

6 September 2011

Town Belt guiding principles
Parks and Gardens
Wellington City Council
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Submission on the draft guiding principles for the management of the Town Belt

Introduction

The Mt Victoria Historical Society was formed in 1995 with the stated aims of helping to protect and preserve the natural and built heritage of Mount Victoria. We also undertake research and the recording of Mt Victoria's history and sharing this with others.

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 motivation for setting aside Town Belt land

Before commenting on the draft guiding principles themselves, we wish to refer to statements in the *Town Belt Legislative and Policy Review, regarding* the origins of the Town Belt. According to the review; "public good was not the only motivation" for reserving Town Belt land. "The New Zealand Company also wanted to keep land prices high in the town acres of the new settlement. This way it could ensure good returns for its investors and preserve a social hierarchy...The Town Belt, with the added provision that 'it was not to be built upon' would achieve these purposes by distancing the cheaper 'country' sections and maintaining demand for 'town acres'."

We question the historical basis for these statements. The purchase of land within and outside the Town Belt wasn't an either or thing. Settlers often bought an acre or two in the town, as well as land beyond for farming. Of course leading lights in the settlement of Wellington, such as Edward Gibbon Wakefield, wanted to preserve the British class system, but this was done by setting, what was termed, a "sufficient price" for the sale of land. The "sufficient price" applied to all company land being sold not just the 'town acres'.

The instructions of the company's directors in 1839, regarding the Town Belt (available in the National Archives), are clear. It was deemed necessary *'to secure the beautiful appearance of the future city ...rather than the immediate profit of the company'* . This was to be done by *"broad belt of land.. which you will declare the Company intends to be public property, on condition no buildings be ever erected upon it"*. We cannot find any NZ Company instructions in the Archives about reserving Town Belt land, and preventing buildings on it, to keep the price of town acres high.

The only historical reference we can find, linking the Town Belt to the issue of land values, is a letter by Colonel William Wakefield, the principal agent of the NZ Company, which was published in *The New Zealand Gazette and Wellington Spectator* of 16 August 1843.(available on line at the Turnbull Library) He was protesting about the newly established Wellington Town Council's plans to lease parts of the Town Belt for housing, despite NZ Company instructions. In his letter Wakefield refers to the objects of setting aside Town Belt land; *"to supply space for recreation and common to the public and to prevent the deterioration of the town acres, by too close a proximity to country sections"*.

If this later remark is the basis for the Wellington City Council's view that one of the motives for setting aside the Town Belt was to preserve social hierarchy, then it would seem to us that the council has taken it out of context. Wakefield was only referring to town acres on the edge of the town, as further reading of his letter shows: *"the understanding upon which holders of land orders selected town sections **near the town belt** will be broken through by the Council letting portions of the town belt, which will probably be under let, either for purposes of building, or of taking off the timber which now forms one of the greatest ornaments of the Town..The value of country sections **nearest the town** will also be proportionately reduced"*. (our emphasis)

Colonel Wakefield's letter is not about preserving social hierarchy but about keeping faith with the purchasers of land on both sides of the Town Belt and getting the council to abide by the instructions of the founders of Wellington. It is time the council restored the image of the Town Belt by revising its 'mixed motives' view of the land's reservation.

The necessity of the guiding principles

The *Town Belt Legislative and Policy Review* explains 'how' the draft guiding principles were developed. What the document fails to properly explain is 'why' they were developed in the first place. The Town Belt already has several layers of protection: The Town Belt Deed of 1873; The Reserves Act 1977; a special zoning in the District Plan, and the Town Belt Management Plan, which is apparently going to be reviewed next year with yet another public consulting process. We fail to see why the council couldn't have just included the principles in that process.

The *Review's* title implies there is a connection between the guiding principles and legislation on the Town Belt. We understand a local Bill on the Town Belt has already been drafted with the purpose of "over riding" the Deed. The Mount Victoria Residents Association strongly opposes any attempt to change the Town Belt Deed.

