Chipped Jade.

Political Problems of
The Dunedin Town Belt
1900 - 2010.

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Abstract

Throughout the 20th century and into the subsequent 21st century the unique Dunedin Town Belt of 500 acres of contiguous sports fields, botanic gardens, cultural icons and original native bush has been subject to invasion and damage to its very integrity. The nature of these invasions and reasons for their proliferation are examined as will the legislative acts put in place to provide protection for the Belt. The encroachments into this community treasure by the Dunedin City Council and sections of the public have been contested by environmental groups and public action. Yet the legislative protections have often been ignored by the DCC for reasons of economic contingency or the influence of political voting blocs. It is is hoped that this thesis will expose the shortcomings of the Dunedin Town Belt's maintenance and care, and provide a motive for future firm action for the Belt's protection.
# Contents

<table>
<thead>
<tr>
<th>Introduction</th>
<th>3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Chapter 1</strong></td>
<td></td>
</tr>
<tr>
<td>The Town Belt at the beginning of the 20th Century</td>
<td>11</td>
</tr>
<tr>
<td><strong>Chapter 2</strong></td>
<td></td>
</tr>
<tr>
<td>Form and Function of the Town Belt</td>
<td>16</td>
</tr>
<tr>
<td>Sports and Playing Areas</td>
<td>17</td>
</tr>
<tr>
<td>Arthur Street Reserve</td>
<td>18</td>
</tr>
<tr>
<td>Botanic Garden</td>
<td>20</td>
</tr>
<tr>
<td>Woodhaugh Garden</td>
<td>22</td>
</tr>
<tr>
<td>Cultural Aspects of the Belt</td>
<td>23</td>
</tr>
<tr>
<td><strong>Chapter 3</strong></td>
<td></td>
</tr>
<tr>
<td>Easements and Encroachments</td>
<td>29</td>
</tr>
<tr>
<td><strong>Chapter 4</strong></td>
<td></td>
</tr>
<tr>
<td>Government Legislation applicable to the Town Belt in</td>
<td></td>
</tr>
<tr>
<td>the last quarter of the 20th century</td>
<td>44</td>
</tr>
<tr>
<td><strong>Chapter 5</strong></td>
<td></td>
</tr>
<tr>
<td>Concepts of the Town Belt by its citizens and non-gov</td>
<td></td>
</tr>
<tr>
<td>ernment organisations</td>
<td>55</td>
</tr>
<tr>
<td><strong>Chapter 6</strong></td>
<td></td>
</tr>
<tr>
<td>Lovelock Avenue - A case study of Belt politics</td>
<td>74</td>
</tr>
<tr>
<td><strong>Conclusion</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Bibliography</strong></td>
<td>82</td>
</tr>
<tr>
<td>Appendix A  Sports Fields on the Town Belt from 1900</td>
<td>101</td>
</tr>
<tr>
<td>Appendix B  Newspaper Headlines</td>
<td>102</td>
</tr>
<tr>
<td>Appendix C  DCC Reserves Committee Minutes - Intrusions</td>
<td>112</td>
</tr>
<tr>
<td>Appendix D  DCC Reserves Committee Minutes – Extracts</td>
<td>123</td>
</tr>
<tr>
<td>Appendix E  Town Belt Encroachments report October 1987</td>
<td>133</td>
</tr>
<tr>
<td>Appendix F  Draft Management Plan - submissions 1989</td>
<td>134</td>
</tr>
<tr>
<td>Appendix G  Town Belt of Dunedin Classification</td>
<td></td>
</tr>
<tr>
<td>Under the Reserves Act 1977</td>
<td>135</td>
</tr>
<tr>
<td>Appendix H  Town Belt Management Plan Hearings Commit</td>
<td>136</td>
</tr>
</tbody>
</table>
CHARLES H. KETTLE MAP
APRIL 23 1849
HOCKEN LIBRARY
H 11 - 880
Introduction

Each city is unique and creates for its citizens a sense of loyalty and affection which can be generated by its history, heritage and culture, and, even if unconsciously, by the physical surfaces on which it is built.¹ This is especially true of Dunedin with its hill surrounded harbour, outer beaches and limitless Pacific Ocean, and on the inland side, the skyline boundaries of the seven hundred metre hills of Flagstaff and Mount Cargill. But the enhancement of Dunedin's beauty is seen on its western side where immediately above the inner city is the green band of the Town Belt which separates commerce from the hill suburbs.

Dunedin's Town Belt is the only remaining Town Belt, as originally envisaged, for the planned Wakefield settlements in Australia and New Zealand. Its 500 acres of recreation land encompasses the inner city from the Oval in the south to the Botanic Garden in the north. What makes the Dunedin Town Belt unique is the preservation of many species of the original bush which has led the Town Belt to be described as a jade necklace.² With time, the Town Belt has also become a protected heritage site for two settler cemeteries and an internationally recognised botanic garden. Gifted to the City of Dunedin in 1878 Provincial laws were already in place for its protection from 1854 and 1865 and since then added to by national legislation throughout the 20th century. Yet despite such legal protections Dunedin's Town Belt has always been under a multitude of threats, that included settler extraction of valuable canopy timber, council neglect and appropriation of sites for infrastructure, citizen intrusions and easements on its land and the dumping of rubbish by both the DCC and citizens.

Dunedin's Town Belt remains under threat and it is the aim of this thesis to identify what these threats are and what the responses have been by those responsible for its care. Unless we can better understand the nature of the threats to the Town Belt and analyse the inadequacies of the efforts to protect the Belt

there is a very real danger that it will be irreparably damaged beyond recovery, and its enjoyment by future generations forever lost.

_Historical background to Dunedin's Town Belt_

Captain W. Mein Smith, Surveyor-General for the New Zealand Company, on his departure from Wellington on September 16 1842 to report on the land and harbours of the South Island, was given firm instructions that looked to the future Company towns. These stated,

> that it is desirable the whole outside of the town, inland, should be separated from the country sections by a broad belt of land which you will declare that the Company intends to be public property on condition that no buildings ever be erected on it ... upon this subject the Directors will only remark that you have a plan for the future rather than the present and that they wish public convenience to be consulted, and the beautiful appearance of the city to be secured - so far as these objectives can be accomplished by the original plan rather than the immediate profit of the Company.³

It was not until 1846 that a surveying party finally completed the plan for Dunedin and this followed Mein Smith's instruction when this 500 acres of recreation land was set aside as a reserve. From the time of the first settlement in Dunedin, the land set aside as a Town Belt reserve was legally protected by the original Terms of Settlement and national and provincial legislation. It remained as Crown Land until 1878 when the reserves were turned over to the Dunedin City Corporation. The Town Belt was recognised as a city asset and its bush, gardens and sports fields were well established with various citizen organisations aware of how to protect their particular interests in this reserve.

The concept of a town belt reserve was a product of its time due to the growing consciousness in Britain in the late 18th century that the Industrial Revolution, although producing wealth for the nation, had a down-side: countryside was being wounded by mines and covered in industrial debris. The expanding rail networks connected growing industrial cities with their smog producing factories, foundries and slums of terrace housing for the massed workers that served the new urban culture. With the resultant overcrowding,
disease, fire, crime and social and political unrest it was realised that some planning control of town and city growth was necessary to provide healthier living conditions. Better circulation of clean air within inner areas of cities and the provision of pleasant surroundings to enhance physical and mental health of the city dwellers were needed.⁴

Europe and Britain were already edging toward the concept of greenbelts in that the medieval inner areas of towns were opened up with the construction of parks interconnected by wide avenues of the mansions of the wealthy and politically dominant. So too, as redundant town walls were removed, landscape reformers converted the surrounding glacis to parkland.⁵ With a new start in the antipodean colonies the problems of open space would be eliminated by careful planning that would protect land that would be clear of factories and buildings; town dwellers would enjoy clean air and sunshine in natural surroundings.

This concept of open space within a city was strengthened by the fact that the Wakefield settlements of Adelaide, and in New Zealand, Wellington, Nelson, New Plymouth and Dunedin were planned in Edinburgh at the time when that city was expanding beyond the Royal Mile. There was a planned physical separation and visible conjunction of the Old Town and the New Town by a beautiful park.⁶ But the Wakefield settlements differed from later planned reserves of 20th century Britain which protected rural land from city expansion by park belts. The Wakefield settlements separated commercial city centres from the suburbs, but there was no restraint upon suburbs expanding beyond into rural land.

New Zealand cities have parks, centrally located and beautifully developed, but few are as extensive as originally envisaged. Some were developed after settlement. Auckland's Albert Park was, in 1840, developed from 23 acres of barracks land and the Domain was where the first government house was built in 1841 and Governor Hobson set aside 100 acres as a reserve within a mile and a half of the eastern side of the settlement. Although Invercargill has its spacious Queens Park of exotic trees that does form some separation of the city centre from

other built-up areas, the Provincial Surveyor J.T. Thomson originally set aside 200 acres of 'bush reserve' consisting of kahikatea, rimu, matai and dense undergrowth. In addition there were strips for public gardens but these were appropriated in 1863 by the railway, to which were added gasworks, tramway sheds and a hospital. Thomson's 'bush reserve' was officially gazetted by the Otago Provincial Council in 1869 and in 1882 was vested in the Borough Council. The Council soon leased it in 10 acre blocks for grazing under condition that the sections be sown in English grasses. This meant the end of the native bush.

Wellington, the first New Zealand Company settlement, had a prepared plan for a town belt of parkland that would encircle the city and separate the city from the outer suburbs. In 1879 the Town Belt consisted of 1,308 acres and in addition there were 22 acres of Native Reserves. But the Belt was a target for its local politicians and settlers who used the Belt land for timber, grazing and building sections. As the Belt was located in the capital city, and although it remained crown land for decades, national politicians used the land for church, hospital and administrative building needs. Wellington still has a town belt of 1,006 acres but all native bush has been replaced by open parkland or exotic pines and macracarpa borders. Similarly New Plymouth was a planned Wakefield settlement that was to have a town belt but Governor FitzRoy declared original crown land agreements forfeited and took most of the reserves and town belt lands to resettle farmers who had taken up land east of the Waiwakaihio that was now under dispute by Maori.

Christchurch, had in its original surveyed plans 1,000 acres of land to surround the inner city with a future park. As early as 1852 the first license was issued by the Canterbury Association for grazing cattle on the reserve. Sheep were also pastured on both north and south Hagley Parks during the summer and this continued until 1940. In 1853 the Canterbury Provincial Government was established by Parliament and Superintendent James Fitzgerald declared 'the land commonly known as Hagley Park shall be reserved forever as a public park.' As was to happen throughout New Zealand, laws were soon circumvented by civic

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authorities and in the name of economic necessity or pressure from educational and health groups reserve land was leased. As private use was accepted as normal the land was then sold to the lessees. Half the reserve land (500 acres) was lost to outright sale and of the remainder, another 76 acres was chipped away over time by a variety of organisations.  

Other cities of New Zealand have parks and botanic gardens but the original plans for recreational reserves, churches, cemeteries, roads and wharves could not anticipate the new pressures of the 19th century such as railways, sewerage plants, water reticulation, mechanisation, primary processing and refrigeration. All of these made new demands upon city-centre reserves which gained ever more value with convenience of access. In every city, political expediency came first as protective laws were altered to allow reserve land to be released for commercial and administrative exploitation. Only in Wellington and Dunedin have town belts survived but only in Dunedin is the beauty of the original native bush seen as a band around the inner city.

The history of the Dunedin Town Belt has been studied for the period of settlement up to 1900 and will not be referred to in detail as this study will concentrate on the 20th century and present decade. The settlement period, however, was important, as while other cities lost so much of their planned recreational land, Dunedin retained its full Town Belt. Important to the period, too, was the first citizen outrage and opposition to attempted political chicanery to circumvent the protective laws. This was a public meeting in 1866 attended by 700 people who voiced their opposition to Belt land being leased. From this meeting the Town Belt Preservations Committee was formed, the first of the city's conservationist pressure groups. This was just the beginning of opposition to political expediency of using the Town Belt for profit and personal citizen use. The 20th century and present decade has seen even greater threat to the Town Belt

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10 ibid 23
11 ibid 69
as the convenience of its central location has increased its value and made it the
target of changing technology and culture.

The Dunedin City Council was and is responsible for the preservation and
welfare of this recreational land on behalf of the citizens to whom it was gifted by
the settlement planners. It was initially protected as Crown land under the care of
Provincial government that immediately set in place the Dunedin Public Lands
Ordinance Session 1. No 5 that in 1854 set the conditions for the administration of
the Town Belt. With the abolition of the Provinces in 1875 and the temporary
return of the Belt under the authority of the Crown, it was transferred to the
Corporation of the Mayor, Councillors and Citizens of the City of Dunedin in 1877.

In this study we will see that in the 20th century the Dunedin City Council
(DCC) has often acted outside the Town Belt’s protective laws by either neglect of
the Belt’s maintenance or has attempted to locate infrastructure within its land,
and allowed private citizens to illegally take possession of Belt land with a variety
of intrusions. This has threatened its natural integrity and recreational purpose.
DCC decisions made for the Town Belt’s protection, maintenance and
development have often been economic and political in nature, motivated by the
perceived need to keep city rates down to avoid offence to potential voters.\footnote{12}

Encroachments and easements have been constant and continue. It will be
shown that the DCC, through its councillors, is not vigorous in countering private
use of Town Belt land because of the political expediency of not alienating the
influential voters involved. For this reason the research will examine
circumstances where intrusions occur and explore the possible motivations of
those property owners involved.

Other concerned organisations, such as the Dunedin Amenities Society and
individuals, did take measures to counter DCC and private encroachments on the
Town Belt. This has been made easier by the watchdog role played by the
Dunedin news media, especially the \textit{Otago Daily Times} and the \textit{Evening Star}.
These newspapers have exposed intrusions, and on significant city anniversaries

\footnote{12 An accusation made by the Dunedin Amenities Society in a letter to His
Worship the Mayor, April 16 1992. Hocken Library Dunedin}
featured supplements that kept the Dunedin public aware of the scenic beauty and history of the Town Belt.

The research for this study was primarily conducted through the examination of official documents of the DCC, in particular council committee minutes held at the DCC Archives Department. Government legislation enacted over the period is studied in relation to its effect on the administration of the Belt and supporting information is obtained from the Hocken and the McNab libraries. Records of ameliorating actions for Belt preservation will be traced through minute books or records of private organisation such as the Dunedin Amenities Society. Dunedin's local newspapers provide a constant overview of both Belt news, photographic evidence and editorial comment. Personal views of individuals concerned with the Belt are gained from interviews and from their own records such as letters and newspaper cuttings.

