



# Wellington Town Belt Act 2016

Local Act 2016 No 1  
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Commencement see section 2

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## Preamble

- (1) Whakatauki:
 

“Tumutumu parea, rākau parea, whānui te ara ki a Tāne [Ward off post and weapon, so that the expansive path of mankind is opened up].”

This was uttered by Te Wharepouri Te Kakapi-o-te-Rangi during the arrival of the colonial ships within the Wellington harbour, and upon the Petone foreshore, during the 1830s. Te Wharepouri saw the benefits of building positive relationships with the colonial settlers and working together towards common goals and initiatives. Hence, the focus of this proverb is about the journey of life, overcoming obstacles and issues, and focusing on the main tasks at hand:
- (2) The New Zealand Company was a private land settlement company, formed in London in May 1839, which planned to establish a settlement at Wellington harbour. The Company’s representatives arrived at Wellington harbour in September 1839:
- (3) At the time of the New Zealand Company’s arrival, the iwi groups with take raupatu over all of the lands within the Wellington harbour and its environs were Te Ātiawa, Ngāti Ruanui, Taranaki, Ngāti Tama (together, Taranaki Whānui ki Te Upoko o Te Ika) and Ngāti Toa Rangatira. These iwi each had their own ahi kā over particular areas, as follows:
  - (a) Te Ātiawa at Te Whanganui ā Tara and parts of the southwest coast; and
  - (b) Taranaki and Ngāti Ruanui at Te Aro; and
  - (c) Ngāti Tama at Kaiwharawhara and environs, and parts of the southwest coast; and
  - (d) Ngāti Toa Rangatira at parts of the southwest coast:
- (4) The New Zealand Company’s initial settlement plan provided for the original Town Belt, being public reserves of 1 562 acres (approximately 632 hectares) around the proposed town of Port Nicholson (now Wellington City), that would separate it from the Company’s rural district. These reserves included the land that is now the Wellington Botanic Garden. The instructions from the Company’s secretary, John Ward, to its surveyor, William Mein Smith, included that this land be “public property on condition that no buildings be ever erected upon it”:
- (5) On 16 October 1841, the Governor of New Zealand notified that the reserves provided for in the Company’s plans were “reserved by the Crown for public

purposes”. This was done without consulting or, at that time, compensating the relevant iwi groups:

- (6) On 3 June 1861, the Crown conveyed some of the original Town Belt to the Superintendent of the Province of Wellington “in trust for the purposes of Public Utility to the Town of Wellington and its inhabitants”:
- (7) The Wellington City Reserves Act 1871 instructed the Superintendent to convey some of the original Town Belt to the “Mayor Councillors and Burgesses for the time being of the City of Wellington” upon trust for “purposes of public utility to the City of Wellington and its inhabitants”. The Superintendent carried out this instruction in 1873 by executing the Town Belt Deed, which conveyed 3 parcels of land on trust to the “Corporation”, described in the Town Belt Deed as the “Mayor, Councillors, and Citizens of the City of Wellington”. The 3 parcels were the land known as the “Town Belt”, “Canal Reserve”, and “Basin Reserve”:
- (8) The “Town Belt” parcel and the “Canal Reserve” parcel were conveyed to the Council’s predecessor upon trust “to be for ever hereafter used and appropriated as a public Recreation ground for the inhabitants of the City of Wellington”:
- (9) The “Basin Reserve” parcel was subsequently resettled on the Council’s predecessor by deed dated 17 October 1884 as a separate trust, and the Town Belt Deed has no further application to it:
- (10) The report of the Waitangi Tribunal *Te Whanganui ā Tara me ōna Takiwā: Report on the Wellington District* (Wai 145, 2003) concluded that breaches of the Treaty of Waitangi by the Crown had occurred, including in relation to the Crown’s acquisition of lands within the Wellington harbour and its environs. The historical claims of Taranaki Whānui ki Te Upoko o Te Ika were settled on 19 August 2008 and the historical claims of Ngāti Toa Rangatira were settled on 7 December 2012:
- (11) As well as the significance of some of the land to mana whenua, the concept of the original Town Belt and having open green space around the central city are important to the inhabitants of Wellington generally. Over time, many people and community groups have cared for the Wellington Town Belt and worked to recover parts of the original Town Belt not vested in the Council:
- (12) There is some uncertainty about the legal status of the Wellington Town Belt, the extent to which the Wellington Town Belt is protected for future generations, and the Council’s powers to protect, manage, and enhance the Wellington Town Belt. This Act will provide certainty by—
  - (a) becoming the principal source of the Council’s powers for protecting, managing, and enhancing the Wellington Town Belt; and
  - (b) providing a transparent statutory basis for the Council’s trusteeship and management of the Wellington Town Belt; and

- (c) providing a mechanism for land to become part of the Wellington Town Belt:
- (13) The objects of this Act cannot be attained otherwise than by legislation:

**The Parliament of New Zealand therefore enacts as follows:**

**1 Title**

This Act is the Wellington Town Belt Act 2016.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**Part 1**  
**Preliminary provisions**

*Purpose and principles*

**3 Purpose**

The purpose of this Act is to—

- (a) provide a transparent statutory basis for the Council's trusteeship and management of the Wellington Town Belt on behalf of the inhabitants of the city of Wellington; and
- (b) impose on the Council responsibilities, and provide the Council with powers, to protect, manage, and enhance the Wellington Town Belt; and
- (c) recognise the history of the original Town Belt and its significance to mana whenua and the inhabitants of Wellington.

**4 Principles**

- (1) In performing its role as trustee of the Wellington Town Belt, the Council must—
- (a) recognise and provide for the protection and enhancement of the Wellington Town Belt for future generations; and
  - (b) have particular regard to the following principles:
    - (i) the Wellington Town Belt should be managed in partnership with mana whenua:
    - (ii) the landscape character of the Wellington Town Belt should be protected and enhanced, including by recognising that it was the New Zealand Company's intention that the original Town Belt not be built on:
    - (iii) the Wellington Town Belt should support healthy indigenous ecosystems:

- (iv) the Wellington Town Belt should be accessible to all and for all to enjoy:
  - (v) the Wellington Town Belt should be available for a wide range of recreational activities:
  - (vi) community participation in the management of the Wellington Town Belt should be encouraged and supported:
  - (vii) the historic and cultural heritage of the Wellington Town Belt should be recognised and protected.
- (2) The principles in subsection (1)(b) must be considered together and the order in which the principles are set out is not to be taken as specifying any order of importance or priority.