The draft guiding principles fail to comply with the Town Belt Deed

From its inception the Town Belt has always been held in trust for the people of Wellington. First by the New Zealand Company, then by the Crown, and then by the Superintendent of

Wellington Province. In 1873 the Town Belt was conveyed to the mayor, councilors and citizens of the City of Wellington. The Deed is the governing document of the Town Belt. The *Review* refers to the Deed's "archaic language". This may be true of references to leasing, however the key words of the Deed are clear. The Town Belt is to be held *"upon trust... for ever hereafter ...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 in **that behalf by the Corporation**..without any power of 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"* (our emphasis).

The word 'ground' is significant as it implies open space in accordance with the instructions of Wellington's founders regarding the Town Belt that "no buildings be ever erected upon it". The phrase "in that behalf by the Corporation" means the council can make rules to ensure use and protection of the Town Belt's 'public recreation ground'.

We are surprised and disappointed that while the *Review* refers to the Town Belt Deed there isn't actually a principle about it. The first and primary principle should be that the Town Belt is managed in accordance with the Deed of 1873.

Principle 2: intends to allow a co-management role for the mana whenua. While the Mt Victoria Historic Society strongly advocates recognition of Maori historical and culture links to Town Belt land (ref to Principle 6), we oppose co-management with any special interest group. Under the Deed, the council, and only the council, has the right to manage the Town Belt. The council does not have beneficial ownership of Town Belt land but holds it in trust for the people of Wellington, including Maori of many tribal origins. Treaty principles therefore do not apply to the Town Belt. The Port Nicholson Block Treaty Settlement gave mana whenua full and final settlement of Treaty claims. This includes granting them first right of refusal to purchase former Town Belt land behind Wellington College and Wellington East Girls College, which was taken from the people of Wellington by the Crown without compensation.

We request that Principle 2 be deleted.

Principle 4: *"The Town Belt is for all to enjoy"*.

It is difficult for any right-minded person to argue with this principle (apart from its blandness) - that is, until one reads the underlying *"What do we mean"* explanation which refers to "infrastructure" and "utilities". We are concerned that the intent of this benign sounding principle is to grant "easements" to utility companies. Easements are property rights which the council, under the Deed, has no right to grant over Town Belt land.

Principle 5: *"The Town Belt will be used for a wide range of recreation activities"*.

Again this seems acceptable until you read the explanation. The intention of this principle is to retain existing informal recreational activities by protecting certain areas. At the same time that there will be recreational "hubs" in the Town Belt with "development and/or expansion" of formal recreation in them.

The Mt Victoria Historical Society has concerns about these intentions. Firstly the Town Belt is indivisible, the Deed applies to all of it and that all of its remaining open space is required to be protected. We fear that recreational "hubs" would allow for the development and expansion of buildings for formal recreation (private clubs) which will cover over more of the

Deed's public recreation "ground" and would be contrary to the instructions of the founders of Wellington regarding the Town Belt that no buildings should be ever erected upon it. The intention of this principle also conflicts with the Town Belt's special C zoning in the District Plan and with The Town Belt Management Plan.

We recommend that guiding principle 5 be amended as follows: "The Town Belt be used for a wide range of recreation activities with the emphasis on outdoor, informal public recreation."

Supported principles

Principle 3: "*The Town Belt's natural character will be protected and enhanced*". We support this principle's intention of native revegetation and restoration programmes in the Town Belt which would be in line with the vision of the founders of Wellington in reserving the Town Belt as '*a landscape to be delighted in*'. Thanks to existing native revegetation projects, future generations of Wellingtonians can look forward to enjoying in the Town Belt what Charles Heaphy described in 1839 as "*the blaze of crimson rata*" there.

Principle 6: "*Management of the Town Belt will acknowledge historical and cultural links to the land*". We support this principle with the proviso that it includes acknowledgment of all of those with past historical and cultural links with Town Belt land.

We wish to speak to our submission at any hearing.

MOUNT VICTORIA HISTORICAL SOCIETY INC

for and on behalf of
The Convenor