Chapter one will establish the condition of the the Town Belt at the entry of the new century so that comparisons may be reached in later chapters that examine the evolving concepts of Dunedin citizens and the political actions of city administrators and councillors. Chapter two will identify the form and function of the Belt in its active and passive recreational roles as defined by both citizens and administrators. As there are distinctive forms of the Belt the chapter will be divided into sections reflecting those forms and how they were developed. Chapter three will examine the concept of easements and intrusions that most impacted upon the Belt in its form and function. The encroachments that were made or resisted throughout the period will be identified as will the concurrent actions of DCC councillors and administrators. Chapter four will examine government legislation of 1977 and beyond and how it impacted on the protection of the Belt. Chapter five examines the various concepts of the Belt as seen by Dunedin's citizens and non-government groups as these often differed in motivation and demands that in turn brought political pressures on the DCC and affected its decisions. Chapter six is a separate case study that will highlight the opposing views of differing sectors of the public, the DCC staff and city councillors as to whether a particular area of the Town Belt should be modified or retained in its present form. Chapter seven is the conclusion which will both bring
up to date new findings of Town Belt abuse and finally summarise the previous
chapters to assess what stage the Town Belt is at in the 21st century and what may
be done to preserve it fully in the long term for future generations.
Chapter 1 The Town Belt at the beginning of the 20th century

By the beginning of the 20th century, after 62 years of settlement in Dunedin, the Town Belt had survived and was recognised by most Dunedin residents as an important part of the city’s beauty and a valuable leisure location. Yet at the same time it had suffered from covert exploitation and neglect. Most of the large native canopy trees had disappeared and the original prolific native bird life had been slaughtered. Exotic trees, creepers and weeds had invaded original bush and open tussock slopes. Introduced birds, such as sparrows, thrushes, blackbirds and starlings, and animals such as rats, rabbits and opossums, were competing with native species or destroying native flora and fauna. Similarly there were still lease allocations for the grazing of horses, sheep and dairy cattle which again invaded the original bush. Other areas had been quarried for stone or soil. The DCC, too, had often disposed of rubbish or roadwork excavation by dumping material into Belt gullies as did neighbouring property owners.\(^\text{13}\)

It was not only the land changes that were now being recognised but there was a growing awareness of the disappearance of native species of ferns and native birds. In 1915 George Malcolm Thomas stated that in 1848 there were 310 species of flowering plants and 73 species of ferns and lycopodium (club mosses). Now it was estimated that 11 species of flowering plants and 61 species of ferns had disappeared. In early Dunedin, of 30 species of native birds, only five were now commonly met and eight occasionally.\(^\text{14}\)

However, by the new century there were positive aspects to the Belt’s future as New Zealanders became aware that the country’s forest and bird life were unique and had to be saved before it was too late. First, central government enacted environmental legislation that impinged directly on city administration of reserves. An early example will be studied in Chapter 4 as will the history of the Dunedin Amenities Society, a formidable local conservation lobby group of

\(^{13}\) Albert E. Green (2003) *A Necklace of Jade*

leading citizens. Already an amendment to the Public Domains Act 1881 forbade the leasing of public domains or reserves for building purposes. This amendment also made it mandatory that natural bush on domains could not be cut or destroyed without approval of the Governor in Council. In 1903 the Scenery Preservations Act was passed whereby a Commission was appointed with responsibility to report as to lands to be preserved such as those that possessed historic and scenic interest. Harmful political decisions that encouraged encroachments and damage within the Belt were closely monitored by the Amenities Society who could always count on the support of the city’s two daily newspapers. Finally in 1903 the new Superintendent of Reserves, Mr David Tannock, a professional gardener and botanist from Britain and the West Indies, took up his appointment in Dunedin. Mr Tannock had firm plans for the development and protection of the Botanic and Woodhaugh Gardens and Town Belt.

David Tannock's initial report on the state of the Botanic Garden and reserves will be examined and used as a starting point to establish what kind of reserve Dunedin still possessed in its Town Belt. Tannock's first concern was the Botanic Garden as this was his infrastructure base and was the facility most exposed to public use and enjoyment. On a personal basis it was also the location of the home provided as part of his appointment. The report was not good. Tannock stated that the paths and fences were very unsatisfactory and that the Leith was not fenced at all. Those paths on the hill were of clay, overgrown with grass and bush, and quite impassable. The buildings were in even worse condition than the fences and he suggested that the Superintendent’s house should be used as a tool house, storeroom and office, as it was not fit for anything else. Similarly the propagating houses were dilapidated, badly situated, and new nurseries were needed. He anticipated that a plan of gradual improvement was required and that this would need a year-by-year development.16

15 Albert E. Green (2003) *A Necklace of Jade*. 69
Tannock saw the Town Belt, which enclosed the city, in three sections. There was the section of native bush which he found interesting as a fine harbour for birds and insects. He believed it was a pity to disturb it beyond keeping paths and roads clear. The section between Mornington and Roslyn had been cleared of its original bush and was planted in exotic trees and shrubs. Unfortunately this was also infested in gorse and broom and climbing plants. The trees planted in Jubilee Park needed to be thinned as if left untended this area would become a forest instead of a park. Altogether he found fine specimens of trees to be scarce. He was especially enamoured with the Woodhaugh Garden part of the Town Belt which he found to be beautifully situated and which only needed some good paths and for rubbish to be removed from the Leith. Altogether Tannock saw the Town Belt and the reserves as a splendid thing for the city and believed that they should be carefully conserved and developed for the citizens. There were few cities so well supplied with parks and recreational grounds as Dunedin and were in fact out of proportion to the size of the city at that time.

In a letter to the Editor of the Otago Daily Times, a reader was worried about Mr Tannock's report in that it included the intention of cutting down native creepers. Similarly, in another letter to the Otago Daily Times, a later meeting of the Otago Institute, which was the Otago Branch of the Royal Society, agreed that Mr. Tannock's report was excellent yet there was disquiet with regard to his recommendations for clearing obnoxious weeds on the Town Belt: the clearing of lawyer and other native creepers that were smothering trees could be done too generously... This was just the start of a continuing controversy during the following century as to how the Town Belt should be managed. Similarly the Otago Daily Times was ready to take a balanced view that supported any protection of the Belt's natural environment. In answer to its readers' disquiet it published the headline,

Noxious Weeds on City Reserve.

Prolific growth of elder which threatens to destroy much of the beautiful native bush on Town Belt... there is a legal liability imposed on the City

17 ODT Letter to the editor. September 07 1903
18 ODT Letter to the editor. February 26 1906
Council to keep the trees in check, for elder was gazetted a noxious weed in 1904.\(^{19}\)

By 1907 David Tannock was able to reassure the Otago Institute that his programme for the Town Belt was beneficent and that he was giving the native bush the attention that it needed. His report that year stated,

The arduous task of manually stumping weed species over the area from then Kaikorai tram-line (now the Stuart Street extension) to Opoho... the annual cutting is beginning to tell. The growths are weaker: there are few seedlings coming up and the native bush is recovering and closing in. A few more years of neglect would have seen the last of the native bush annihilated... today less arduous, but continues as birds spread seeds, particularly elderberry and coprosma Australis. There was the need to clear sycamore and invasive vines, and at the same time with resurgence of native species. Ivy was a problem and clematis vitalba (Old Man’s Beard) was the most dangerous of invasive species and need total eradication. Muehlenbeckia Australis was unique. It was indigenous to the Town Belt but as a creeper had the same effect as clematis vitalba, but it supports a variety of insect species that are a food source for the Belt’s bird life.\(^{20}\)

Tannock listed sycamore as a weed because of its heavy seeding and there was need to have every single specimen removed. Coprosma Australis, a native but not indigenous to the Dunedin area, thrived and because of its large leaf and quick growth prevented the growth of the indigenous components of the Town Belt. Other species of weeds were wandering jew, onion plant, elder, holly and ash. Although the northern section of the Belt remained as bush it was evident that most of the remaining species were not indigenous and were in competition with the original trees. This was recognised by David Tannock, a professional gardener, and the Belt was given a chance to recover from previous mistakes and neglect.

David Tannock identified the problems that had arisen from previous mistakes such as the introduction of exotic tree and plant species that competed with, and damaged, the native bush. He was aware of the spread of ground weeds from careless rubbish dumping and of the removal of the larger timber resources of the Belt. Tannock acted resolutely to clear the Belt of vines, creepers and weed

\(^{19}\) ODT Noxious weeds on Town Belt. February 26 1906
species of trees, sometimes to the disquiet of the public that had come to regard such tangles in the Belt as natural. In this he educated the public and gained support for the action needed at this stage to save the Belt and the ways in which it would be developed. Tannock had recognised from the beginning that areas of the Belt had their own mini-climates and plant cover within the 500 acres that stretched from the Oval in the south to the Botanic Garden in the north. The Belt included cemeteries, sports grounds, playgrounds, special parks, formal gardens and cultural sites. These all demanded their own development or maintenance and involved political decisions for allocation of funds. Other decisions were made for the alteration of land use.

The Dunedin Town Belt entered the 20th century in poor shape but within the first two decades was identified as beautiful city asset worth preserving with political decisions to allocate necessary funds for its care and infrastructure. So that the study of such political decisions may be more easily identified, the next chapter will detail the form and function of the Town Belt over the next eleven decades.
Chapter 2 Form and function of the Town Belt

The areas of the Town Belt which were given a function other than preservation of trees and other biota for aesthetic reasons were developed as parks, grounds and gardens. Usually grounds were named for the districts in which they were located but most were given the titles of parks. John Claudius Loudon said,

A park meant not the private estate of an aristocrat but a public place where there were no barriers of class of property; designed, as in the park at Birkenhead, opened to the public in 1847, with rambles and cricket pitches, ponds and meadows; the kind of place where ordinary Britons could come and give their children something of nature's pleasures.\(^{21}\)

But a later definition included meanings more apt to the Dunedin Town Belt.

The park is a source of health and pleasure, it is a work of art and has a powerful influence on the evolution of the city...its role is changing...thanks to the automobile, has diminished the park's overall importance in the lives of urban citizens.\(^{22}\)

This definition would cover the Town Belt's parks as they were multi-purpose for a variety of adult and children's activities. This variety and the Town Belt's differences of function gave rise to often conflicting demands by citizens upon the DCC that their interests be met. For this reason this chapter will identify the differing main formal areas and activities that were and are catered for on Town Belt land, along with their linear development. This will give the opportunity in following chapters to understand where, why and when controversy arose in decisions, that were called for, that would not contravene the intended preservation of the Belt for its aesthetic values and leisure activities.

The original Town Belt was not all covered in native bush and considerable open portions of it were covered in low lying scrub and flax especially in the southern Mornington area that lent itself to exotic planting or grassland development. It will be shown in this chapter that the DCC developed much of this land as playgrounds, or encouraged sports clubs to be established.

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\(^{22}\) John Brinkeroff Jackson (1994) *A Sense of Place, A Sense of Time*. New Haven: Yale University Press. 16
and extended throughout the 20th century. Such areas of use were as much part of the character of the Town Belt as the native bush and for this reason will be identified in this chapter and listed in Appendix A.

**Sports and Playing Areas**

From 1849, when the first cricket ground was established at Montecillo, until the end of the 19th century, both the Provincial Council and the City Council were sympathetic to applications from various sports and recreation groups for development of grounds within the Town Belt, but requests for the erection of pavilions and club premises were declined as these were counter to the Dunedin Public Lands Ordinance of 1854. This cooperation continued through the 20th century when often, various groups played their sports on any open area on the Belt then asked the DCC to level and grass it as a formal sports ground. With only one exception (Woodhaugh Garden) these requests were readily met by the DCC. There was a golf club, there were cricket clubs, football clubs, a pistol range and children’s playgrounds throughout the Town Belt. Many of these clubs have survived, but many others were to disappear or be renamed. In the 20th century this use of the Town Belt was extended with a notable difference. The restrictions on club premises and pavilions were quietly relaxed although the City Council always retained title to the land. The Draft Dunedin Town Belt Management Plan 2006 states,

> There are a total of 22 sports-fields on the Town Belt... these are located at the Oval, Montecillo Ground, Mornington Park, Jubilee Park, Robin Hood Park, Roberts Park, Littlebourne Ground, Prospect Park, Gardens Ground, and Opoho Park. Children’s playgrounds are located at various points on the Town Belt and range from a simple swing and slide through to community playgrounds. The Woodhaugh Garden also has a paddling pool and picnic facilities.\(^{23}\)

The clubs listed are only part of the total sports clubs established on grounds within the Town Belt as many others occupied their grounds and premises before 1900. Also, over the years, since formation, the DCC has allowed many clubs to

\(^{23}\) DCC Draft Dunedin Town Belt Management Plan - Recreational Use. August 2006. 39
extend or replace their club and dressing room facilities with attractive modern buildings.

It has also been possible for clubs to add new playing grounds, greens and tennis courts as the DCC has extended and levelled the boundaries of the original areas by tip filling. Town Belt sports areas where this has occurred include the Oval, Montecillo, Unity Park, Mornington Park, Jubilee Park, Woodhaugh Reserve and Opoho Park. Initially these sports areas were poorly drained and in winter the surfaces became soggy areas of mud. This was particularly dangerous for players as any exposed wounds created on the fields were liable to bacterial infection that penetrated the surface from the rotting rubbish of the original fill. Despite much improved surfaces, cases of infection occurred as late as 2010.24 The naming of these sports and playing areas as parks or grounds had little significance but most parks were multi-sport with children's playgrounds, whereas a ground could be a single sport or controlled by one organisation (such as Otago Boys High School having virtual sole use of the Littlebourne Ground). Other choices of names were sometimes tied to City benefactors or historical significance as will be seen in Chapter 6. In 1989 the DCC stated, "no further sports grounds shall be developed within the Town Belt due to unacceptable levels of both financial and environmental costs.25

Arthur Street Reserve

One area of the Belt that was to be extensively developed during the 20th century was the original Arthur Street Reserve. This was a large area that stretched from Arthur Street up to Ross Street and was reserved as Dunedin's first cemetery. When the Southern and Northern cemeteries were opened the area was gradually taken over for Arthur Street School and Otago Boys High School and the remainder was absorbed into the town belt. The old quarry on the original reserve land was used for pistol practice in 1900 and then as a rifle range from 1910-12. Over the next decade there was considerable planting of specimen trees by both

24 ODT Infection lands full back in hospital. May 20 2010
the Amenities Society and the Council. The Astronomical Society, which lost its site on Tanna Hill to University expansion in 1915, finally opened the Beverly-Begg observatory on the reserve in 1922: it was extended in 1958 and a new path was provided in 1964. From 1934 the upper ground was levelled and enlarged to establish the Robin Hood playing field. The Catholic School authorities funded the extension of the ground to rugby football size in 1962. The Moana Tennis Club, which had been established in 1912 below Queens Drive adjacent to the Kaikorai cable car line, had three courts. In 1950 the club’s premises were demolished to make space for the Stuart Street extension and provide the site for a possible new swimming pool. Although the pool won approval in May 1950 construction was delayed and instead a sports field was developed on the nearby Roberts Park in 1957 on what had been the estate of the former Littlebourne House. The tennis club was re-established on the lower Robin Hood ground in 1949 and the tennis pavilion extended in 1968 when the Moana and Kaituna Clubs amalgamated.