### *Interpretation and application*

## **5 Interpretation**

In this Act, unless the context otherwise requires,—

**business activity** means an undertaking carried on for pecuniary gain or reward

**Chest Hospital** means the land described as the Chest Hospital in the management plan under section 12(3)

**Council** means the Wellington City Council

**original Town Belt** means the land provided for as a public reserve around the proposed town of Port Nicholson in the New Zealand Company's plan of 14 August 1840

**public services** means, irrespective of public or private ownership, network infrastructure that is, in the public interest, necessary for—

- (a) the distribution or transmission of energy (including an electrical installation or works as defined in section 2(1) of the Electricity Act 1992 and a distribution system as defined in section 2(1) of the Gas Act 1992); and
- (b) the provision of telecommunications services; and
- (c) the provision of water, wastewater, and stormwater services

**publicly available** means, in relation to making a document or other information publicly available, taking reasonable steps to—

- (a) ensure that the document or other information or a copy of the document or other information is accessible free of charge to the general public; and
- (b) publicise both the fact that the document or other information is available and the manner in which copies of the document or other information may be obtained

**Registrar-General** means the Registrar-General of Land appointed under section 4 of the Land Transfer Act 1952

**temporary**, in relation to an activity, means an activity that—

- (a) is of a non-repetitive, transient nature; and
- (b) does not exceed 4 weeks' duration; and
- (c) does not involve the construction of permanent structures or facilities

**Town Belt Deed** means the deed, whose text is reproduced in Schedule 2, that was entered into between the Superintendent of the Province of Wellington and the Corporation of the City of Wellington and dated 20 March 1873

**Wellington Botanic Garden** means the land described in Schedule 7

**Wellington Zoo** means the land described as the Wellington Zoo in the management plan under section 12(3).

## 6 Meaning of Wellington Town Belt

In this Act, unless the context otherwise requires, **Wellington Town Belt**—

- (a) means—
  - (i) land included under section 21; and
  - (ii) land referred to in section 25(2); and
  - (iii) the land described in Schedule 3; but
- (b) does not include—
  - (i) land referred to in section 23(7); and
  - (ii) land referred to in section 25(1); and
  - (iii) land referred to in section 27.

## 7 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

# Part 2

## Status and management of Wellington Town Belt

### *Status*

## 8 Name

The land that comprises the Wellington Town Belt is to be called the “Wellington Town Belt”.

## 9 Legal status

- (1) The Council holds the Wellington Town Belt on behalf of the inhabitants of the city of Wellington as trustee of the trust created by the Town Belt Deed.

- (2) The Town Belt Deed is to be read as if the only term of the trust is to forever hereafter use and appropriate the Wellington Town Belt as a public recreation ground for the inhabitants of the city of Wellington.
- (3) For the purposes of subsection (2), **public recreation ground** means an area provided for—
  - (a) recreation, sporting activities, and the enjoyment of the public, with an emphasis on the retention of public access, open spaces, and outdoor activities; and
  - (b) the protection of the natural environment and historic heritage.

## **10 Public access**

- (1) Members of the public are entitled to freedom of entry and access to the Wellington Town Belt, subject to—
  - (a) subsections (2) to (4); and
  - (b) section 13(3); and
  - (c) any temporary conditions and restrictions that the Council considers necessary for the protection of the Wellington Town Belt or the safety of the public.
- (2) No business activity may be undertaken on the Wellington Town Belt (irrespective of any easement, lease, or licence) unless authorised under sections 18 to 20.
- (3) The Council may impose reasonable charges for the use of facilities on the Wellington Town Belt that are provided by the Council.
- (4) A lessee or licensee in respect of any facility, structure, site, or place on the Wellington Town Belt may, to the extent provided by the relevant lease or licence, restrict access to it and impose a reasonable charge for its use.

### *Management plan*

## **11 Management plan**

- (1) The Council must adopt a management plan for the Wellington Town Belt.
- (2) In exercising its powers with respect to the Wellington Town Belt, the Council must comply with the management plan.
- (3) The Council must review the management plan at intervals of not more than 10 years and, as appropriate, replace or amend it by passing a resolution adopting a new plan or amendments to the current plan.
- (4) Any new plan or amendments to the current plan must be prepared in draft, and the Council must—
  - (a) make the draft publicly available for inspection; and
  - (b) invite the public to make submissions on the draft; and



- (c) give every submitter who asks to be heard a reasonable opportunity to appear in support of the submitter's submission; and
  - (d) take into account all submissions made on the draft.
- (5) The Council may, without complying with subsection (4), amend the management plan, if it passes a resolution that—
- (a) the proposed amendments are minor or technical in nature; and
  - (b) compliance with subsection (4) is unnecessary.

## **12 Contents of management plan**

- (1) The management plan must not contain anything inconsistent with this Act or the trust described in section 9.
- (2) The management plan may set conditions and rules to manage use of the Wellington Town Belt.
- (3) The management plan must—
- (a) describe the land that comprises the Wellington Town Belt as at the date of the management plan; and
  - (b) describe the land that comprises the Chest Hospital and Wellington Zoo; and
  - (c) clearly define the boundaries of the Chest Hospital and Wellington Zoo and ensure that they are easily identifiable in practice; and
  - (d) limit the size of the Chest Hospital to a continuous area not exceeding 0.8973 hectares; and
  - (e) limit the size of Wellington Zoo to a continuous area not exceeding 10.8 hectares.

### *Powers*

## **13 Powers of Council**

- (1) For the purposes of performing its role as trustee of the Wellington Town Belt, the Council has—
- (a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and
  - (b) for the purposes of paragraph (a), full rights, powers, and privileges.
- (2) Subsection (1) is subject to this Act, any other enactment, and the general law.
- (3) Without limiting subsection (1), the Council has the power to manage use of the Wellington Town Belt, including by setting conditions and rules in a management plan under section 11.

