic integrity. The effect of this would, of course, depend on the land being added. It seems to us that, if Wellington City Council is complying with policy 2.9.1 (*To protect Town Belt land under 1873 Town Belt Deed*), then policy 2.9.2 ('retaining' the physical size of the Town Belt) shouldn't be necessary. However, having said that, we request that this policy be amended as follows: "*The physical size of the Town Belt will be retained and appropriately restored*".

2.9.3 The meaning of "for Town Belt purposes", in reference to getting replacement land for land taken by the Crown, is potentially ambiguous. It should be made clearer that this means: for incorporation into the Town Belt. We feel, however, that the Council's primary duty is to work on behalf of the citizens of Wellington to find solutions which do

not require such taking of land by the Government.

2.9.4 The criteria for Town Belt additions.

Adding land which was originally part of the Town Belt should be the first and most important criteria (not the fourth and last).

Criteria 3, referring to land which "may have ecological and/or cultural features that require protection" should be removed. This is not, of itself, a reason for land to be included in the Town Belt. Such land can be protected by giving it reserve status.

6.5 Recreation policies

MVHS is concerned that many of these sections of the Draft Plan completely ignore the protection of the Town Belt's open space.

6.5.3 refers to "formal sporting facilities and associated infrastructure" not compromising "the landscape and ecological values". Open space value must also be included in this objective.

6.5.6 We do not agree it is appropriate to encourage "all forms" of recreation in the Town Belt. It is not appropriate if they compromise the Town Belt's open space.

The emphasis in the new TBMP should be on passive, informal recreation in the Town Belt, as it is in the existing plan. To that effect we request that the following objective from the existing TBMP be included in the new plan: *"To ensure that there will be no additional land area developed for organised recreation facilities (formal recreation) in the Town Belt . . ."*. Recreation policies should be consistent with that objective. As for policy 6.6.1, ensuring a "diverse range" of sporting and recreation "opportunities" that satisfies "the needs" of citizens "and visitors", the Town Belt under the Deed is supposed to be a public recreation ground for the inhabitants of the city of Wellington.

7.3 Sites of historic significance

We welcome the Plan's inclusion of these. We suggest the memorial sign off Alexander Road dedicated to those servicemen who manned searchlights and AA guns on Mt Victoria during the Second World War should also be included in the Plan. The old Kilbirnie Road which crosses over the Western slope of Mt Victoria should also be recognised.

7.4 and 7.5 MVHS supports the objectives and policies on historical and cultural features and values in the Town Belt.

8. Management sector 9, Mt Victoria/Matairangi

8.9.2 land addition and boundary rationalisation

MVHS supports the proposed addition of former Town Belt land described as the Mt Victoria Lookout area to Town Belt status. The addition of Lookout Road Open Space land which was not formerly part of the Town Belt to the Town Belt should not affect its status. The addition of Point Jerningham Reserve, which was never part of the original Town Belt and is some way from its borders, is questioned however. It is suggested that some other form of protection, such as reserve status, is more appropriate for this. (See comments under 2.7 above.)

Drafting instructions for proposed Town Belt legislation

MVHS welcomes the proposed return of former Town Belt land now in Council ownership to Town Belt trust status. With regard to the following other matters in the draft instructions:

- 3.4 We do not agree the Council should given "flexible powers" to manage the Town Belt.
- 11.3 We do not agree that the Council should be given the legal right to interpret the Deed's *public recreation ground* "to circumstances as they arise".
- 12 MVHS does not agree that restrictions the Council may have pursuant to the Deed should be abolished. The 1873 Deed should prevail over the proposed Bill and remain the governing document for the Town Belt.
- 13 The Town Belt should remain subject to the Reserves Act 1977.
- 14.2 The guiding principles for the Town Belt should be non-statutory.
- 14.3 The 1839 instructions of the New Zealand Company to the Surveyor-general Captain Mein-Smith, regarding the Town Belt should include the instruction: *"that no buildings be ever erected upon it"*
- 16.1 The Council should not have the automatic legal right to construct buildings "it considers desirable".
- 19.2 We oppose the Council being able to sub-lease "any part" of the Town Belt for "profit/commercial" use.
- 19.3 The Council should not be given the legal right to construct or authorise the construction of "any building" in the Town Belt.