Improvements were carried out on the lower portion of the reserve between Arthur Street and City Road in 1945-46 with the removal of unsightly trees and the upgrading of existing children’s playground. The DCC allowed the construction of a driveway across the reserve from Arthur Street to give access to the Arthur Street School. Permission for extra land for parking was declined yet the driveway has been gradually extended to include a parking area on the reserve. This has been without apparent Council sanction. On the lower area of the Arthur Street reserve a level playing field, named the Asylum ground, had been created by 1875. In 1887 the Otago Boys' High School was permitted to further drain and level it and it was then named the Littlebourne Ground. In 1926 the Otago Boys' High School erected temporary classrooms on the ground with an intended time period of five years. At the end of this time the period was extended another six years. The High School sought the lease or sale of this ground but the Council declined the request as it was unwilling to alienate it from public use. However, when a new grandstand was planned the Council did approve that it be

\[25\] DCC Dunedin Town Belt Management Plan (2007) 30
allowed to straddle the boundary between the school and the Town Belt. This grandstand was completed in 1963 along with a path to the Stuart Street boundary.27

The *Dunedin Town Belt Roads Closing and Regulations Act 1902*, already cited in the minute book of the Dunedin Amenities Society 1888-1912 did state,

> It shall be lawful for the Council of the City of Dunedin, subject, however, to the provisions hereafter contained to create and dedicate highways through the Town Belt, in addition to or in substitution for such as already exist, or to change the course of any highway within then Town Belt, in such manner as may seem best.28

This was interpreted broadly when one of the greatest disturbances to the Belt occurred in 1954 when the Stuart Street extension was completed. This was a four lane highway that linked Roslyn and Kaikorai with the city centre and where it crossed the belt its wide open spaces of sealed road completely separated the north and south sectors of this previously continuous reserve. Formally this part of the Belt had been traversed only by the narrow cable car line and a small lane that connected Littlebourne Road with Stuart Street. In 1964 this gap in the Belt became even more pronounced as the new Moana Pool swimming complexes were opened next to the lower northern boundary of the Stuart Street extension. Large excavations were needed in the hillside below Roberts Park and much levelling and filling was carried out for car parks adjoining the pool. Subsequently, the open effect has been softened by the planting of flowering shrubs and by the growth of large exotic trees that border the car parks.

Another effect of the Stuart Street extension was the closure of entry to Queens Drive at City Road so that Stuart Street could not be crossed by vehicles at Moana pool. It was no longer possible to drive north, without break, along the scenic Queens Drive which had been a Dunedin attraction since it was formed in 1874. Altogether, the Stuart Street extension has damaged the continuity of the belt and reduced the scenic Queens Drive.

Botanic Garden

The Dunedin Botanic Garden has always been a show piece of Dunedin and a favourite for citizen and visitor activities of viewing and relaxing among the formal flowerbeds, lawns, pond, winter garden, aviaries and the paths among the glens and slopes of seasonal flowering shrubs. The Botanic Garden occupies 27 hectares divided by Lindsay's Creek from N.E. Valley to the Leith and is bounded at the top of the hill by Lovelock Avenue. Beyond, the Garden continues to accommodate Opoho Park sports ground and Opoho Bowling Club and also from 1982, the Visitor Centre. During his long career of 37 years David Tannock's achievements were impressive. Already by 1905 he had established an Australian border, then went on to establish a rare plants border in 1906, the Winter Garden (1908), bamboo and flax collections (1909), rock garden (1911), original maze lower garden (1911), Orchard House (1912), Shakespearean garden (1914), Rhododendron Dell (1914) which has expanded continuously since, and in the same year the band stand opened. A model kitchen garden was established in 1916, an Azalea garden (1923), special Hebe species were planted in 1921, a flax collection (1922), Alpines (1923), the maze relocated in the upper garden (1923), a new fernery 1926, and the Woolf Harris fountain re-sited from the Queens Garden to the Shakespearean garden in 1925. During the Depression track making and planting continued in the upper gardens where there was also a deer paddock.

From the time of his appointment in 1940 the new Superintendent, Maurice Skipworth, continued the development of the Garden and completed the new aviary and iris garden as part of the 1948 Centennial celebrations. New administrative offices were built in the upper gardens in 1952 using materials from the demolition of Littlebourne House. In 1965-66 a monkey house and tea kiosk were added. The next Superintendent, Gavin Henderson, (1968-82) created the Friendship Garden in honour of Dunedin's sister city, Portsmouth Virginia.²⁹ It is evident that DCC gardens staff have continued to extend the concept of gardens

Botanic Garden and Woodhaugh Garden
from northern highway at Pine Hill
By Shona McFarlane
Dunedin Public Art Gallery
from throughout the world and have recently completed work on the Mediterranean garden.\textsuperscript{30} It is evident that this is an area of the Belt that enjoys care and attention but has the advantage of receiving much support and funding by the organisation, "The Friends of the Botanic Garden."\textsuperscript{31} The Botanic Garden gained the ranking of a Garden of International Significance following an assessment carried out in June 2010 by the New Zealand Gardens Trust. The criteria for this status included best practice in horticulture expertise, health and safety, and the design and flow of the garden. This was the first public garden to be considered for this honour.\textsuperscript{32}

**Woodhaugh Garden**

David Tannock's report on the Botanic Garden and reserves published in 1903 stated,

This piece of land is beautifully situated, and with what has already been done in forming ponds, etc., it could be made a very beautiful spot without any great expense. At present the bed of the Leith near the new bridge is being filled in with rubbish, but as soon as there is enough level ground to make a proper entrance the filling-in should be stopped...could easily be made into a fine rock garden.\textsuperscript{33}

By 1906 the filling in at the tip was far enough advanced to allow him to plan planting. He said,

It is my intention to make Woodhaugh a garden for natives alone, it is the most suitable place we have for their growth, and rare ones can be planted....\textsuperscript{34}

In 1911 some sporting bodies requested that part of the Garden be made into playing areas. This was opposed by the Amenities Society who stated that it would mean the destruction of native bush and the removal of trees planted by school children on Arbor Day: that there were already playing fields no great

\textsuperscript{30} The Star. Med Garden nearly complete. August 5 2010
\textsuperscript{31} City Talk Behind the Scenes at the DCC. (2004) Club Med at Botanic Garden. Dunedin: June
\textsuperscript{32} ODT Botanic Garden gains international recognition. July 15 2010
\textsuperscript{33} ODT Tannock report. August 28 1903
\textsuperscript{34} Anna Blackman. DCC Archivist (1982) Notes on the History of Woodhaugh Garden. Dunedin
distance away. The DCC eventually declined to alter the reserve. At this time the Superintendent’s Annual Report stated that the tip at Woodhaugh was completed and top-dressed with soil and a considerable amount of levelling done and a path formed from the George Street Bridge right through to the Woodhaugh end. Where the Water of Leith traversed the Garden there were a number of popular swimming holes but these contributed to a number of fatalities. The DCC developed a safe swimming basin within the Garden in 1902 and 1908.

By 1915 the garden was well on the way to its intended form as children’s playgrounds and picnic ground and as a reserve planted in groups of native plants in an informal manner among the original bush. Of the original bush there remains kahikatea, kowhai, ribbonwood and lacebark forest.

Cultural Aspects of the Belt

David Tannock came to Dunedin from his position of responsibility for the Agricultural School at Dominica, West Indies, where the concept of Botanic Gardens in the colonial British Empire originated. He stated his philosophy that a Botanic Garden should be a museum of living plants, and the collection should be as large as possible. But he had been pre-empted in this philosophy by William Martin in 1872 who said, "a botanical garden is properly defined as a scientific and educational institute whose purpose is the advancement and diffusion of knowledge and love of plants by various means."

Tannock developed the Botanic Garden and Woodhaugh Garden not just as places of recreation but also for educational benefit as he established specialist gardens for collections of exotic plants and trees, often by country of origin. Similarly he wanted to preserve the last of the lowland forest species of the Woodhaugh Garden so that future generations could visualise early pioneering Dunedin.

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36 K.C. McDonald (1965) *City of Dunedin*. Dunedin: Dunedin City Corporation. 288
37 ibid
38 William Martin (1872) *Native Plants of Dunedin and its Environs*. Dunedin: 2nd edition Dunedin Naturalists' Field Club. 8
He was not alone in preserving the Belt for purposes other than sports or scenic attraction as other citizens and the DCC contributed to memorials and preservation of heritage names and sites. George Malcolm Thomas, an early President of the Amenities Society, recorded the original native flora and fauna and did much to preserve the remains of bird life and ground-cover ferns. He is remembered by a boulder-mounted plaque at the corner of Cobden Street and Queens Drive. Thomas Brown, an early supporter of the Scenery Preservation Society and co-founder of the drapery firm of Brown Ewing and Co. gave a number of seats which were placed through the Belt and added to these in 1919 with seats facing Eglinton Road. The names of many parks, too, have historical commemorative significance: Montecillo Ground, derived from the neighbouring home of James MacAndrew in the glen.\(^\text{39}\) Roberts Park was named for Sir John Roberts a prominent businessman, Mayor and Provincial Councillor whose home, Littlebourne House and its grounds, were offered to the city by his family on his death in 1934. Unity Park was named in 1904 after the Unity Soccer Club and the name has remained even though the club has not. In 1962 the Dunedin Jaycees constructed a lookout there to mark their 25th anniversary. This was further enhanced in 1967 when the American Geographic Society donated a copper bust of Rear-Admiral Richard Byrd whose five expeditions to the Antarctica were launched from Dunedin between 1928 and 1957.\(^\text{40}\) At the northern end of the Oval is the marble South African War memorial (1906) to which were added siege guns and howitzers from World War 1 in 1921 but the guns were removed from the site in 1948.

The first interment in the Arthur Street cemetery occurred in 1846 and this site remained as Dunedin's only cemetery until 1858. This area was neglected until 1880, when gravestones were cleared away and a single obelisk was erected that recorded the names of those known to be buried there. On the hill above is the Robin Hood Park where, in 1922, the Beverly-Begg Observatory was opened. This was named after J.C. Begg and Arthur Beverly who donated the telescopes.

\(^{39}\) Alexander Bathgate (1874) *Colonial Experiences - Otago New Zealand*. Glasgow: James Maclebose. 289
\(^{40}\) DCC (2007) *Dunedin Town Belt Management Plan*. Dunedin. 45
Below, where the combined Moana and Kaituna Tennis clubs are located, the eastern edge of the old quarry was made into a city lookout named 'Queen's View' by the Amenities Society in 1954 to commemorate the Royal visit. The royal association was also preserved in Jubilee Park which was originally named Victoria Grove to celebrate the Jubilee of Queen Victoria in 1887. The trees which were planted represented those of the Empire.

The most recent memorial is that of a seat and plaque dedicated on February 22 2010 to Charles Brasch (at Prospect Park) to commemorate his centenary. Dunedin poet Charles Brasch particularly enjoyed the view from the park where his friends took him during his last illness in 1973 and one of his last poems was, 'The Clear'. (the original name of the park and still referred to by that name in the Amenities Society Annual Report of 1966).

The Clear
It is all the sky
Looks down on this one spot
All the mountains gather
In these rough bleak small hills
To blow their great breath to me
And the sea that glances in
With shining eye from his epic southern prairies
working together
Time long
World's way

The Botanic Garden features the Shakespearean garden which contains plants and flowers mentioned in Shakespeare's plays. Here too is the distinctive Woolf Harris Fountain and further round the lawn are the two delightful bronze statues of Peter Pan and Wendy donated by H.H. Richmond in 1964 and 1967.

The two most important heritage sites of the Town Belt are now the Northern Cemetery which was opened in 1872 and closed in 1937, and the Southern Cemetery that was opened in 1857 and closed in 1972.
The Northern Cemetery at the northern end of the Belt contains a number of historic sites and structures such as Larnach's tomb which is listed on the New Zealand Historic Places Trust Register as a Category I item. This has once more come into prominence as after years of weathering and much damage from vandals has now been restored to its former Gothic elegance. The sexton’s cottage is protected as a heritage building in the District Plan. Early pioneers, explorers, artists, business founders and leading citizens including Thomas Bracken, Vincent Pyke, Thomas Hocken, Charles Speight, Emily Siedeberg and Robert Lawson are buried here. Below the cemetery is a vantage point built in 1965 which overlooks the inner city and beyond. This is named Bracken’s View to commemorate his writing the lyrics of the New Zealand anthem. The Rotary Club of Dunedin was given permission to install the Thomas Bracken memorial in December 1997.41

The Southern Cemetery, located above the Oval and below Montecillo, is now considered to have significant local, regional and national heritage value and in 2006 the New Zealand Historic Places Trust classified the Southern Cemetery as a category 1 in the Historic Places register. The Morgue, built in 1903, is protected as a heritage building on the District Plan.42 Many prominent citizens are buried there including Johnny Jones, Thomas Burns and William Cargill. The names listed here in the burials in these two cemeteries are but a few of the significant pioneers of early Dunedin. These are now featured in the Otago Daily Times each Saturday under the title Stories in Stone, and originate from records of the Historic Cemeteries Conservation Trust.

The Town Belt is a beautiful visual identity for Dunedin but it also offers a wide variety of sporting and children's activities that enhance the lifestyle of its citizens. With its names and memorials it is also a place of celebration of historical events and prominent citizens. The visual memorials in their differing forms are not intrusions but many, such as the cemeteries, are now treasured legacies from the past. Others are an appreciation by grateful citizens who then

41 DCC letter to Rotary Club of Dunedin. File RPL 29/1 Vol 4 December 16 1997
and now wish to give back to their city some form of memorial that will contribute to the Belt either in beauty or convenience.

The DCC encouraged and supported the formation of sports fields, children's playgrounds and space for cultural icons until 1989. It then acknowledged that there was no more space for extra formal activities without changing or clearing the original bush land which would affect the visual enhancement of the city.

But by the new century a different demand was suggested in the Sport and Recreation Strategic Plan 2002. This was a strong recommendation for a multi-use (mountain biking, cycling and walking) track through the Town Belt which would link the Oval with the Dunedin Botanic Garden. In Dunedin City District plan 2005 the recommendation was filed again. It stated,

Investigate and action an unbroken track linking the Oval with the Dunedin Botanic Garden. Although some use of roads may be required the objective should be to separate road traffic from track users. Modify Dunedin City Council Track Policy and Strategy and associated budget to accommodate this action.43

This plan for more tracks has been strongly resisted when made in the past, especially by Professor Alan Mark at the Management Plan hearings in 1997 (p.56). Already, in 1964, the Reserves Department had recommended, resist all further attempts to open up and destroy bush areas which result from the formation of new roads and footpaths, pipe lines, and the trimming back of road edges. The Town Belt is already cut to ribbons by a maze of roads, paths, power lines etc., and all these destroy the bush and open up areas for the invasion of weeds.44

I suggest that the Town Belt is too narrow to sustain a new lengthwise track from the Oval to the Botanic Garden but there is a solution: close Queens Drive to all vehicular traffic and reduce it to a twin track for walkers and cyclists.

The Town Belt was an important area for the development of sports grounds, playgrounds and public gardens and the DCC developed and maintained

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43 DCC Dunedin City District Plan Evaluation Report. August 2005
44 DCC Reserves Department minute from the Superintendent of Reserves. June 8 1964
these to the satisfaction of the sports clubs and public involved. It was the areas of land that remained in native bush, and the borders of the Belt, that over the 20th century, became an increasing source of contention because of DCC neglect or insidious encroachment by neighbouring properties. These encroachments will be the subject of the next chapter when reasons for and types of encroachment will be examined to establish what protections were in place or needed for the survival of the Belt in both its practical and aesthetic form.
Chapter 3  Easements and Encroachments

The parks, playgrounds and gardens developed from popular demand of teams, schools, and the general recreational needs of the public. Within budgetary limits the DCC could meet these demands and follow-up with the maintenance of such facilities. Political capital could be gained at little expense as the land was free and available and it was within the law to allocate it for recreational activities. But there came an end to what Belt land could legally be allocated for special interest purposes without intruding upon the Belt’s remaining natural tree cover. Decisions to allocate this valuable public resource to satisfy private or corporate interests would now come at a political cost from injuring the public interest. It was now crucial that any political decisions be exposed to public scrutiny.