## **14 Restrictions on Council's powers**

Despite section 13, the Council has no power to—

- (a) sell, exchange, or use as security any part of the Wellington Town Belt; or
- (b) grant any easement, lease, or licence in respect of the Wellington Town Belt other than in accordance with section 17, 19, or 20; or
- (c) authorise any business activity on the Wellington Town Belt other than in accordance with sections 18 to 20.

### **15 Delegation of Council's powers**

- (1) The Council must not delegate—
  - (a) the power to add land to the Wellington Town Belt under section 21; or
  - (b) the power to agree compensation under section 23; or
  - (c) the power to impose charges under section 10; or
  - (d) the power to adopt, replace, or amend a management plan under section 11; or
  - (e) the power to grant leases under section 17.
- (2) Other than to a committee of the Council, the Council must not delegate—
  - (a) the power to consent to the disposal of a lessee's interest under section 17; or
  - (b) the power to grant licences or consent to the disposal of a licensee's interest under section 17; or
  - (c) the power to grant leases and licences under section 19; or
  - (d) the power to grant easements, leases, and licences under section 20.

### **16 Consultation**

- (1) Subsection (2) applies to the exercise of the Council's powers to—
  - (a) build or extend (or authorise the building or extension of) a structure or facility under section 13 or sections 17 to 20, where the effect on the Wellington Town Belt of that structure, facility, or extension will be more than minor; and
  - (b) impose charges under section 10; and
  - (c) grant leases or consent to the disposal of a lessee's interest under section 17; and
  - (d) grant leases under section 19; and
  - (e) add land to the Wellington Town Belt under section 21.
- (2) Before exercising a power referred to in subsection (1), the Council must consider the views of the public and persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by—
  - (a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and

- (b) giving every submitter who asks to be heard a reasonable opportunity to appear in support of the submitter's submission; and
  - (c) taking into account all submissions made on the proposed exercise of the power.
- (3) Subsection (4) applies to the exercise of the Council's powers to—
  - (a) grant licences or consent to the disposal of a licensee's interest under section 17; and
  - (b) grant licences under section 19; and
  - (c) grant easements, leases, and licences under section 20 other than in response to an emergency (as defined in the Civil Defence Emergency Management Act 2002).
- (4) Before exercising a power in subsection (3), the Council must consider the views of the public and persons likely to be affected by, or to have an interest in, the proposed exercise of the power, including by—
  - (a) making information on the proposed exercise of the power publicly available and inviting submissions on it; and
  - (b) taking into account all submissions made on the proposed exercise of the power.
- (5) At all times there must be an employee of the Council whose—
  - (a) role includes acting as a liaison officer between the public and the Council with respect to the Wellington Town Belt; and
  - (b) role includes oversight of the management plan under section 11; and
  - (c) name and contact details are made publicly available.

### *Uses*

#### **17 Leases and licences**

- (1) The Council may, on any conditions that it considers appropriate, grant leases and licences in respect of the Wellington Town Belt.
- (2) At any point in time, no more than 8 hectares in total of the Wellington Town Belt may be leased or licensed, excluding any leases or licences for public services, any leases or licences in respect of the Chest Hospital and Wellington Zoo, and the lease referred to in section 26(3).
- (3) A lease granted in accordance with subsection (1) must—
  - (a) specify what activities are authorised by the lease; and
  - (b) not be granted for a term, including any renewals, exceeding 20 years; and
  - (c) not be granted for an activity that could reasonably be undertaken under a licence; and

- (d) not allow a right to transfer, sublease, assign, or otherwise dispose of the lessee's interest without the Council's consent.
- (4) A licence granted in accordance with subsection (1) must—
  - (a) specify what activities are authorised by the licence; and
  - (b) not be granted for a term, including any renewals, exceeding 10 years; and
  - (c) not allow a right to transfer, sublicense, assign, or otherwise dispose of the licensee's interest without the Council's consent.
- (5) The Council must—
  - (a) spend all money received under a lease granted in accordance with subsection (1) on the management of the Wellington Town Belt; and
  - (b) invest the money until spending it.

## **18 Business activities**

- (1) The Council must not authorise a business activity (including under an easement, lease, or licence) on the Wellington Town Belt unless—
  - (a) the activity is temporary, and any effect of the activity on the Wellington Town Belt and the public will be no more than minor; or
  - (b) the activity is consistent with the use of the Wellington Town Belt as a public recreation ground (as defined in section 9(3)) and the effect on the Wellington Town Belt of any structure or facility required to be built or extended for the activity will be no more than minor.
- (2) Before authorising a business activity, the Council must make information about the proposed business activity publicly available.
- (3) Subject to subsections (1) and (2), the Council may authorise business activities on the Wellington Town Belt on any conditions that it considers appropriate.

### *Special areas*

## **19 Application of Act to Chest Hospital and Wellington Zoo**

- (1) The purpose of—
  - (a) the Chest Hospital is to allow for the use and conservation of the Chest Hospital buildings; and
  - (b) Wellington Zoo is to allow for the operation of Wellington Zoo.
- (2) Despite anything in this Act, for the purposes of subsection (1), the Council may, on any conditions that it considers appropriate, grant leases and licences and authorise business activities in respect of the Chest Hospital and Wellington Zoo, and sections 17 and 18 do not apply.

- (3) A lease or licence under subsection (2) must not be granted for a term, including any renewals, exceeding 33 years.

### *Public services*

#### **20 Public services**

- (1) Despite anything in this Act, the Council may, on any conditions that it considers appropriate, grant easements, leases, and licences and authorise business activities in respect of the Wellington Town Belt for public services, and sections 17 and 18 do not apply.
- (2) Before deciding whether to exercise any power under subsection (1), the Council must consider—
  - (a) the effect on the Wellington Town Belt of the proposed public service; and
  - (b) the benefits of the proposed public service; and
  - (c) alternative sites, routes, or other methods for achieving the objectives of the proposed public service.
- (3) Any public service owned by the Council on the Wellington Town Belt at the commencement of this Act is lawful and may be the subject of an easement in favour of any party entitled to use the service.
- (4) The Council may grant a right under this section to itself.