However, the administration of the Town Belt also brought about political decisions based on budgetary cuts to prevent rate rises. There were cycles of maintenance neglect and cost saving which affected the bushland areas of the Belt. Such degradation of the Belt was highlighted by an alert press. Local newspapers highlighted Belt problems with campaigns of photos and articles. These included headlines in the 1960s such as, 'Town Belt in danger,'45 or in the 1980s, 'A legacy of desecration,'46 then in the new century, 'It's a disgrace, Northern Cemetery a sorry sight,'47 and, 'Is the Town Belt buckling.'48

During the settlement period of the 19th century there was illegal private exploitation of timber, rock and soil and placement of gardens and outhouses that extended into the Belt. The DCC, too, although denied the attempt to lease the land for renting, readily used gullies for disposal of rubbish and rubble. There were new national laws in the early 20th century for the protection of the remains of New Zealand’s natural environment but within Dunedin intrusions continued apace through the 20th century and present decade of the 21st century. DCC application of the laws was weak, tardy and erratic often based upon the vote

45 Evening Star Town Belt in danger. August 21 1964
46 Star Midweeker Legacy of desecration – unsightly grass. April 1 1988
47 Evening Star It’s a disgrace. Northern Cemetery a sorry sight. June 26 2003
48 ODT Is the Town Belt Buckling? July 3 2005
potential of the people activating the intrusions or conversely the political strength of those who opposed the infringements.

There were two main reasons for increased encroachment. First, motor vehicles brought changes to public and private transport replacing the environmentally friendly cable cars and horse transport. The Stuart Street cable car service which commenced in 1900 ended on July 31 1947, the Rattray Street cable service which began in 1881 ended on October 26 1951, and the High Street cable service which started in 1883 ended on March 21 1957. All of these services were replaced with diesel bus transport.49 By 2010 there were 63,738 licensed cars, 527 buses, 1,607 motorcycles and 538 mobile machines in Dunedin.50 This in turn created a demand for more and wider streets for private transport through the Belt, along with access to garages and parking spaces. In its June 1969 report the Recreation and Scenic Amenities sub-committee of the Technical Advisory Committee of the Dunedin Metropolitan Regional Planning Authority recognised the role of burgeoning number of car. It said,

As a result the Town Belt is changing - danger of neglect and oversight mean the reassessment of its value and the part it plays to provide its amenities and appropriate form for the future. It has a leading role in the image of the city - neglect means the face of the city in real sense is damaged. There is need of policies that enhance the beauty and improve its amenities.51

Secondly there was the growth of the city’s population. Although Dunedin did not grow to the same extent as northern centres there were still significant changes during the 20th century which are listed.

<table>
<thead>
<tr>
<th>Table 1</th>
<th>Dunedin Population Figures – Twentieth Century 52</th>
</tr>
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<tbody>
<tr>
<td><strong>Year</strong></td>
<td><strong>1911</strong></td>
</tr>
<tr>
<td><strong>Population</strong></td>
<td>64,236</td>
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</tbody>
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49 Joseph M. Kenneally (1979). *By Toe and Straphold*. Dunedin: John McIndoe 63
50 KheangChrun@nzta.govt.nz Dec 16 2010
51 Dunedin Metropolitan Regional Planning Authority. *Report by the Recreation and Scenic Amenities sub-committee of the Technical Advisory Committee*. June 1969
52 New Zealand Official Year Book 2010. Auckland: David Bateman 94
More homes were wanted with convenient access to the central business area: where else to build these but on the borders of the Town Belt? The original quarter acre sections were now investments that could be exploited by sub-division to meet the demand for new homes. With this came problems of access to the smaller sections and many saw the solution as entry across the Town Belt. The City Council considered that it could legalise such entries as easements (an easement being the lawful right of way or similar right over another’s ground or property). Whilst individually many of these encroachments seemed insignificant and were treated as fait accompli by city councillors, the best understanding of the consequences is argued by Bruce Pardy. He says, “Significant long-term environmental changes can be caused by the accumulation of small impacts. Compromise allows death from a thousand inconsequential cuts.”53 At a council meeting in 1961 councillor R.D.B. Paterson warned against allowing the Town Belt to be cut up piece-meal. Perhaps not so elegantly as Pardy but in exactly the same vein he said, “we must be very guarded that the Town Belt is not whittled away under our noses.”54

In 1898 the City Surveyor presented a list of 40 encroachments, of which 24 were in the Town Belt. The immediate solution was to impose rents that ranged from one shilling but were mainly between five shillings and up to £2-£3, but little was achieved and by the following April appeals were still held over.55 In this report all manner of encroachments were listed: the illegal construction of drives, paths, sheds and fences, extension onto the Belt of private yards and drying greens, and the tipping of spoil and garden and domestic refuse and scrap.56

Since 1874 a large proportion of the Town Belt’s boundary has been traversed by Queens Drive often with a thin separation of bush between it and the private border properties. This has given the opportunity for private landowners to encroach across Belt land for illegal access to the rear of their properties. In parts

54 ODT Town Belt Warning Given by Councillor. October 25 1961
55 DCC minutes 20 January 1898. Archives file T22
56 ibid
of Queens Drive and the northern edge of Prospect Park, where the Belt land separation is deeper, encroachment has also led to an illegal road for similar access to properties.

Since settlement days the Town Belt had been regarded as a natural means of access that included pedestrian access, irregular use for cartage, parking of vehicles and stockpiling of material, as well as construction of carports and garages serviced from the Belt. This was still occurring in 2009 and 2010 with new garages with entry from the Town Belt built by residents in Royal Terrace despite their properties having ample street frontages. These encroachments must have been known to the DCC as building permits would have been required before property alterations were carried out. This area of encroachment remains in 2011 and has yet to be actioned by the DCC. At the Amenities Society committee meeting in February 2011 it was noted as, “Reserves/Town Belt - have presented to DCC our concern about 'devastating' encroachment of the Town Belt by the Olveston area.” Another example of encroachment was the construction of the lower car park for the new Moana Pool in 1964: this opened access for a new network of town houses and homes with entries from the modified Town Belt land.

On August 15 1960 encroachments listed in a report from the Superintendent of Reserves caused the Town Clerk to seek legal advice from the Council lawyers to advise what the powers the DCC had to,

(a) Prohibit vehicular traffic across the Town Belt to private property.

(b) License such traffic by granting property owners a right to cross the Town Belt, subject to such conditions, including the payment of an annual fee, as it may decide?

(e) Order the removal of all parked vehicles, fences, garages, other buildings, gardens, drying greens and other encroachments as detailed.

57 ibid
58 Dunedin Amenities Society. Minutes. February 8 2011
(d) Require property owners to fence their boundaries along the line of the Town Belt.\(^{59}\)

The solicitors stated that in 1865 the land had been granted by the Crown in trust for the purposes of public recreation for the Town of Dunedin and its inhabitants. In 1878 it was conveyed to the Mayor, Councillors and Citizens of the City of Dunedin in trust for the same purposes. The solicitors then emphasised, “the land was now vested in the Corporation for the purposes of public recreation.”\(^{60}\) It is first necessary to consider whether or not the Town Belt is a public reserve under the *Reserves and Domains Act 1953*.\(^{60}\) They found that the Town Belt was not included in any exceptions listed in the Act and that the Town Belt was a Public Reserve within the meaning of the *Reserves and Domains Act 1953*. They found that it appeared that the only Act in force dealing with the Town Belt was the *Dunedin Town Belt Roads Closing and Regulations Act 1902*, section 4 which authorised the Council to make new roads through the Belt, to regulate the traffic on any such road, and to alter and change any such road. In addition, by reason of the vesting of the reserve in the City Corporation, the *Domains and Reserves Act 1953* must be read subject to the provisions of the *Municipal Corporations Act*.\(^{61}\)

The solicitors continued,

We are asked to consider the question of encroachments on the Town Belt. The case of *Ex parte McDowell* (15 N.Z L.R. 765) dealing with the Wellington Town Belt, decided that neither the acquiescence of the Superintendent or of the Council (if proved), nor the uninterrupted possession for twenty years of the applicant and her predecessor in title, could operate as a release of public rights. Therefore, none of the persons suing or encroaching on the Town Belt as mentioned in your letter may claim to have acquired any rights over it by prescription or otherwise since 1885 when the land was first set apart as a reserve.\(^{62}\)

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\(^{59}\) Office of the Town Clerk. (Dunedin) Letter to Ramsay, Haggitt and Robertson. August 15 1960

\(^{60}\) Ramsay, Haggitt and Robinson, barristers and solicitors. Letter to the Town Clerk. August 19 1960

\(^{61}\) Ramsay, Haggitt and Robinson, Baristers and solicitors, Letter to the Town Clerk. August 19 1960

\(^{62}\) Ibid
With regard to the prohibiting of vehicular traffic across the Town Belt the Solicitors advised that this could be exercised under *clause 562 of by-law No.1* which provides,

No person shall take, ride, or drive any horse or other animal, or any cart, or other vehicle upon, through, or over any part of the Town Belt, or any other reserve belonging to or under the care or management of the Corporation save and except such parts or parts thereof as are now or shall hereafter be set apart either temporarily or permanently for the use of the public as roadways.63

The solicitors made the firm statement,

Important to the creation of by-laws for the management of recreation reserves made under *sub-section (1) (8) of the Reserves and Domains Act* was the advice these were not effective unless approved by the Minister.64

Acting on this advice, on October 19 1960, the Office of the Town Clerk circularised owners and occupiers of properties adjoining the Town Belt, and in a letter headed *Encroachments on the Town Belt*, 65 specified what the Council required of them. All rubbish, destructors, clothes lines, private buildings and other structures on the Reserve had to be removed. Fences that enclosed any portion of the reserve would not be permitted under any circumstances. After one month action would be taken against owners and occupiers who still failed to comply with the Council’s requirements. But for all of the firmness signified at the beginning of the letter there was ambivalence at its end when the Town Clerk stated,

At the discretion of the Council, licences may66 be granted on specified conditions:-

(a) To occupy small areas of the Town Belt for the purpose of growing vegetables; applications will be considered only from those owner-occupiers who have already established such plots.

(b) To maintain access-ways across the Town Belt for the purposes of gaining entry to private properties67

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63 ibid
64 ibid
65 Underlined in the original letter
66 ibid
Intrusions from private individuals that in effect were acquiesced by the DCC's previous inaction were not the only ones that were allowed. The DCC itself ignored all protective legislation by taking land from the Belt for its own purposes. This was made apparent in 1955 when the Amenities Society questioned the decision of the DCC to erect an electrical sub-station at the junction of Stafford, Alva and William Streets on Town Belt land. The Society had already asked its lawyer to investigate the legality of the siting of buildings on the Town Belt and were given the confirmation that such action was not allowable according to the original transfer of the lands to the care of the DCC. The acts quoted were,

By Crown Grant November 6 1865 500 acres of land comprising the Town Belt grant to the Superintendent, in trust for the purposes of public recreation for the town of Dunedin and its inhabitants and similar condition under Public Reserves Act 1877, conveyance of November 15 1878 to the Mayor, Councillors and citizens of the City of Dunedin. 68

The lawyers could in fact have gone further back in citing the provisions originally in place for the protection of the Town Belt. When the Imperial Government granted a constitution to New Zealand in 1852 the new Provincial Government was quick to pass the Dunedin Public Lands Ordinance, Session I. No. 54. on March 10 1854. The following provision was included in paragraph 16.

In leases in portions of that of the said lands called the Town Belt, stipulations shall be made for preserving the trees and shrubs thereon or any part of them as may be desirable to preserve, with a view to the ornament and amenity of the ground...provided no buildings or erections, other than necessary fencing shall be erected on said lands.

The DCC replied,

that under the Waipori Falls Electrical Power Act 1904, the Waipori Electrical Power Company Ltd. was authorised to take steps to supply electrical power in the "area of supply" which included the City of Dunedin and authority was given that company to carry out all necessary works for this purpose and enter on any lands in the area of supply, subject to the

68 ODT: Amenities Society statement of Town Belt encroachment. October 15 1955
proviso that the powers of the company were to be exercised on property held in trust for public or charitable purposes only on consent to such exercise being obtained from the trustees or body in whom such property was vested. All powers of the Waipori Power Company were subsequently transferred to the DCC and became exercisable by it. If the DCC wishes to use any portion of the Town Belt in connection with the supply of electrical power, it can do so if it obtains the consent of itself to the encroachment.

In the case of the electrical sub-station under discussion, the DCC had granted the necessary consent to its Electrical Department, which was within its legal powers. The Amenities Society received advice from the DCC that the site for the new sub-station was the only practicable one available, and that the building would be an attractive structure and that provision would be made for flower plots along its frontage. The Amenities Society had been vigorously opposed to the location of the sub-station and thought that the main factor in its erection in such a conspicuous spot was that it would be more costly for the DCC to erect on other than the Town Belt as any other site would entail the purchase of land. The Society was disappointed that the erection was not challenged and opposed by the DCC Reserves Committee as there existed previous legislation that would have strengthened a case to save this land from commercial use.

Mr Cameron of the Amenities Society thought that the City was looking more at saving on cost by having the building adjacent to the road rather than a wider obligation to the citizens as a whole. He further stated, “The trust reposed in the DCC of holding the Town Belt as an open space or the public recreation of Dunedin citizens, a trust which has been passed on since the city was first surveyed in 1846-48, has apparently not been treated as a matter of paramount importance.”

The subject of encroachments was further discussed at the Society committee meeting and it was moved “That the Society notify the DCC the legal opinion had been obtained, and that all encroachment on the Town Belt would be strongly resisted, and publicity sought through the press.”

69 ibid 6
70 Dunedin Amenities Society. Annual Report. 1955
71 ibid
72 Dunedin Amenities Society. Committee minutes. August 15 1955
The same year the Superintendent of Reserves, Mr M.R.Skipworth, advised the Society of a proposed water storage reservoir to be erected on the Town Belt at Montecillo. The reservoir was to be excavated by the DCC Water Department and the structure would not project many feet above the ground level (2 ft). The Society reported, "imagine our concern and indignation when the reservoir sides kept rising until it was evident that the view of many houses in the vicinity would be completely obliterated. We felt that we had been badly let down and we advised the Reserves Department to this effect."73

The roles of the Amenities Society and the DCC as protectors of the Town Belt were sometimes switched as at a Council meeting on October 24 1961 when councillor R.D.B. Paterson issued a warning against allowing the Dunedin Town Belt to be cut up piecemeal. He was concerned that an area adjoining the Southern Cemetery would be used as the site of a table tennis gymnasium. At the same meeting councillor C.R. Hayward (also council representative on the Metropolitan Fire Board) said that he was not happy that an application for a site as a fire station in the north end of the city had been declined. This was reported in the ODT on October 25 and on October 26 the Amenities Society explained its attitude to such applications. It said,

While the Dunedin Amenities Society had to 'stick to its guns' about encroachments of building on the Town Belt, there were occasions when there was need for compromise...we have to be aware of the needs of young people and the areas upon which adequate facilities can be built.74

A year later Dr. R. F. Wilson, President of the Dunedin Amenities Society, stated, that while the Society much regretted encroachment on the Town Belt, the siting of the park (Moana Pool car park) in all the circumstances appeared to be the only sensible one.75

On October 27 an ODT editorial, under the heading "Town Belt", stated,

The time is approaching when the Council must take a stricter interest of its responsibilities as trustees than permit organisations to build on this reserve simply because the object is associated with recreation.76

73 Dunedin Amenities Society Annual Report 1955
74 ODT Town Belt building - Amenities Society attitude. October 26 1961
75 ODT Car park site in Town Belt is approved. February 26 1962
76 ODT Editorial, The Town Belt. October 27 1961
in this copy over the town bell
Number two at bottom of lane not included.
House Numbers 3, 4, 5, Belleknowes Terrace
The DCC was capable and willing to stretch legal provisions to make intrusions into the Town Belt on behalf of private interests as proved in correspondence of August 15 1988 in the letter headed, “Right of Way over Town Belt to Glamis Hospital.” This stated,

the committee was unable to agree to your request for a precedent for private parking on the Belt and would contravene the principles and provisions of the Reserves Act. Instead, it was agreed that the land contained in the car park and adjacent portion of Montpellier Street should be declared a legal street and removed from the Town Belt, under the provisions of the Dunedin Town Belt Roads Closing and Regulation Act. 1902.77

It was confirmed on September 26 1989 that part of the Town Belt was now a public road. It is ironic that Glamis Hospital has been rebuilt and opened on Highgate in 2011 so that there was no need to stretch interpretations of the legality of the allocation of land for the convenience of a private activity.

The longest series of negotiations for access over the Town Belt to private property was fully reported by the Reserves Management Officer to the Senior Surveyor in a memorandum dated April 5 1994. This was under the heading, “The Saga of Belleknowes Terrace,” and the following is a précis of the information contained in the report.

1. The original subdivision of the Belleknowes estate was in 1885, but only one house was on the site now known as Nos.1-5 Belleknowes Terrace up until 1940.

2. A foot track was constructed by the Council across the Town Belt in the 1930s, and consequently became known as "Belleknowes Terrace."

3. In 1940, the plan of subdivision of lots 26 and 27 D.P.588 was submitted for Council approval. It was pointed out in the submission that "for both lots 1 & 2 the only practicable entrance is toward the south east across the Town Belt to Queens Drive, and the entrance 4' 6" wide down the south east boundary can be regarded as a legal frontage only."

4. The proposal was not accepted. The City Engineer pointed out that "if the main means of access to one or more of the sites is to be across the Town Belt, then the land is not capable of proper subdivision, because the Town

77 DCC archives file 72/2/7 August 15 1988
does not have entry over this Town Bell Land
Number 2 at bottom of lane at Bellknowes Terrace
Belt is not a road line." The City Engineer then proposed an alternative which subdivided the property into three sites.

5. The amended plan for subdivision of lots 26 and 27 was submitted - 3 lots only, with access from Lonsdale Street. This was approved by Council.

6. In 1946-47 the Superintendent of Reserves instigated plans for an access road along the boundary line of the Town Belt, involving the removal of the clay hill at the Preston Crescent end. This proposal was then amended to one which showed a road across the Belt but the amended plan was opposed by the Reserves Department.

7. In 1955 the matter of the name of "Belleknowes Terrace" and the legality of rough access being used were investigated by the City Engineer. It was pointed out that the name plate would imply tacit approval of the roadway.

8. The Superintendent of Reserves recommended that the Reserves Committee should not approve of any formation of roads on this portion of the Town Belt, apart from the original proposals of 1946-47.

9. In 1979 the City engineer reported the situation in response to a verbal complaint on the condition of the footpath which was passed on by Cr.McMeeking. It was recommended that owners be advised that driving over grassed areas is an offence under by-laws. It was also recommended that properties served by the drive have maintenance work carried out to the satisfaction of the City Engineer. The Works Committee held over its decision on the minute pending a further report.

10. The City Engineer further reported, giving the historical background of the subdivision. Outlined the possible solutions to the problem:

   10.1. As decided in 1955, a form of road adjacent to the Town Belt boundary would require extensive earthworks and costs, and a considerable harm to this area of the own Belt.
   10.2. It was not considered practical to construct vehicle access from Lonsdale Street to the level of these properties.
   10.3. Accept that the present driveways to Nos, 4 & 5 Belleknowes Terrace ...

Throughout 1981-82-83 the City Engineer's correspondence with owners of 3,4 and 5 Belleknowes Terrace and their solicitors concerning costs and private quotations for a roadway culminated in the City Engineer's advice that:

78 The underlining is in the original document
It is intended that access over the reserve will be sought in terms of section 48 of the Reserves Act 1977.\textsuperscript{79}

The Reserves Committee approved the recommendation of the City Engineer that no further financial assistance be provided by the Council for the project and that the offer to the owners served by the South drive be withdrawn. A deadline of the offer was set for 24 December. In a letter to the owner of 5 Belleknowes Terrace, the City Engineer informed of the agreement of all four property owners to the reconstruction of Belleknowes Terrace. The authorisation of this roadway was further clarified in a letter from the DCC of April 1987 with reference to the four properties of 3 Preston Crescent, and 3, 4 and 5 Belleknowes Terrace which stated that it was not a public roadway but remained part of the Town Belt and would need to be legalised with an easement pursuant to section 48 Reserves Act 1977 with consent obtained from the Minister of Lands. The District Surveyor would carry out preparation of the plan to accompany the easement at an estimated cost of $700.

The formalisation of Belleknowes Terrace as an easement was seen not only as a statutory requirement but also as a benefit to the landowners that set out their rights and responsibilities ensuring the right of way was protected in perpetuity and thereby enhancing the value of their properties. It was expected that costs of survey and legal work would be borne wholly and equally by the property owners. The DCC advised Mr W.H. Steele of 2 Belleknowes Terrace that four landowners of Belleknowes Terrace were the agreed parties with the DCC to create a right of way and share costs. The DCC stated that their properties were the only land parcels having legal rights of access across the reserve with right of access only. The DCC further stated,

This does not become a public street or driveway. There are no parking rights on the reserve. This does not confer on you, as a non-user right to drive over or park on the reserve, nor similar rights to tradesmen serving your property.
If such use does not cease immediately, you risk prosecution under offences provisions of Reserves Act 1977 section 94.

\textsuperscript{79} Underlined in the original document
Now a car park for Qiao Boys High School.

Queens Drive - one way section at Liliboume Ground.
Particular concern is the possibility of damage to the newly constructed carriageway by passage of the trades vehicles serving your property ... Council will seek from you restitution or damages.\(^{80}\)

In 2007 the Amenities Society questioned the motivations of the DCC when Queens Drive was made a one-way road between City Road and Stuart Street. This action degraded this scenic road to a car park for Otago Boys High School. The Society sought a meeting with councillor Paul Hudson regarding its concerns. As Chairman of the meeting, councillor Hudson was presented with a four page submission that listed all aspects of Queens Drive with focus on parking problems that were impacting on the amenities value of the Town Belt.\(^{81}\) The response from Councillor Hudson was negative as he implied that the closeness of local elections meant that this would be someone else's problem.\(^{82}\) But the Society was determined that the issue was not overlooked by councillors who were not prepared to protect this asset from inappropriate use.\(^{83}\)

It could be expected that this matter was already covered by the Draft Management Plan Town Belt Objectives and Policies, Dunedin City Council Parks and Recreation Department 1982, which included the paragraph,

The Council shall ensure that the primary scenic and recreation purposes of Queens Drive is protected and may, pursuant to Section 53 of the Reserves Act 1977, regulate or restrict use of the Drive accordingly.\(^{84}\)

However, this paragraph did not reappear in the Management Plan of 1988 but did include the 'Golden Arrow' route which commenced at the Unity Park lookout as the first stopping place on the Town Belt.

The Society again raised the issue in 2008 when the Annual Report recorded the following statement, “The committee is still concerned about the use of Queens Drive as a car park, principally for Otago Boys High School pupils. We

\(^{80}\) DCC letter to W.H. Steele. Ref 19/15/2 1983
\(^{81}\) This report is included in full in Appendix H
\(^{82}\) Dunedin Amenities Society minutes October 8 2007. Hocken Collections, Archives and Manuscripts R4523 Box 7
\(^{84}\) DCC Draft Management Plan 1982
content that the reserve is not intended to provide parking for the public who are not using the reserve for an activity conducted in the reserve.” 85

In 2009 the matter was once more raised in committee and recorded as follows,

Lisa Wheeler (Community Recreation Services Department DCC) advised that the matter had been referred back to Transport Planning who prepared a scheme that redesigned the intersection of Queens Drive and Stuart Street costing $100,000 and that this report go directly to the Community Development committee for decision. This was in contravention of the process defined by the Mayor. We asked that this report be withdrawn. 86

This matter was again raised in the Annual Report of 2009 and was recorded as follows,

The Committee is firmly of the view that the process to make Queens Drive at Littlebourne 'one way' was flawed. Finally the Committee met the Mayor (Peter Chin) who initiated a review that should resolve the issue. Our concern is that the integrity of the Town Belt is pre-eminent and that anything that might have adverse effects upon it need proper consideration and debate. We believe that this did not happen in this instance. 87

The Community Development Committee Report of August 2010 which questioned what public notification had been arranged for the alteration of status of this part of the Town Belt detailed the Traffic Management programme of 2004. This stated that in April/May 2004 public notices had been placed with the Otago Daily Times which gave a list of 21 minor works and seven intersection upgrades. The upgrade of the intersection of Stuart Street/Queens Drive was contained in the list of major upgrades for traffic signals. The proposal to create a one way road between Stuart Street and Queens Drive was not alerted to in the public notices. 88

The Annual Report of 2010 stated that the issue of Queens Drive had been finally been resolved when the Society was advised that the DCC conceded that

86 Dunedin Amenities Society. Minutes of committee July 13 2009
87 ibid Annual Report December 31 2009
88 DCC Community Development Committee report August 31 2010
Queens Drive would be restored to its original state. When questioned in February 2011 whether this had been completed, Society President Mick Field, explained that it was a long-winded and costly process that local bodies were saddled with these days. Mick Field was contacted again on June 18 and asked if the matter had been finalised. He responded with the advice that Lisa Wheeler had been contacted more than once to tidy up this matter but there had been no response. He said that his “take on the matter” was that with the change of 'guard' in the Town Hall, staff lacked the confidence to deal with anything.

The flawed process had occurred with Queens Drive being treated as a traffic issue at the expense of the recreational reserve by installing lights at Stuart Street and making Queens Drive one way at Littlebourne. An unanticipated consequence was the conversion of part of the Town Belt for parking along this length. This caused further degradation of the Belt especially along its western edge. To reverse the problem of the one way status of this section of Queens Drive will require a series of consultative steps between the departments involved.

Easements and intrusions on Town Belt land have been, and are, the main problems in retaining the natural and visual integrity of the Town Belt. In the last quarter of the 20th century central government passed legislation the objective of which was to strengthen protection of, and define responsibility for, such reserves. The nature of this legislation will be examined in the next chapter and its effectiveness will be examined in the final chapter of this study.

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89 Dunedin Amenites Society. Annual Report December 31, 2010
90 Dunedin Amenities Society. Interview with Mick Field. March 6, 2011
91 Mick Field. Dunedin Amenities Society. June 18, 2011. douglas.field@xtra.co.nz
Chapter 4 Government legislation applicable to the Town Belt in the last quarter of the 20th century

When in August 1960 the Town Clerk sought advice from the Council solicitors concerning possible actions against intrusions into the Town Belt (chapter 3) it was clear that protective legislation was in place for the DCC to act upon. But how and when it was acted upon depended upon political decisions of city councillors or administrative staff. This made the administrative care of the Town Belt too often subject to local expediency of DCC needs or political pressures upon councillors. The only constraints were those that arose from activities of the Dunedin Amenities Society, concerned Dunedin citizens and publicity given by the local newspapers.

But in the last quarter of the 20th century central government passed the Reserves Act 1977. The aim was to make clear central and local government responsibilities for the preservation of all public reserve lands. This legislation would transcend possible differences of policy because of changes to local councils and administrations. The legislation made the DCC responsible to the Minister of Lands for the care and maintenance of reserves within the Dunedin boundaries. This act was to be actioned nationally and was in no way aimed just at the DCC. Along with the Resource Management Act 1991, (which also will be examined) it was expected that all reserves lands throughout New Zealand would now have sufficient protection from purely local decisions of use.

The Reserves Act 1977 is listed below with details of the expectations and responsibilities contained within the act and how the DCC and the appropriate government departments applied them to the care of the Town Belt. The effects of this legislation upon the expected security and preservation of the Town Belt will be assessed in the final chapter.

The Government guide to the act stated,

1.1 The aim of the legislation is to ensure that park development and enjoyment based on sound land use planning and that, through involvement, the needs of the public are clearly identified.
2.1 A management plan is required for each reserve in the recreation, historic, scenic, nature, and scientific classes. Local authorities may approve plans for recreation reserves under their control. The others must be approved by the Minister of Lands or an officer of the department or statutory body acting under delegation.

7.1 It is a matter of general government policy that the public should have the opportunity of making representations of the management of public lands. In reserves practice, this is of value in two ways. It makes the park manager and the planner more responsive to public opinion, and the public more aware of the reasons for decisions.

7.3 The Reserves Act prescribes two opportunities for public involvement in the preparation of the initial management plan or its comprehensive review.

The two mandatory opportunities are; a general invitation to make written objects to, or suggestions on, the management plan when it is prepared in draft form. A right to be heard by the administrating body, in support of objections or submissions made on the draft plan.

7.7 A management plan is in a sense a contract between the administrating body and the public, reflecting consensus of opinion on the future of the reserve. This contract cannot be amended unilaterally when Council or staff change.92

The Act left certain powers to local government by a ruling on the contentious matter of leasing reserve land. This was a significant delegation of power as it gave the DCC authority to allocate leases without reference to Government or advertising if included in the Annual Plan. The ruling was contained within the following two paragraphs,

(1) Where a tenancy proposal is specifically provided for in a plan for a recreation reserve a local authority does not require the consent or approval of the Minister to grant a lease under Section 54 of the act.

(2) Under sections 54, 56, 58A and 74 further advertising is exempted if the plan specifically provides for the lease.

Despite the allocation of power to the DCC paragraph 1.1.of the Government Guide gave the citizens of Dunedin a say in how the Belt was to be administered and developed. This involvement was through a Draft Management Plan drawn up by DCC Community and Recreation Services Department that would be notified to all media and mailed to major sporting codes, environmental and civic

organisations. This gave the Dunedin Public opportunity to make submissions which were to be included in the final Dunedin Town Belt Management Plan. The initial plan was completed in March 1982 but not approved until 1990 and reviewed in 1998.

It was intended that the plan would provide a framework, obtained through research and public consultation, that would guide management plans over the next ten years. Each publicised plan has been comprehensive in covering all aspects and needs of the Town Belt and entirely open in recognising problems and identifying policies and actions needed to be taken for the Belt's protection and development. Yet this did not happen as although public recommendations were included in the Management Plan, actions to implement them were delayed or ignored by the DCC.

The Minister of Conservation had the ultimate responsibility for carrying out the Act through the local DOC office. DOC did make submissions to the Management Plan and stated,

we agree the objective is the intent that natural landscape character predominates over further development of formal recreation/sports facilities. We are particularly concerned at the continuous potential for incremental development and encroaching into the Town Belt ... the council has been vested with the Town Belt reserves in trust, subject to the provisions of the Reserves Act 1977 (not 'owner' but 'manager').

The Reserves Act 1977 required that reserves be classified according to their principal or primary purpose (section 16 (1)). This was 'to ensure the control, management, development, use, maintenance and preservation of reserves for their appropriate purposes.' The same section of the Act stated that,

The Town Belt of Dunedin fell within the category of reserve where classification was the responsibility of the Minister of Lands, in consultation with the Council as administrator of the reserve. The Minister could classify part of the reserve for one purpose and another part or parts of the same reserve for any other purposes. This was apparent where significant portions of the Town Belt were occupied by the Northern and Southern Cemeteries and were classified as local purpose reserves as were two smaller portions already classified for siting of electricity substations.