### **Part 3**

#### **Additions to, or removals of parts of, Wellington Town Belt**

##### **21 Adding land to Wellington Town Belt**

- (1) The Council may pass a resolution that land forms part of the Wellington Town Belt if the fee simple estate in the land is vested in the Council.
- (2) Upon any resolution being passed under subsection (1), the relevant land becomes part of the Wellington Town Belt.
- (3) The Council may not pass a resolution under subsection (1) unless it has consulted the public about the proposal using the special consultative procedure under the Local Government Act 2002.
- (4) The Council must make publicly available and publish in the *Gazette* any resolution passed under subsection (1).

##### **22 No removal of land from Wellington Town Belt**

Subject to sections 23 and 27, no land may be removed from the Wellington Town Belt.

### 23 Application of Public Works Act 1981

- (1) Despite section 17 of the Public Works Act 1981, the Council may not enter into an agreement to sell any land within the Wellington Town Belt for any public work.
- (2) Sections 40 to 42 of the Public Works Act 1981 do not apply to the addition of land to the Wellington Town Belt under section 21.
- (3) Nothing in this Act or the Town Belt Deed requires the Council to object under section 23(3) of the Public Works Act 1981 to the taking of any part of the Wellington Town Belt.
- (4) Subsection (5) applies if—
  - (a) the Minister for Land Information (the **Minister**) or a local authority has given the Council a notice of intention to take any land that is part of the Wellington Town Belt for a public work under section 23 of the Public Works Act 1981; and
  - (b) the notice continues to have effect; and
  - (c) the prerequisites to taking the land under section 26(1) of the Public Works Act 1981 have been satisfied.
- (5) The Council and the Minister or local authority (as the case may be) must make all reasonable efforts to agree on the compensation for the land, which may include either or both of the following:
  - (a) an amount of monetary compensation payable to the Council;
  - (b) a grant of land to the Council.
- (6) If the land is taken under section 26 of the Public Works Act 1981 before the Council and the Minister or local authority (as the case may be) agree on the compensation under subsection (5) and the Council and the Minister or local authority (as the case may be) fail to agree on the compensation within 6 months of the land vesting in the Crown or local authority,—
  - (a) the Council may make a claim for compensation under the Public Works Act 1981; and
  - (b) the Council may request that compensation be assessed on the basis of the reasonable cost of equivalent reinstatement under section 65(1) of the Public Works Act 1981, in which case the compensation must be assessed on that basis unless—
    - (i) section 65 of the Public Works Act 1981 does not apply; or
    - (ii) the Minister, the local authority, or the Land Valuation Tribunal (as the case may be) considers that compensation assessed on that basis would not be adequate to compensate for the land; and
  - (c) except as modified by this section, the provisions of the Public Works Act 1981 apply.

- (7) Any land that is taken for a public work or declared to be road under the Public Works Act 1981—
- (a) ceases to be part of the Wellington Town Belt; and
  - (b) is no longer subject to this Act.

**24 Wellington Town Belt not reserve or road**

- (1) On and from the commencement of this Act, the Wellington Town Belt—
- (a) is not reserve under the Reserves Act 1977; and
  - (b) any status the Wellington Town Belt had as reserve is revoked.
- (2) On and from the commencement of this Act, the Wellington Town Belt—
- (a) is not road under the Local Government Act 1974 or the Public Works Act 1981; and
  - (b) any status the Wellington Town Belt had as road is stopped.

**25 Application to Wellington Botanic Garden**

- (1) Any land that is subject to the Wellington Botanic Garden Vesting Act 1891 is to be treated as not being part of the Wellington Town Belt.
- (2) Any land that ceases to be subject to the Wellington Botanic Garden Vesting Act 1891 forms part of the Wellington Town Belt.

**Part 4**

**Miscellaneous provisions**

**26 Existing rights not affected**

- (1) This Act does not affect any of the following in existence at the commencement of this Act:
- (a) any estate or interest in the Wellington Town Belt registered under the Land Transfer Act 1952; or
  - (b) any interest in land that comprises part of the original Town Belt, but is not part of the Wellington Town Belt; or
  - (c) any easement, lease, or licence in relation to the Wellington Town Belt; or
  - (d) any business activity authorised under an easement, lease, or licence in relation to the Wellington Town Belt; or
  - (e) any public service that is lawfully established on the Wellington Town Belt.
- (2) This Act does not affect the operation of any law that confers rights in relation to public services (including rights to access, operate, inspect, maintain, replace, construct, or upgrade public services).

- (3) Despite section 30, the Council and any lessee of the lease granted under the Wellington City Exhibition Grounds Act 1959 have the same rights and obligations in all respects as if that Act had not been repealed.

## **27 Land not to be part of Wellington Town Belt**

- (1) On and from the commencement of this Act, the land described in Schedule 4—
- (a) ceases (where relevant) to be subject to the Town Belt Deed and the Reserves Act 1977; and
  - (b) vests in the Council as road within the meaning of section 315 of the Local Government Act 1974.
- (2) On and from the commencement of this Act, the land described in Schedule 5—
- (a) ceases (where relevant) to be subject to the Town Belt Deed; and
  - (b) vests in the Council as local purpose reserve under the Reserves Act 1977.
- (3) On and from the commencement of this Act,—
- (a) the land described in Schedule 6 ceases (where relevant) to be subject to the Town Belt Deed and the Reserves Act 1977; and
  - (b) the fee simple estate in the land vests in the Council free of any encumbrance, interest, or other right or obligation affecting the land existing immediately before the commencement of this Act.