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93 DCC Dunedin Town Belt Management Plan January 2007
94 DOC Letter to DCC with submission for Draft Town Belt Management Plan. May 1988
Part of the Town Belt, being a portion from the Woodhaugh Garden eastward to Opoho Park, was classified by this process for the purpose of recreation, as defined in Section 17 of the Act.95

By 1984, agreement on the appropriate classification of the remainder of the Town Belt had still not been reached by the City Council Department officers and their counterparts in the Department of Lands and Survey. The Department of Lands and Survey wanted the remainder of the Town Belt, from Moana Pool northwards to Lovelock Avenue and a smaller portion in the north-western corner of Woodhaugh Garden, to be classified as a scenic reserve. Council staff recommended that the Minister of Lands be advised, through the Commissioner of Crown Lands, that the Council did not agree with the classification of part of the Town Belt as a scenic reserve subject to Section 19 (1)(a) of the Reserves Act 1977.96 The DCC wanted all of those areas of the Belt to be classified as a Recreational Reserve which would give them freedom of action without reference to the Minister.97

There were two categories of scenic reserve, serving dissimilar purposes. The first category stated, 'The primary purpose of a scenic reserve is to protect and preserve in perpetuity such reserves for their intrinsic worth and for the benefit, enjoyment, and the use of the public suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest'.98 This classification was not just the qualities of landscape or scenic interest of the Town Belt but the special character of the existing vegetation, especially in the Woodhaugh Garden where there were remnants of lowland kahikatea forest.99

The second category provided for the development of scenic features, providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become such scenic

95 Reserves Act 1977 (section 16 (1)
96 DCC report concerning classification of Town Belt reserve. DCC archives 19/15/1
97 For full details of the DCC objection refer to Appendix G
98 Reserves Act 1977 19 (1) (a)
99 ibid
interest or beauty that their development, protection and preservation are desirable in the public interest.\textsuperscript{100}

The first category of reserve was the more restrictive as any change to a reserve could only be actioned with the approval of the Minister of Lands. In the second category the Minister gave the DCC full authority in the administration of the city's reserves provided that it prepared an annual management plan which was subject to the Minister's approval. It was the classification of the reserves with the consequent authority for administration that was the cause of a long dispute between central and local government. This was a political power struggle as to who had authority in the administration of a considerable area of the Town Belt.

The delay in publication of the Draft Management plan brought about public acrimony between two of the city councillors, Jean McLean and Elizabeth Hanan. In a newspaper article headed, "Town Belt plan still a mystery," Councillor Elizabeth Hanan stated, "that investigating the subject was like opening a can of worms." She said, "the contentious issue is the fact that the Town Belt management plan had been in existence in draft form since 1983, has been acted on, and yet has never been made public."

Dr Alan Mark, of the University of Otago Botany Department agreed that the procedure of actioning the Town Belt management plan without first opening it up for public comment was "fundamentally unacceptable."\textsuperscript{101} He said the plan had not been finalised because of a dispute between the Council and the Department of Lands and Survey over the classification of one percent of the Belt. This was one part of the Woodhaugh Garden, a rare piece of tall kahikatea forest. The Council wanted to designate it "recreational" and Lands and Survey wanted it classified "scenic.\textsuperscript{102} Mr Tony Perrett, of DOC, said that the statutory requirement of the Reserves Act was that such plans could not be released until reserves in them were classified.\textsuperscript{103}

\textsuperscript{100} Reserves Act 1977 19 (1) (b)
\textsuperscript{101} Star Midweeker. Town Belt plan still a mystery.October 9 1988
\textsuperscript{102} ibid
\textsuperscript{103} ibid
“Nonsense” says parks chairman. This was the public response in the Sunday's *Weekender* from Cr Jean McLean, chairman of the Recreation Committee. She said that, “Cr Hanan did not have the courtesy to consult her before having published a series of gross inaccuracies, the worst of which was that there was some deliberate intention not to release the Town Belt Management Plan.”

She added that she was extremely concerned that Cr Hanan had chosen to make uninformed comment. “It simply serves to destroy her credibility in the eyes of the staff who do a tremendous job in maintaining and protecting one of Dunedin's greatest assets,” she said. “I am also disappointed that no contact was made by the reporter with either myself or the parks staff as has always been the case in the past, and an opportunity given to correct the distortions and utter inaccuracies conveyed in the article.”

In a footnote the reporter stated that he spoke to Cr Hanan, chairperson of the Keep Dunedin Beautiful Committee; Dr Alan Mark, Professor in the University Botany Department; Dr Peter Johnson, a DSIR botanist; Mrs Beth Herd, secretary of the Forest and Bird Protection Society; Mr Tony Perrett, Department of Conservation principle conservation officer; Mr Robin Thomas, district conservator; Mr Ross Hamilton, DCC horticultural officer; and Miss Alison Evans, DCC botanist.

On October 16 the *Dunedin Star* continued the controversy in an article headed, *Town Belt plan unseen by Council.*

Councillor Hanan said, either Cr McLean has deliberately misconstrued the article in the Weekender of October 9 or more likely misunderstood or wishes to continue to delay and excuse her failure as chairman of the recreation committee over the past six years to get the draft plan out...that I have not contacted her on this occasion is simply because she has been deaf to my previous approaches and (what the public may not know) has failed to have any recreation sub-committee meetings of Council for 18 months, although apparently happy to make herself available for more 'public eye' pursuits. So the time or deference to her position as chairman (which she seeks) is long past. Six years! How long does one expect? ...When is the plan to be made public? If the hold-up is a small area in Woodhaugh ...the last remnant of swamp forest which requires special classification as a scenic area, then let us get it on the Council agenda so it can be considered,
dealt with, and then the plan be made public. This council has in fact not even seen the draft management plan.¹⁰⁶

By October 19, the Mayor Sir Clifford Skeggs intervened and the *Midweekeker* reported,

**Mayor calls halt to argument.**

The Mayor of Dunedin, Sir Clifford Skeggs, has told Councillors Jean McLean and Elizabeth Hanan to stop their public argument over the Town Belt Draft Management Plan. "I'm disappointed that the issue of the Town Belt Management Plan covered in the Allied Press community newspapers has now turned into a completely unproductive slanging match," he said. "This turn of events is not only unseemly, it will certainly not resolve anything, much less the matter of the best way to protect our greatest environmental asset." ¹⁰⁷

In the same issue of the *Midweekeker* Councillor McLean came under criticism from another source in an article headed,

**Botanist critical of chairman.**

Dr Alan Mark, Professor of Botany at the University of Otago criticised the chairman of the City Council's Reserve Committee, Councillor Jean McLean, for her attacks on Councillor Elizabeth Hanan, following an article in the Star regarding the Town Belt Management Plan.

The delay of five years in the release of the draft plan merely on the grounds of a difference of opinion between Lands and Survey Department/Department of Conservation over the most appropriate classification (scenic or recreation reserve) for a very small part of the Town Belt reserve in the Woodhaugh section cannot be justified, according to Dr Mark. There is a legal requirement to release a draft management plan for the public to respond and formally consider that the response before adopting and implementing the plan. "This should have been done in 1983 when the draft was prepared. Contrary to Councillor McLean's assurance the Town Belt has not always been managed with good practical practices and even now is causing concern to some citizens." Dr Mark said.¹⁰⁸

On August 6 1984 the staff of the DCC Reserves department met the Assistant Commissioner of Crown Lands and his Chief Ranger who stated strongly their case for the classification of a portion of the Town Belt from Moana Pool northwards to Lachlan Avenue as scenic reserve. The Council's officers restated their case that this should be recreational reserve. They conceded that as a

¹⁰⁶ *Dunedin Star. Town Belt plan unseen by council.* October 16 1988
¹⁰⁷ *Dunedin Star. Mayor calls halt to argument.* October 19 1988
¹⁰⁸ *Dunedin Star. Botanist Critical of chairman.* October 19 1988
conciliatory gesture it would be feasible for a portion of the Woodhaugh Garden only be scenic reserve subject to Section 19(1) (b) and this was agreed to by the two authorities.  

Section 48 of the Reserves Act 1977 provided for the creation of rights-of-way and other easements in perpetuity by the registration of interest against the title of the property. This superseded past Council practice to grant rights-of-way over reserves “at the pleasure of the Council,” effectively being a yearly licence for access to be had to adjoining land over reserve land. This was taken up by the Community Services Finance and Policy Committee that accepted that in limited circumstances, it will be appropriate for easements to be granted which allow access over reserve land to adjoining properties where in the opinion of the Council such use is essential in order to provide safe vehicular access to adjacent property and the provision of access does not detract from the purpose of the reserve. The approval would be subject to public notification of the proposal and consent of the Minister of Lands. There were several other recommendations such as the payment for the benefit being made as a lump sum.

In the second piece of legislation, the Resource Management Act 1991, the Regional Council was vested with some responsibilities in the protection of the Town Belt that set further restraints on the DCC. The Act created a complex system for the resolution of environmental conflict and it had a wider scale than that envisaged for local park administration. It was less prescriptive in its approach than the Town and Country Act 1953 which in turn had replaced the Town Planning Act 1926, the act of parliament that recognised that there had to be some control over environment use. The Town Planning Act was loose in its administration that required councils to produce district plans outlining potential land usage in their areas. By the early 1950s only 37 district plans had been completed, as such no real planning had been undertaken in New Zealand until

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109 DCC Town Belt of Dunedin. Classification under the Reserves Act 1977. file 19/15/1
110 DCC Director of Community Services and Finance and Policy Committee, Letter to various DCC departments July 15 1985
the *Town and Country Act 1953*. This required every county and borough to zone compatible land uses through District schemes so that activities could be regulated. With the *Resource Management Act 1991* there were less restrictions on the use and development of resources. But it did not allow a trade-off between human needs and the environment and puts the sustainable management of natural resources first.\(^{112}\)

In 1999 the DCC proposed that remedial work be carried out on the Town Belt between Meadow Street and Hawthorne Avenue. The work would involve the removal of 24 exotic trees and pruning of 18 others. This would allow the replanting of 100 mixed exotic species throughout the Belt which the Council's arborist considered necessary to maintain the integrity and varied age range of exotic trees. A resource consent was considered necessary as the subject site was zoned Residential 1, Urban Landscape Conservation Area under the Dunedin City Proposed District Plan (1999) and as Recreation 10 under the Dunedin City Transitional District Plan (Dunedin Section). The decision made was recorded as follows,

> That pursuant to section 34 (4) and 105 (1) (b) and after having regard to sections 104 and 108 of the *Resource Management Act 1991*, the Dunedin City Council grants consent to a discretionary activity being to carry out remedial work on an exotic town belt located between Hawthorne Avenue and Meadow Street legally described as Pt Town Belt, TN of Dunedin.(emphasis in original letter). \(^{113}\)

The *2003 Amendment of the RMA* elevated historic heritage as a matter of national importance that made the District Plan subject to recognition and protection of historic heritage.\(^{114}\) As already noted in the sub-paragraph *Cultural Memorials* (page 22), the Belt's two closed cemeteries would be categorised historic heritage. But the act was seen to fail to provide any checks against


\(^{113}\) DCC Letter from CEO to Martin Thompson, Contract and Asset Management. December 14 1999

\(^{114}\) DCC Evaluation of Landscape Section of Dunedin City District Plan. Dunedin: Letter to Albert E. Green from Environmental Monitoring and Policy Planner. October 6 2005
development and resource exploitation. Nicola Wheen in History of New Zealand Environmental Law stated that,

the implementation of sustainability has been hampered by legislative preference in New Zealand for widely framed flexible definition. The aim is to be embracing to leave plenty of discretion to the decision makers so they can tailor outcomes to the facts of each case. The problem with discretion is that it leaves (too much) room for compromise, and allows pre-existing values to prevail.115

It was also seen as ineffectual because of a set of unquantifiable values and multiple indiscriminate poles, present, future, environmental, economic, Maori and Pakeha.116

The new 1977 Reserves Act rules were emphatically tested by the Dunedin Amenities Society in 1987 when the Society opposed a right-of-way over part of the Town Belt to a proposed sub-division of 82 Heriot Row. Their objection was further substantiated in a report by the Parks Manager, on September 23 which reinforced opposition to the encroachment. He quoted a report of similar concern of a matter of private access over parkland in Auckland where the Planning Tribunal decided against permission for access. The judges stated,

Once the existence of access to one house is established, the argument that it really does no harm to provide another is easy to mount and in many ways difficult to refute. In the wider context if local authority in an area where development is intensive and land values high allows land owned by it, and zoned for recreational purposes to be used to provide access to facilitate or enable the development of privately owned land, the ploys of developers to achieve similar concessions elsewhere are likely to be many and varied.117

The Manager pointed out that the Town Belt had already been downgraded by many existing rights of way and that it was now important that the Council not set a precedent but give a clear message that development of properties must not be at the expense of Dunedin's premier reserve and scenic route. Already, at its meeting

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Dunedin Town Belt
management plan
on July 27 1985, the Recreation Committee had made the decision under section 48 of the Reserves Act 1977 to grant easement over the Town Belt to 82 Heriot Row. But at the meeting of October 5 Mr John Perry of the Amenities Society spoke to the meeting and reiterated the Society's concern at the effect of granting such easement and that the Council should preserve the Town Belt for posterity. The Manager, Parks reported that it was the department's policy to grant easements to existing residences that did not have alternative safe access but not to new subdivisions such as the present application. The Manager advised that when the draft Town Belt Management became operative the department would be looking at tidying up and formalising easements. The motion was moved and carried that the matter be deferred pending a full report on encroachment. It was clear that the Parks staff and the Amenities Society were opposed to this easement that had apparently been authorised without the opportunity of consultation with either party. The earlier decision had been made by senior management or Council members. To delay any reversal of that decision was merely to put the decision back with the originators.

These acts, as stated by I.H. Williams in the Otago Law Review, were well meant, but in considering the Town Belt, were just additions to a list of previous laws. These laws should have given adequate protection from continuing encroachments and abuses but had been ignored with consequent expansion of illegal encroachments. The acts and conditions were adequately covered in the letter from the DCC solicitors in August 1960. However the new legislation conditions that included public involvement in the new Management Plan could be a brake on DCC political expediency. The Management Plan meant that future policies were open to public scrutiny and had to consider public input and finally be approved by the Minister of Lands. The Management Plan was printed and available to all interested parties who could monitor it against results and DCC actions pertaining to the Town Belt.

Also one of the most significant requirements of the legislation was the formation and publication of the Town Belt Management Plan. This stated, “The

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118 Ramsay, Haggit and Robertson. re the Town Belt. Letter to the DCC 19 August 1960
plan provides a framework, obtained through research and public consultation, that will guide management decisions over the next ten years."119 This was an important statement as it emphasised long-range objectives rather than past short-term expediency. Important, too, was emphasis on landscape values as emphasised under the heading of Landscape Values in the Management Plan when it said,

The Town Belt's main roles in the Dunedin landscape, as a background to the 'downtown' area, and as a visual marker separating the inner city from the outer suburbs, could be compromised by its management. Council has the responsibility to ensure that new developments and management of existing facilities do not adversely affect the landscape values of the Town Belt.