## **28 Entry of Wellington Town Belt in registers**

- (1) The Registrar-General must, in accordance with a written application by the Council, do anything that is necessary to give effect to this Act, including, without limitation, subsections (2) to (6).
- (2) If part of the Wellington Town Belt is not subject to the Land Transfer Act 1952, the Registrar-General must, in accordance with a written application by the Council,—
- (a) make an entry in the index book of the Deeds Register Office; and
  - (b) upon registration under paragraph (a) the land becomes subject to the Land Transfer Act 1952.
- (3) To the extent that part of the Wellington Town Belt is not all of the land contained in a computer freehold register, or there is no computer freehold register for part of the Wellington Town Belt, the Registrar-General must, in accordance with a written application by the Council,—
- (a) create a computer freehold register for the fee simple estate in the land in the name of the Council; and



- (b) record on the computer freehold register any interests that are registered, notified, or notifiable and that are described in the application.
- (4) If part of the Wellington Town Belt is all of the land contained in a computer freehold register, the Registrar-General must, in accordance with a written application by the Council,—
  - (a) record against the computer freehold register a notification that the land is subject to this Act; and
  - (b) remove from the computer freehold register any notification that the land is subject to the Town Belt Deed or the Reserves Act 1977, or held for any purpose that is inconsistent with this Act.
- (5) Subsections (2) and (3) are subject to the completion of any survey necessary to make an entry in the index book or create a computer freehold register.
- (6) The Registrar-General must, in accordance with a written application by the Council,—
  - (a) register any instrument granting a right under section 20; and
  - (b) comply with subsections (2) to (4) in relation to any land that vests under section 21 in the Council as part of the Wellington Town Belt; and
  - (c) do anything that is necessary to give effect to section 27, including to create computer freehold registers and record anything in, and remove anything from, the register.
- (7) Section 11 and Part 10 of the Resource Management Act 1991 do not apply to any matter required for the purpose of, or incidental to, this section.

## **29 Health Sector Transfers (Wellington City Council) Order 2002 amended**

- (1) This section amends the Health Sector Transfers (Wellington City Council) Order 2002.
- (2) In the Schedule, revoke clauses 9, 10, and 11.

## **30 Repeal**

The following Acts are repealed:

- (a) Wellington City Exhibition Grounds Act 1959 (1959 No 8 (L));
- (b) Wellington (City) Town Belt Reserves Act 1908 (1908 No 45 (L)).

**Schedule 1**  
**Transitional, savings, and related provisions**

s 7

**Part 1**  
**Provisions relating to Act as enacted**

- 1 Transitional provisions relating to *Wellington Town Belt Management Plan (June 2013)***
- (1) The Council's *Wellington Town Belt Management Plan* (June 2013) must be treated as the management plan under this Act until it is replaced or amended under section 11(3).
  - (2) After the commencement of this Act, the Council may, without complying with section 11(4), make changes to the *Wellington Town Belt Management Plan* (June 2013) that are consequential on the commencement of this Act.

## Schedule 2 Town Belt Deed

s 5

Dated 20th March 1873

The Superintendent of the Province of Wellington

to

The Corporation of the City of Wellington

Town Belt and Basin Reserve Wellington

C of W No. 1

C O N V E Y A N C E

under the Wellington City Reserves Act

Corpn. Book Fol. 1

**THIS DEED**

made the twentieth day of March

One thousand eight hundred and seventy three

**BETWEEN**

**THE HONOURABLE WILLIAM FITZHERBERT**

Superintendent of the Province of Wellington in the Colony of New Zealand

of the one part and

**THE MAYOR COUNCILLORS** and **CITIZENS OF THE CITY OF WELLINGTON**

(who with their Successors are hereinafter termed “the Corporation”)

of the other part

**WITNESSETH**

that in pursuance and by virtue and in exercise and execution of the powers and authorities given to and vested in him the said William Fitzherbert as such Superintendent as aforesaid under and by virtue of “The Wellington City Reserves Act 1871” and of all other powers and authorities in anywise enabling him in that behalf **HE THE SAID** William Fitzherbert as such Superintendent as aforesaid **DOTH** hereby convey and assure unto the Corporation **ALL AND SINGULAR** the lands and hereditaments comprised and described in the first Schedule hereunder written and delineated upon the plan numbered 1 drawn upon these presents and therein colored red **WITH** all the rights and appurtenances to the same **TO HOLD** the same unto the Corporation **UPON AND FOR** the trusts and purposes and with under and subject to the powers provisoes conditions declarations and agreements hereinafter declared expressed and contained of and concerning the same (that is to say) **UPON TRUST** as to such parts of the said lands hereby conveyed or expressed and intended so to be as are comprised and colored purple in the second plan hereunto annexed **AND** as to such parts

of the said lands as are comprised and colored Blue in the third plan hereunto annexed and known as the Canal Reserve (subject as to the lands comprised and colored purple in the said second plan to the power of leasing hereinafter contained) to be for ever hereafter used and appropriated 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 made in that behalf by the Corporation shall be prescribed and directed AND UPON TRUST as to such parts of the said lands as are comprised and colored green in the said third plan hereunto annexed and known as the Basin Reserve by any deed or deeds to convey the same to a body of not less than three Trustees to be from time to time appointed by the Corporation UPON SUCH TRUSTS and for such purposes of public utility to the City of Wellington and the inhabitants thereof as shall in and by such deed or deeds of conveyance be expressed and declared but without any power for 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 AND IT IS HEREBY DECLARED that it shall be lawful for the Corporation to demise or lease all or any part or parts of the lands hereby conveyed or intended so to be which are comprised and described in the second schedule hereunder written and delineated upon the plan numbered 2 drawn upon these presents and therein colored purple for any term or number of years absolute not exceeding Forty two years to take effect in possession and not in reversion or by way of future interest so that there be reserved in every such demise or lease the best and most improved rent to be payable during the continuance of the term thereby granted which may be reasonably had or gotten for the same without taking any fine premium or foregift for the making thereof and so that there be contained in every such demise or lease a clause in the nature of a condition for re-entry or non-payment of the rent therein reserved for the space of twenty one days and so as the lessee or lessees do execute a counterpart thereof respectively and do covenant for the due payment of the rent thereby reserved and are not exempted from punishment for committing waste AND IT IS HEREBY ALSO DECLARED that the Corporation shall stand possessed of all the rents issues and profits arising or to arise from the lands comprised and described in the second Schedule to these presents UPON TRUST to apply or appropriate the same in manner described in and by “The Wellington City Reserves Act 1871” and “The Wellington City Reserves Act 1872” respectively IN WITNESS whereof the said William Fitzherbert as such superintendent as aforesaid hath hereunto subscribed his name and affixed his seal the day and year first above written.

#### **SCHEDULE 1**

FIRSTLY ALL THOSE several pieces or parcels of land adjoining the City of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to “The Wellington City Reserves Act 1871” SECONDLY ALL THAT piece or parcel of land situated in the City of Wellington aforesaid and containing by admeasurement Nine acres and three roods more or less and commonly called or known by the name of the basin Reserve BOUNDED on all sides by Sussex Square and THIRDLY ALL

THAT piece or parcel of lands situated in the City of Wellington aforesaid and containing by admeasurement Five acres and one rood more or less and commonly called or known by the name of the Canal Reserve AS all and singular the said lands are delineated in the plan numbered 1 on this skin and thereon colored Red.

#### **SCHEDULE 2**

ALL THOSE several pieces or parcels of land situated in the city of Wellington containing by admeasurement One thousand and sixty one acres one rood and two perches more or less and forming part and parcel of the lands commonly called or known by the name of the Town Belt described in the first part of the first schedule to “The Wellington City Reserves Act 1871” AS the same pieces or parcels of land are severally delineated on the plan numbered 2 on this skin and thereon colored purple.

#### **SCHEDULE 3**

ALL THAT piece or parcel of land situated in the City of Wellington and containing by admeasurement Nine Acres and three Roods more or less and commonly called or known by the name of the Basin Reserve BOUNDED on all sides by Sussex Square AS the same is delineated on the Plan numbered 3 on this skin and thereon colored Green.

#### **SIGNED SEALED AND DELIVERED**

By the Honourable William Fitzherbert  
Superintendent of the Province of Wellington  
in the presence of us

(the words “and commonly called or known by the name of the basin reserve” between the sixth and seventh line of the first schedule having been previously interlined)

C.B. BORLASE

Provl. Solr.

Wellington

Wm. Jones

Clerk to Superintendent

William **SEAL** Fitzherbert

**Schedule 3**  
**Land to be part of Wellington Town Belt on this Act coming into force**

s 6(a)(iii)

<b>Area</b>	<b>Description</b>	<b>Instrument</b>
1.1558 ha	Lot 73 Deposited Plan 33790	Computer Register 668467
0.6118 ha	Section 28 Ohiro District	Computer Register WN593/206
0.2727 ha	Lots 445–447 Deposited Plan 9808	Computer Register WN559/64
0.1999 ha	Lots 449–450 Deposited Plan 9808	Computer Register WN489/262
0.0986 ha	Lot 60 Deposited Plan 34918	Computer Register WN11C/754
0.0918 ha	Lot 448 Deposited Plan 9808	Computer Register WN549/96
0.0938 ha	Lot 20–22 Application Plan 1524	Computer Register WN23A/607
4.7345 ha	Section 2 Survey Office Plan 452140	Computer Register 590650
33.9405 ha	Section 30 Ohiro District and Section 1153 Town of Wellington	Computer Register WN676/81
15.0027 ha	Part Section 1 Upper Kaiwharawhara District	Computer Register WN6D/671
0.0296 ha	Part Section 1 Upper Kaiwharawhara District	Computer Register WN20A/507
0.4070 ha	Section 34 City of Wellington	Computer Register WN75/271
2.3028 ha	Lot 3 Deposited Plan 316137	Computer Register 63102
0.0929 ha	Part Lot 11 Deposited Plan 32496	Computer Register WN10C/1492
0.8973 ha	Lot 4 Deposited Plan 316137	Computer Register 63103
0.2786 ha	Lot 2–8 Deposited Plan 1402	Computer Register WN501/195
0.2188 ha	Lot 13–17 Application Plan 1524	Computer Register WN388/156
0.2023 ha	Part Section 11 Ohiro District	Computer Register WN81/265
0.1937 ha	Lot 4–8 Deposited Plan 22555	Computer Register WN934/78
0.0850 ha	Lot 18–19 Deposited Plan 1402	Computer Register WNE2/465
0.0555 ha	Deposited Plan 11417	Computer Register WN464/324
0.4983 ha	Part Lot 1 Deposited Plan 10508	Computer Register WN608/49
0.0921 ha	Lot 18–19 Deeds Plan 124 and defined on Application Plan 1524	Computer Register WN345/47
0.2522 ha	Part Section 36 City of Wellington	Computer Register WN125/25
0.0354 ha	Part Lot 24 Deposited Plan 1453	Computer Register WN162/266
0.0692 ha	Part Lot 4 Block IX Deposited Plan 995	<i>Gazette</i> Notice 327970.1
0.0665 ha	Part Lot 5 Block IX Deposited Plan 995	<i>Gazette</i> Notice 279720.1
0.1658 ha	Lot 2 Deposited Plan 306858	Computer Register 55700

<b>Area</b>	<b>Description</b>	<b>Instrument</b>
0.1366 ha	Section 1 SO 303812 and Section 8 SO 303817	Part Computer Register 123577
0.2109 ha	Section 1 Survey Office Plan 22375	Computer Register WN597/102
0.9489 ha	Section 2 SO 303812 and Section 4–6 SO 303817	Part Computer Register 69533
0.0234 ha	Part Section 435 Town of Wellington	Computer Register WN46C/419
8.1142 ha	Section 1324 Town of Wellington	Computer Register WN22C/3
13.4047 ha	Part Lot 1 Deposited Plan 66893	Computer Register WN47A/439
0.8479 ha	Lot 3 Deposited Plan 78149	Computer Register WN44D/514
0.7147 ha	Section 167 Evans Bay District	Computer Register WN22B/899
0.3828 ha	Lot 44 Deposited Plan 66894	Computer Register WN36B/370
0.1617 ha	Lot 2 Deposited Plan 80801	Computer Register WN47B/602
0.1456 ha	Lot 2 Deposited Plan 66893	Computer Register WN36B/369
0.0631 ha	Lot 8 Deposited Plan 313319	Computer Register 52420
0.1678 ha	Section 1 Survey Office Plan 23070	Computer Register WN624/38
0.1044 ha	Part Lot 102–105 Deeds Plan 114	Computer Register WN863/42
70.0183 ha	Lot 1, Lot 3 and Lot 6 Deposited Plan 5461, Part Lot 1 Deposited Plan 8709 and Lot 3 Deposited Plan 33855	Computer Register WN12D/ 1439
7.1139 ha	Coloured Green Deposited Plan 10541	Computer Register WN469/200
6.4657 ha	Deposited Plan 10086	Computer Register WN19A/369
45.3454 ha	Part Lot 1 Deposited Plan 10322	Computer Register WN47B/388
1.3376 ha	Section 1 SO 481442	Part Computer Register WN48B/341
0.2518 ha	Section 2 SO 481442	Part Computer Register WN48B/341
33.3238 ha	Parts Lot 1 Deposited Plan 8519 and Parts College Reserve	Part Computer Register WN48B/341 (less Sections 1–5 SO 481442)
24.1836 ha	Part Lot 1 Deposited Plan 8754	Computer Register WN47B/502
10.2960 ha	Part Lot 1 and Lots 2 and 3 Deposited Plan 10507	Computer Register WN427/150
0.6032 ha	Lot 2 Deposited Plan 32684	Computer Register WN10A/992
0.2588 ha	Part Lot 1 Deposited Plan 34279	Computer Register WN18D/ 1361
0.2515 ha	Lot 4 Deposited Plan 81724	Computer Register WN48B/339
0.1629 ha	Lot 1 Deposited Plan 46505	Computer Register WN18C/585
0.1075 ha	Lot 1 Deposited Plan 32684	Computer Register WN10A/991
0.0948 ha	Lot 1 Deposited Plan 80322	Computer Register WN47A/234