Two mechanisms ensure that landscape values are not affected. The first of these is the requirements of the Reserves Act 1977 for the protection of landscape values. (Reserves Act 1977 3 (a)(iv). ... The second mechanism is the requirements of the Resource Management Act 1991 and its instrument, the Dunedin City District Plan ... the protection of outstanding landscape from inappropriate subdivision, use and development is a matter of national importance. Landscape also forms part of a broad suite of characteristics know as amenity values in this act, and the Council is obliged to have particular regards for the maintenance and enhancement of amenity values.120

The new legislation of 1977 was intended to tighten environmental protection and integrity of recreational reserves that were under the care of city councils and provide ultimate oversight by the Minister of Lands. The focus of this would be a Management Plan open to suggestions and scrutiny by the city's citizens. The resultant Dunedin Town Belt Management Plan is a well-researched and accurate document that covers all aspects of the Town Belt in its aims, objectives, policies and general information which covers its history, landscape, ecological values, educational values and uses. In the final chapter these aspects of the plan that prepares for the ongoing protection and development of the Belt will be compared with the results of DCC administration. As important, too, are the varying expectations of the Dunedin citizens which will first be examined in the next chapter.

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120 DCC (2007) Dunedin Town Belt Management Plan. Landscape Values.3.3.2.
Chapter 5 Concepts of the Town Belt by citizens and none
government organisations

How the Dunedin Town Belt was viewed by its citizens often widely differed, with motivations that could be self-serving, emotive and conservative, but conversely could have aesthetic, historic or progressive values. There often arose intense controversies from these differing wants and needs of diverse groups or individuals, all of which had political implications for decisions made by the DCC in its management role.

The controversies that arose were not addressed in previous chapters so that the identities of the groups or individuals and their motivations could be more clearly separated and studied in this chapter. A selection of the more strident or self-promoting controversies will be examined as well as cultural actions or literary expressions that clearly expressed individual feelings for or against the Town Belt.

Not all citizens were enamoured with the native bush which was a big part of the Belt's uniqueness. This was a throwback to settlers who regarded New Zealand bush as hostile and believed that their survival depended upon the removal of much of the indigenous flora as soon as possible since it provided little sustenance or money.121 Many had cultural feelings that New Zealand bush was alien and this was apparent in a letter to the editor of the Otago Daily Times in 1948 when controversy arose over the future of native bush in the Belt,

I do agree with all your correspondents acknowledging that the areas set aside as a "green belt" is a priceless asset to the city. This, however, does not mean that the sombre green area of native shrub cannot be improved upon. Let us gradually open up the dark places and allow the sun to play its part in harmony with the changing hues of deciduous trees... elimination of the present sinister depths of the Town Belt.122

Two New Zealand writers also present an aspect of the Town Belt that brings a feeling of coldness in contrast to the usual words of praise given by its defenders.

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122 ODT Town Belt July 17 1948. 8
The Cold Hub by James K. Baxter

Lying awake on a bench in the town belt,
Alone, eighteen, more or less alive,
The railway clock, the Town Hall clock.

And the Varsity clock, genteel, exact
As a Presbyterian conscious,
I heard the hedgehogs chugging around my bench,
Colder than an ice-axe colder than a bone
Sweating the booze out, a spiritual Houdini
Inside the padlocked box of winter, time and craving.

Dan Davin’s description is even menacing as he writes;

In front of them was a belt of bush. The city’s founders had left it as a park, a symbol of the performance of the task, a reminder that they had struggled against a world clothed in such armour and had to strip it to get at the earth’s juicy meat below. The bush came down to the end of the street, black and unkempt, hair on the nape of the city’s neck. It waited there unchecked shorn of its power, a wild animal temporarily halted but waiting for the return of its strength to spring and consume the city which cowered beneath it. They faced each other there in the moonlight, the city and its enemy, held for a time in disjunction and dishonour, allowed to survive as a trophy but like an imprisoned Samson biding its hour and storing up its potency. This suspended threat, eloquent even in the silence of its apparent humiliation, was all the more grim because its ally was eternity. By day the town might flaunt its victory and the sullen captive, but by night the bush lived and conspired with the infinitude of time to overthrow the upstart.123

Of the pressure groups that from time to time publicly either defended the Belt or suggested its reform, the most influential is the Dunedin Amenities Society. This society was formed at a public meeting on October 15 1888 by citizens who were concerned at the ‘lack of that love for, or pride in, our own romantic Town’.124 This was reiterated in 1945 when the Annual Report stated, “One thing that justifies the existence of a society such as ours is the constant necessity for some organised body to be on the outlook for encroachments upon

124 ODT. September 11 1888
existing reserves, some of which were provided for in Charles Henry Kettle's original plan of Dunedin drawn up in 1846-47.\textsuperscript{125}

These concerns encompassed the appearance of all Dunedin reserves and public spaces and especially the preservation of the city's natural environment. With continual plantings of native and exotic trees and shrubs and contact with the DCC, the Society was the Town Belt's first line of defence. At the initial meeting it was agreed that the society would be named the Dunedin and Suburban Reserves Conservation Society. The membership was without exception composed of the professional, managerial, commercial, academic and national political elite of Dunedin and as such had much local and national influence. The meeting was emphatic that it wished to be completely separate from and independent of the City Council.\textsuperscript{126}

There has been some confusion over the name of the society and this caused the use of different media headings which gave an impression of different organisations. In 1902 the \textit{Otago Daily Times} and the \textit{Evening Star} referred to the Society as the 'Reserves Conservation Society' and sometimes as the 'Amenities Society'. But at a committee meeting in April 1916 the Society's function was enlarged by the addition of a town planning association. At the Annual Meeting of 1917 the title was changed to Amenities and Town Planning Society. Even the headings of the Annual Reports differed. From 1924-26 it was listed as the Dunedin Amenities Society and from 1927-1935 the organisation was listed as the Dunedin Amenities and Town Planning Society. At a committee meeting on May 24 1935 the motion was carried, 'that this Society now delegates the town planning part of its activities to the Town Planning branch of the Otago Institute and wishes that body every success.' This was followed by the motion, 'that the name of the Dunedin Amenities and Town Planning Society be altered to the Dunedin Amenities Society.'\textsuperscript{127}

The political influence of its membership was apparent by 1901 when the Society learned that the DCC intended to take the new tramway through the

\textsuperscript{125} Dunedin Amenities Society. \textit{Annual Report 1945}\\
\textsuperscript{126} Albert E. Green (2003) \textit{A Necklace of Jade.}73\\
\textsuperscript{127} Annual Meeting report of the Amenities Society minute books 1888-12 and 1913-1938. Hocken Library MS 0606 A&B.
middle of the Botanic Garden. At the annual meeting that year the DCC proposal of a tram line through the Botanic Garden was emphatically opposed with the minute,

which if carried out, would in the opinion of the majority of your committee, have largely destroyed the beauty and usefulness of the gardens, without sufficient justification, and accordingly steps were taken to oppose the scheme... many deemed it a piece of inconsiderable vandalism.\(^{128}\)

Mr James Allen and Mr Thomas McKenzie, members of the society and members of the House of Representatives, fought successfully to have inserted in the *Dunedin Town Belt Roads Closing Regulations 1902 No.7* the clause that made it unlawful to make a public road or highway in, or through the Botanic Garden.\(^{129}\)

At the annual meeting of December 1911 the committee was asked to communicate with the DCC to urge that, “when the present leases expire the paddocks should not again be let for the grazing of horses ... bear in mind that the primary object of the Belt is for the recreation of the inhabitants and not for the production of revenue.” However the grazing continued, but now with sheep. Committee minutes of June 22 1920 included the resolution,

the committee of this society note with pleasure that sheep have been substituted for horses grazing the Town Belt but regret to see such an extent of close wire fencing has been erected. The primary object of the Belt is for recreation and enjoyment ... the public is denied access to open spaces.

The Town Clerk replied in July that access would be provided to the fenced portions of the Town Belt but by July 1921 the society again took up the matter by advising the DCC that stiles were unsatisfactory.\(^{130}\)

It is interesting, in view of a later intense controversy, that the views of the Society changed over the years. In 1922 it requested that the DCC remove the exotic trees from the bush on the belt between Queens Drive and Maori Road and in 1925 Mr Tannock advised that sixty-four fir trees and exotics had been taken out. Later in the century such an action was vehemently opposed.

\(^{128}\) ibid
\(^{129}\) ibid
\(^{130}\) ibid
In 1935 the annual report made the first mention of a proposal that caused little comment but when proposed again in 1948 caused a citywide furore. This report stated,

The safety of our citizens and the need of more open spaces will ultimately demand the opening up of the reserve by the formation of tracks and clearings...it is of the opinion that open spaces, with the individual trees or groves of trees with clear trunks are not only safer but are more desirable and attractive for young and old.\textsuperscript{131}

By 1936 the society was satisfied with the improvements and congratulated the DCC on the progress made in cleaning out muchlenbeckia and noxious weeds...the marked improvement in the health of the native shrubs and trees generally and this was followed up in the annual report of December 1937 which stated, "where the boles of trees can be seen and sunlight is allowed to get through the effect is very beautiful."\textsuperscript{132}

After an inspection of the belt by members of the Society in November 1939 many were strongly of the opinion that all bush within 50 yards of a children's playground should be thinned out so that a clear view was obtained as the same bush could harbour undesirables and constituted a menace to children.\textsuperscript{133}

This subject was again taken up in 1940 by the police who recommended that bush growth from footpath or street be cleared of all ground cover for a distance of one chain.\textsuperscript{134}

In 1948 the Society again suggested that native bush be cleared to allow an open view between trees. The proposal was that an 'open bole' park would cause less anxiety for women and children traversing the Belt or using its playing fields. This time the Society drew the ire of Dunedin's public. Growing public indignation and opposition to the proposal placed the Amenities Society on the defensive and it published a statement in the \textit{Otago Daily Times} which it hoped would dampen the controversy. This came under the heading,

\begin{quote}
Amenities Society does not advocate destruction of the bush.
\end{quote}

\textsuperscript{131} ibid
\textsuperscript{132} ibid
\textsuperscript{133} Dunedin Amenities Society. Scrapbook of newspaper cuttings. Hocken Library R4523 8/16
\textsuperscript{134} \textit{ODT}: \textit{Town Belt treatment of bush}. March 1940
The Amenities Society has not advocated the destruction of the native bush on the Town Belt nor does it suggest that the native bush areas be turned into park land.

This was explained this morning by the President of the society, Mr A.C. Cameron in a statement to the Star, there was mutual agreement between the DCC and the Amenities Society that,

Growth of Muehlenbeckia, sycamore and noxious weeds be controlled to the limit of labour and funds available.

Progressive plan of re-establishing native trees and shrubs be continued annually.

Dense growth within 50 yards of children's play areas be eliminated and boles of trees be left showing. That this should apply to all areas adjacent to housing. All dense growth removed and open boles sowing within two chains of main thoroughfares.\textsuperscript{135}

In the same issue of the Star the following article appeared in opposition to the Amenities Society proposals.

Clearing not favoured by Architects.

The total clearing of existing bush and replanting with exotic trees would be a step completely out of the views of the early settlers. This opinion was expressed at a meeting of the Otago Branch of the New Zealand Institute of Architects, when considerable concern was expressed at the correspondence that appeared in the press dealing with the clearing of the Town Belt.\textsuperscript{136}

In letters to the Editor, this was addressed as follows.

Town Belt.
We have a lovely heritage in the bush around Dunedin's beautiful city. Why destroy this bush?

In a follow-up letter to the editor another writer supported the Dunedin Amenities Society by stating,

This heavy growth down to the edge of streets and paths has little aesthetic value and is actually a source of anxiety to women and children, particularly during the hours of darkness...\textsuperscript{137}

A wide expression of views was evidenced in the continuing Letters to the Editor. Mr John E. Brown, Chairman of the Visual Arts Association of Dunedin said, "stately and other homes enhanced by the long established but nevertheless

\textsuperscript{135} ODT Amenities Society does not advocate destruction of bush. July 14 1948
\textsuperscript{136} Evening Star editorial July 17 1948
\textsuperscript{137} ODT editorial July 20 1948
illegal practice of using sealed private drives, car parks etc. over common land depreciate the city Town Belt rather the erst-wise, but where will it end?\textsuperscript{138}

There were the views of the private easement applicants, who were opposed by parks staff but were often supported by DCC councillors, as evidenced in Council committee meetings listed in Appendix D. Views were expressed by the Amenities Society, private individuals and various interested environmental organisations such as the Maruia Society, Otago Tree Society, Royal Forest and Bird Society, Otago University Botany Department all of whom responded to the evaluation of the Dunedin City District Plan.\textsuperscript{139}

By 1950 the Amenities Society was decrying the neglect of certain city reserves (particularly the Town Belt) because the Reserves Department had insufficient men and finance to keep these reserves in order.\textsuperscript{140} The problem of rubbish deposited in the Town Belt was highlighted in the Society's Annual report of 1953 when it was stated,

Although evidence may be given to the Council showing the origin of the rubbish deposited the City is not prepared to take action unless evidence can be given which is likely to lead to the conviction of the person responsible. Judges dismissed cases due to not being able to prove who actually dumped the rubbish concerned. \textsuperscript{141}

In 1969 the Metropolitan Regional Planning Authority, a planning body of professional citizens appointed by the DCC, targeted the Town Belt for investigation. The Recreation and Scenic Amenities sub-committee, lead by Professor Lister of the University of Otago Geography Department, sought a five year programme of restoration for the Town Belt as it considered that the Belt "was in danger of being overlooked and neglected."\textsuperscript{142} The sub-committee listed 23 recommendations in its 32 page report. These recommendations were wide-ranging and covered all areas of the Town Belt and all aspects of its protection and development.\textsuperscript{143} Mr G.G. Henderson, Director of Parks and Gardens, stated

\textsuperscript{138} ODT Town Belt parking. March 29 1963
\textsuperscript{139} Dunedin City District Plan (2005) Targeted Consultation.2.2
\textsuperscript{140} Dunedin Amenities Society (1950) Annual Report
\textsuperscript{141} Dunedin Amenities Society (1953) Annual Report
\textsuperscript{142} Evening Star Five-Year Plan To Restore Town Belt. September 19 1969
\textsuperscript{143} ibid
that a Town Belt plan based on the report would be prepared. The editorial of the *Otago Daily Times* said that it was pleasing that the first stage, a plan of action, was to be quickly implemented.\textsuperscript{144}

There is no trace of this programme being actioned as by 1971 Dr A.F. Mark, Associate Professor of Botany at the University of Otago and member of the Recreation and Scenic Amenities sub-committee, said that a more selective elimination of undesirable plants would have to be undertaken as the loss of native species would mean the loss of the Belt's character. He was supported by Mr. Johnson of the Amenities Society who said,

Recently in the Town Belt below Wallace Street I asked a workman why he thought it necessary to prune side branches of all trees up to arms reach. The workman's reply had been, “so we don't get poked in the eye when we bring in the big hose with weed killer.” \textsuperscript{145}

The front page editorial of the *Evening Star*, August 7 1972 stated,

Dunedin had cause for both shame and pride on Saturday - shame that so many citizens think so little of the Town Belt that they use it for a rubbish dump and pride that others, a substantial number of them were concerned enough at the disgrace to do something effective about it... statistics of material received make horrifying reading... a ton of metal, 1200 lbs of glass, a dead dog in its kennel. \textsuperscript{146}

Although there were continuing records of Town Belt abuses there were conversely continuing citizen support from all sectors of the public who joined Park Staff to give their time in work days to clear strangling creepers, dispose of accumulated rubbish and plant new trees.\textsuperscript{147} These supportive efforts were well publicised by Dunedin's newspapers and showed that the Town Belt was well appreciated by a wide range of the Dunedin public.\textsuperscript{148}

Yet by 1995, in submissions to the DCC Annual Plan, the Dunedin Amenities Society drew attention to the Council's legal obligation to urgently

\textsuperscript{144} ODT Editorial. October 2 1969
\textsuperscript{145} ODT. Wanted native species. November 23 1971
\textsuperscript{146} Evening Star editorial – front page. August 27 1972
\textsuperscript{147} Evening Star Front page editorial. August 7 1972
undertake delayed maintenance to the Town Belt, which had been included in the Management Plan 1989. For the third year in a row the Society had made submissions on the DCC draft annual plan for work to be undertaken. The Society felt that reserve maintenance had been cut back as the council tried to keep rates down. At the 1996/7 hearings committee Mr Perry, spokesman for the society, told the committee that the council had to meet its responsibilities under the Reserves Act and the Dunedin Town Belt Management Plan. The Society threatened to refer the matter to the Government if the Council did not act as the 'horticultural integrity' of the Belt was being threatened.