<b>Area</b>	<b>Description</b>	<b>Instrument</b>
0.0928 ha	Lot 1 Deposited Plan 33006	Computer Register WN9C/1229
0.0803 ha	Lot 1 Deposited Plan 47203	Computer Register WN18D/ 1360
0.0727 ha	Lot 2 Deposited Plan 46132	Computer Register WN17B/358
0.0670 ha	Lot 3 Deposited Plan 32684	Computer Register WN10A/993
0.0662 ha	Lot 1 Deposited Plan 34024	Computer Register WN15A/ 1225
0.0607 ha	Lot 1 Deposited Plan 33683	Computer Register WN20B/500
0.0596 ha	Lot 3 Deposited Plan 81724	Computer Register WN48B/338
0.0584 ha	Lot 1 Deposited Plan 34625	Computer Register WN12C/1223
0.0579 ha	Lot 5 Deposited Plan 81724	Computer Register WN48B/340
0.0541 ha	Part Lot 1 Deposited Plan 46132	Computer Register WN47C/458
0.0511 ha	Lot 2 Deposited Plan 81724	Computer Register WN48B/337
0.0407 ha	Part College Site Reserve	Computer Register WN19A/370
0.0374 ha	Lot 1 Deposited Plan 81724	Computer Register WN48B/336
0.0278 ha	Lot 1 Deposited Plan 33290	Computer Register WN10A/ 1025
0.0260 ha	Lot 1 Deposited Plan 34790	Computer Register WN11B/1136
0.0102 ha	Lot 11 Deposited Plan 8655	Computer Register WN385/90
0.0088 ha	Lot 2 Deposited Plan 80751	Computer Register WN47B/501
0.0079 ha	Lot 1 Deposited Plan 80170	Computer Register WN46D/916
0.0060 ha	Lot 2 Deposited Plan 80322	Computer Register WN47A/235
0.0050 ha	Lot 1 Deposited Plan 80751	Computer Register WN47B/500
0.0043 ha	Lot 1 Deposited Plan 81126	Computer Register WN47C/457
0.0033 ha	Lot 1 Deposited Plan 84926	Computer Register WN52B/853
0.0032 ha	Lot 1 Deposited Plan 80376	Computer Register WN47A/347
0.0028 ha	Lot 1 Deposited Plan 80431	Computer Register WN47A/502
0.0027 ha	Lot 1 Deposited Plan 80711	Computer Register WN47B/387
0.0018 ha	Lot 2 Deposited Plan 84926	Computer Register WN52B/854
0.1866 ha	Lot 2 Deposited Plan 45564	Computer Register WN19B/859
0.1365 ha	Lot 3 Deposited Plan 45564	Computer Register WN19B/860
0.2201 ha	Lot 1 Deposited Plan 45564	Computer Register WN19B/858
0.2995 ha	Lots 35–36 Deposited Plan 17934	Computer Register WN42D/764
18.6364 ha	Section 2 Survey Office Plan 38299	Computer Register WN58B/128
0.4075 ha	Part Subdivision 3 Block XVA Polhill Gully Native Reserve	Computer Register WN362/202
0.4027 ha	Lot 12–15 Block VIII Deposited Plan 995	Computer Register WN425/168
0.1477 ha	Lot 2–3 Block IX Deposited Plan 995	Computer Register WN849/7
0.0779 ha	Lot 1 Block IX Deposited Plan 995	Computer Register WN835/93



<b>Area</b>	<b>Description</b>	<b>Instrument</b>
0.0717 ha	Part Lot 6 Block IX Deposited Plan 995	Computer Register WN834/34
15.7584 ha	Part Lot 1 Deposited Plan 8914 and Lot 2 Deposited Plan 8914	Computer Register WN46D/912
0.0030 ha	Lot 1 Deposited Plan 80168	Computer Register WN46D/910
0.0020 ha	Lot 2 Deposited Plan 80168	Computer Register WN46D/911
3.3061 ha	Lot 1 Deposited Plan 51766	Computer Register WN21A/468
6.4719 ha	Part Section 13–14 Orangi Kaupapa Block, Part Lot 4 Deposited Plan 706 and Lot 2 Deposited Plan 51241	Computer Register WN21C/945
0.1406 ha	Lots 1 and 2 Deposited Plan 2322	Computer Register 668465
2.9815 ha	Part DP A 2182 and Part Section 10 Ohiro District	Part <i>Gazette</i> Notice 066328.1 (less Lots 1–3 DP 5855)
0.0506 ha	Lot 16 Deposited Plan 2011	Part Proclamation 789176
0.1362 ha	Lots 18 and 19 Deposited Plan 27337	Computer Register WNE2/191
2.7879 ha	Section 1 SO 474071	Part Computer Register WN437/213
30.5575 ha	Section 1 SO 476360	Part Computer Register WN52B/855
0.4142 ha	Section 2 SO 476360	Part Computer Register WN716/19
1.1292 ha	Section 3 SO 476360	Part Computer Register WN716/19
0.0527 ha	Section 4 SO 476360	Part Computer Register WN716/19
0.0181 ha	Section 5 SO 476360	Part Computer Register WN52B/855
0.2178 ha	Section 6 SO 476360	Part Computer Register WN52B/855
7.9383 ha (deduced)	Part Lot 1 DP 8835	Part Computer Register WN52B/855 (less Sections 1, 5–7 and 9 SO 476360)
31.6008 ha	Section 1 SO 474197	Part Computer Register WN19B/861
0.0746 ha	Section 2 SO 474197	Road
0.0859 ha	Section 3 SO 474197	Road
0.2292 ha	Section 4 SO 474197	Road
0.0251 ha	Section 5 SO 474197	Part Computer Register WN19B/861
0.3216 ha	Section 6 SO 474197	Part Computer Register WN19B/861
0.0764 ha	Section 8 SO 474197	Road
0.0008 ha	Section 3 SO 19450	Part Computer Register WN19B/861

<b>Area</b>	<b>Description</b>	<b>Instrument</b>
24.7080 ha (deduced)	Part Lot 1 DP 10181	Part Computer Register WN19B/861 (less Sections 1, 5– 7, and 9–11 SO 474197 and Section 3 and an area coloured red SO 19450)
0.1673 ha	Section 1 SO 19450	Road
0.1145 ha	Section 2 SO 19450	Road
0.0096 ha	Section 4 SO 19450	Road
0.6395 ha	Section 1 SO 474199	Road
0.7561 ha	Section 2 SO 474199	Part Computer Register WN46D/915
0.5498 ha	Section 3 SO 474199	Part Computer Register WN46D/915
27.9636 ha	Part Lot 1 DP 10397	Part Computer Register WN46D/915
27.4201 ha	Lot 1, Lots 4–6, Part Lot 2 and Part Lot 7 DP 10337	Part Computer Register WN46D/917
24.7585 ha	Lots 3, 7 and 8 and Part Lots 1, 2 and 4 DP 10508	Part Computer Register WN12D/ 1438 (less Lots 5 and 6 DP 10508, Sections 1–2 SO 480332)
0.0458 ha	Section 1 SO 18330	Part Deeds Index 1/4A
0.0497 ha	Section 2 SO 18330	Part Deeds Index 1/4A
0.0497 ha	Section 3 SO 18330	Part Deeds Index 1/4A
0.0908 ha	Section 4 SO 18330	Part Deeds Index 1/4A
0.0347 ha	Section 1 SO 18506	Part Deeds Index 1/4A
0.1212 ha	Section 1 SO 479863	Part Deeds Index 1/4A

**Schedule 4**  
**Land not to be Wellington Town Belt on this Act coming into force—  
road**

s 27(1)

<b>Area</b>	<b>Description</b>	<b>Instrument</b>
0.0730 ha	Section 7 SO 476360	Part Computer Register WN52B/855
0.1791 ha	Section 8 SO 476360	Part Computer Register WN716/19
0.1173 ha	Section 9 SO 476360	Part Computer Register WN52B/855
0.0975 ha	Section 10 SO 476360	Part Computer Register WN716/19
0.0158 ha	Section 7 SO 474197	Part Computer Register WN19B/861
0.0026 ha	Section 9 SO 474197	Part Computer Register WN19B/861
0.0048 ha	Section 10 SO 474197	Part Computer Register WN19B/861
0.0526 ha	Section 11 SO 474197	Part Computer Register WN19B/861
0.3764 ha	The land coloured red on SO 19450 with an area of 0a-3r-28.8p	Part Computer Register WN19B/861
0.7210 ha	Section 5 SO 474199	Computer Register WN46D/913, Computer Register WN46D/914 and Part Computer Register WN46D/915
0.2303 ha	Lots 5 and 6 DP 10508	Part Computer Register WN12D/1438
0.0047 ha	Section 2 SO 480332	Part Computer Register WN12D/1438
0.3688 ha	Land coloured blue on SO 27818 with an area of 0a-3r-25.8p	Deeds Index 1/4A
0.7010 ha	Section 3 SO 481442	Computer Register WN48B/341
0.0047 ha	Section 4 SO 481442	Computer Register WN48B/341
0.0831 ha	Section 5 SO 481442	Computer Register WN48B/341

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**Schedule 5**  
**Land not to be Wellington Town Belt on this Act coming into force—**  
**local purpose reserve**

s 27(2)

<b>Area</b>	<b>Description</b>	<b>Instrument</b>
0.1860 ha	Section 4 SO 474199	Part Computer Register WN46D/915
0.0206 ha	Section 1 SO 480332	Part Computer Register WN12D/ 1438

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**Schedule 6**  
**Land not to be Wellington Town Belt on this Act coming into force—**  
**general**

s 27(3)

<b>Area</b>	<b>Description</b>	<b>Instrument</b>
0.0154 ha	Lot 3 DP 10337	Part Computer Register WN46D/917

## Schedule 7

### Wellington Botanic Garden land

s 5

Area	Description	Instrument
24.7969 ha	Part Lot 1 DP 8530	Computer Register WN48A/126
0.0023 ha	Lot 1 DP 81339	Computer Register WN48A/124
0.0353 ha	Lot 2 DP 81339	Computer Register WN48A/125
0.0405 ha	Lot 2 DP 74620	Computer Register WN43A/732
0.0037 ha	Lot 1 DP 80242	Computer Register WN47A/35
0.2840 ha	Lot 1 DP 55960	Computer Register WN25B/56
0.1353 ha	Lot 2 DP 55960	Computer Register WN25B/57
0.1862 ha	Sections 1224 and 1225 Town of Wellington	Computer Register WNC2/1321

#### Legislative history

7 September 2015	Introduction (Bill 43–1)
16 September 2015	First reading and referral to Local Government and Environment Committee
26 February 2016	Reported from Local Government and Environment Committee (Bill 43–2)
16 March 2016	Second reading
6 April 2016	Committee of the whole House (Bill 43–3)
4 May 2016	Third reading
9 May 2016	Royal assent