A year later at the hearings of the Dunedin Town Belt Draft Management Plan, Otago Conservation Board chairman, Professor Alan Mark, stated that more inroads into the Dunedin Town Belt would threaten the integrity of the area. The Otago Conservation Board was the community's voice in conservation management in Otago that gave advice to the Department of Conservation on local conservation matters and carried out some important planning roles. It had ten members throughout Otago, all appointed by the Minister of Conservation. In 1989 it was superseded by the Otago Regional Council. Professor Mark said,

The Town Belt is already riddled with tracks and roads and the Board was appalled at the suggestion of a continuous track from the Southern Cemetery to Woodhaugh Garden. The Board considered mountain bikes and walking incompatible and there were plenty of alternative routes for cyclists in the area.

The DCC received 37 submissions on the draft plan representing 11 different groups. Several people supported policy outlined that no new private access-ways would be permitted across the Town Belt, but some other people were unhappy with parts of the policy to formalise existing rights of way.

150 Dunedin Amenities Society. Minutes November 6 1996. Hocken Library record
151 Interview with emeritus Professor Alan Mark, Botany Department University of Otago. February 25 2011
152 Draft Management Plan Town Belt of Dunedin. Recommendations on Submissions Received – for full details refer to Appendix F
The Dunedin Amenities Society again admonished the DCC in a subsequent submission to the Draft Annual Plan headed “Submission to Draft Annual Plan and Long Term Financial Strategy to Chief Executive April 6 1999.” This stated,

A natural consequence of the Plan’s adoption (the Town Belt Management Plan) should have been the implementation by means of providing finance. Instead it became clear the unofficial policy of the bureaucracy was not to implement the Plan by failing to recommend to the Council that necessary finance be voted. This “ignore Town Belt maintenance” has continued through the 1990s despite this Society’s request to Council in successive annual plans to carry out the agreed policy ... you have commissioned enough reports - just get on with the job. You know what has to be done.153

Sectors of the Town Belt were noticeably more subject to encroachment or complaint from neighbouring property owners than others were. This applied in particular to upper York Place and came to a head in 1998, when first, Ngaire Coombes of 315 York Place, applied on September 22 to have red beech trees in the neighbouring Town Belt thinned. This was declined by the DCC reserves staff. It was followed by an application lodged by Don Barham of A-Ztec Associates, landscape architects, on behalf of 10 residents of upper York Place, (to be known as 'Good Neighbours of Upper York Place') to have trees removed and replaced. This was again declined.

On December 4 1998 Wilkinson Mirkin Crush, lawyers, applied to the DCC on behalf of the group, who consisted of Y.E. Dennison 343 and 343a York Place, Jeffrey Watts and Lee Ann Swanson 349 York Place, Greg Groutsby and Eric McMillan 353 York Place, Charlie Stapp and A.B. Saunders 355 York Place, Geoff and Johanne Ormsby 359 York Place, Ron Hill 361 York Place, Nicki Stewart and Stephen Higgenson 371 York Place, Naomi and John Bradshaw 375 York Place, Terry and Maggy Jenss 377 York Place and Shirley Fraser 1 Braid Road. The application was for the removal of 34 large exotic trees from within the Town Belt. It was alleged that the trees caused the residents hardship from the shading of their properties to the extent that they gained no sunlight during winter. The lawyers did not believe that the public consultation process was necessary

153 Dunedin Amenities Society. Submission to the Draft Annual Plan April 6 1999
and that there was statutory provision relevant for removal of trees under section 129C Property Law Act 1952.  

The DCC consulted its own lawyers whose opinion was that a court would not make order for the removal of the trees which were protected under section 42(2) Reserves Act 1977. The DCC then requested a further report from its staff who identified eight trees that for health and safety reasons should be removed and a further 26 that should be pruned. In total the applicants had asked for 39 trees to be removed. This was an area highly visible from many parts of the city so a public advertising process was seen as the best way to consult "all affected parties." Of the 115 submissions received, 108 (93.9%) were against the removal of the trees and seven (6.1%) were for the removal of the trees. The application for the removal of large exotic trees from the Town Belt was declined. Of the issues raised by the public against the proposal 17 reasons given were concerned that there was the need to protect public confidence in the integrity of the Council's existing policy, and any weakness in the application of laws protecting the Town Belt trees would be seen as a precedent that would inevitably lead to other applications. The report is a full summary and discussion of how the Dunedin public regarded the Town Belt and as such, full details are included in the appendix. In 1999 the Community Development Committee moved, 

That the Council include in the Annual Plan 2000/2001 an appropriate figure identified by staff that equates to the high standard scenario which will allow for improvements as required to be made to the Town Belt. carried 11:1

The report of the Parks Asset Officer recorded the Town Belt scheduled maintenance costs as;

- sports fields with cricket preparation $89,000
- sports fields without cricket preparation $53,000
- scenic, conservation and bush management $7,000

\[154\] Letter from Wilkinson Mirkin Crush, lawyers to DCC. December 4 1998
\[155\] Letter from Ross, Dowling, Marquet, Griffin to DCC. December 4 1998
\[156\] DCC report from Parks Asset Officer to Chief Executive. Tree Removal Application, Town Belt. January 7 1999
\[157\] ibid
\[158\] Community Development Committee. Minutes August 10 1999
These figures seemed impressive but the lesser amounts were allocated to
the bush areas of the Belt and where one area of the Town Belt was allocated
funds for improvements an equivalent amount was deducted from another area.

In 1999 the DCC provided for a grant of $20,000 for Town Belt
development and Councillor Hanan met civic members who recommended
improvements in the Meadow Street-Hawthorne Avenue section of the Belt which
included extended recreational development. What had never before been
anticipated was the entry of wheeled traffic through the Belt when mountain
bikers sought the park as a mountain bike recreational reserve. The Amenities
Society and private walkers objected to the possibility of bikers riding along
walking tracks and the anticipated damage to tree roots. This same concern was
expressed by the Otago Tree Society which noted the danger of increased use of
the tracks by mountain bikers and also the need for drainage work as poor
drainage affected the health of trees. It was acknowledged that vegetation should
be the main thrust of the Otago Tree Society. However the DCC went ahead
with plans that mapped out bike routes which would be signposted at an estimated
cost of $25,000. At the same time the Botanic Garden was facing the reality of
cutting back flower beds, plant labelling and repairs to vandalism as there was a
$25,000 cut in funding. It was also shown that the east end of the Botanic Garden
duck pond was dilapidated and shabby and that $25,000 would be needed for
repaving and planting.

In 2005 a large feature article appeared in the *Otago Daily Time* headed, "Is
the Town Belt buckling." The article covered the early history of the gift of the
Town Belt to the fledgling settlement and stated that although present Dunedin
citizens held the Belt in high regard, many would not be aware it was under threat.
There were low levels of natural regeneration and threats to its sustainability by
introduced weeds and native plants from outside Dunedin. The human activity on
the edges of the Belt ranged from illegal access ways to neighbouring properties,

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159 Otago Tree Society. Annual General Meeting. March 26 2000
Heritage Collection. Dunedin
to the erection of buildings and the dumping of rubbish along the Belt's length. DCC parks officer Richard Dahlenburg was aware of the multitude of vegetation and animal problems rampant in the Belt but his statements appeared to be overwhelmed. Dunedin Amenities Society chairman, Mick Field, supported the efforts of the council employees but decried the piecemeal approach to the problems. He said,

What we really want them to do is understand the mechanics of reserve management in a more scientific way. Studies have been done, but in a piecemeal way. There is also the relationship of people to places and the need to understand the wildlife, native birds and insects.161

In 2006 there were proposals for a different approach to a portion of the Town belt. This was the plan to restore Jubilee Park to the creators' original dream of an English style public park when it was established to celebrate Queen Victoria's 50th jubilee. It was planned to rid the park of sycamores and native plants such as coprosma Australis that covered the lower canopy of the bush.162 At the presentation of the plans at a public meeting a large proportion of those attending were local residents. Many spoke and indicated that they wanted "their" park to be left alone and did not want it to be opened up. In letters to the editor writers refuted the idea that a memorial to Queen Victoria was a reminder of our colonial past, and saw the planned park as a profound and historical part of who we are now.163

In July 2005 another controversy arose. While it is related to encroachments, it highlighted the ways in which different concepts of the ways in which the Town Belt was viewed by various sectors of the Dunedin public and as such will be included in this chapter. In July that year the Star Weekender ran a front-page article under the headline, "Leith lets in trouble." It went on to say,

Dunedin's cash-strapped Leith Bowling Club is breaking the law by sub-letting part of the building without DCC's knowledge or consent...For the past 18 months, the 81 year club has been renting space to the Grace Bible Church. The church regularly has Saturday newspaper advertisements for its services at Leith Bowling Club, 2 Duke Street. On its website, the church lists the bowling club as its Dunedin premises.

161 ODT. Is the Town Belt buckling? July 23 2005
162 ODT. DCC to take axe to rogue trees in park. February 7 2006
163 ODT. Jubilee Park plan deserves residents' support. February 22 2006
The club is on reserve land, part of the Dunedin Town Belt. The Reserves Act states that a recreational body on such land cannot obtain commercial benefit from it. Any additional activity must relate to the purpose of the reserve.

"They (Leith Bowling Club) have breached the terms of their lease if this is in fact the case," DCC community and recreational services manager Mick Reece said.
The Portobello Bowling Club tournament secretary Ngaire Phillips said, "I think clubs should be allowed to do what they want, within reason, with their buildings."

The Star concluded the article by inviting comment as to whether the council should revise its lease agreements with sporting and community groups.164

By the next issue of the Star letters to the editor under the headline, "Land rights come first but need to alter Reserves Act," were both in agreement that the Leith Bowling Club was remiss in breaching its lease agreement which said,

If the Leith Bowling Club rents its building to the Grace Bible Church, this would in effect be establishing a church on reserve land. The rights and protections set in place for the citizens of Dunedin must come before the problems of 30 bowlers.

Dr J.S. Worth of the church said;

We absolutely think that the council should revise its lease agreements with sporting and community groups. How could anybody possibly find fault with what the bowling club has done in leasing the premise for worship services to help itself financially... the church involved was in no way responsible for shortcomings of the bowling club, and that they (the church) have been totally above board in all their dealings. It is not really that clear from your article.

A club member said, "I agree that the Dunedin City Council has a moral obligation to change the Reserves Act to allow clubs to sub-let to other community groups in order for them to face increasing pressure that they, and other clubs of 2005 face."165

The controversy continued into the following issue of the Star with the headlines, "Buildings should be fully utilised, says corresponder" and "It's time

164 Star Weekender. Leith lets in trouble. July 14 2005
165 Star Weekender. Land rights come first. July 21 2005
Tv relay station at Prospect Park above Woodhaugh
for a change". One writer said that recreational, leisure and religious groups come within the meaning of the act and another tied sporting and community groups together.\(^{166}\) The controversy seemed to die down with nothing further published in the *Star* nor any further statement from the DCC but when the writer interviewed DCC Community and Recreation policy team leader Lisa Wheeler on July 23 2010 and asked about the Leith Bowling Club she stated that the sub-lease to the Grace Bible Church was still in operation as they "wanted to help out the club." She added that the Church's application to make alterations to the building had been declined.\(^{167}\)

Yet already in 2005 the DCC had commenced a review of bowls clubs and by 2006 had called for a meeting of bowling clubs which included 11 of 12 whose facilities were on council reserve land. "It's obvious some clubs are going to fold," said one club official, who asked not to be named. The *Star* carried a headline which said, "Bowls clubs on the mat – DCC has 'hinted' at amalgamations." The article identified several clubs that were most vulnerable, including Leith with fewer than 30 members, Opoho with about 25, while Port Chalmers and Kaituna each had about 40.\(^{168}\) The following week the headlines of the *Star* said, "Health check for other codes - Council to investigate more sports clubs." Although the article dealt mainly with the processes concerned with the bowling clubs, Mike Reece, Community and Recreation Services Manager, said, "In this process, bowls has been seen as priority but occupation of council land is an issue for other clubs."\(^{169}\)

The DCC encourages support for the Town Belt through articles published in the city magazine *City Talk*, such as "Giving Nature a Hand" which covered the work done in the Town Belt by the Conservation Corps, the Mornington Baptist Church, the Environment Centre, Kaikorai Valley College, St Peter Chanel Church, Balmacewen Lions Club, Keep Dunedin Green and Task Force Green. The Otago Regional Council paid for five Task Force Green workers for

\(^{166}\) *Star Weekender. Buildings should be fully utilised*. July 28 2005  
\(^{167}\) Interview with DCC, Community and Recreation policy team leader, Lisa Wheeler, July 23 2010  
\(^{168}\) *Star. Bowls clubs on the mat*. April 27 2006  
\(^{169}\) *Star. Health check for other codes*. May 4 2006
six months to clear the way for a walkway alongside Lindsay's Creek. The value of involving schools and the younger generation was seen as strengthening the awareness of their heritage and especially the message of anti-litter and responsibility for the environment.170 The March 2002 issue of City Talk showed volunteer workers under the headline 'Preserving Our Reserves' and the issue of June 2004, 'Club Med at Botanic Garden.'171

Another form of support for the Belt were bequests to the DCC of land or money. Similar bequests of money were made to the Amenities Society for specific park works or tree planting. In 1972 there was a bequest from the estate of Alex McMillan of $236.99 to plant trees in the Town Belt and in 1985 the estate of Ethel Johnstone bequeathed land on the corner of Tolcarne Avenue and Drivers Road to be included in the Town Belt. This corner was a particularly valuable addition, as although not extensive in area, it had some beautiful mature exotic trees and an excellent collection of rhododendrons.172 Her estate also met half the costs of the boundary fence (full cost $5197.33) and the cost of drainage of the site.173

The DCC also made minor purchases of land adjoining the Town Belt where it rounded off awkward corners or linked different topographical anomalies. This included 69 Harbour Street, some minor rough land at the bottom of Pollock Street and an agreement to purchase land from the Dominican Fathers in Dalmore. This was seen as a valuable addition as a visual link to the Town Belt and the Botanic Garden.174

Yet at the same time St Hilda's Collegiate School asked for the solo use of a track across the Belt from its boarding residence in Tolcarne Avenue to Newington Avenue. The DCC favoured this request by extending the Newington Avenue footpath to connect with this track. The DCC also planned to redevelop the land previously occupied by the Montecillo Croquet Club on Eglinton Road. It was proposed that the whole area be set aside for car parking. This was opposed

172 DCC archives file 19/15/1 T24 November 24 1988
173 ibid
174 ibid
by the Amenities Society which offered funds for seating and or trees for the project. However the Amenities Society bowed to the demands of modern technology by no longer opposing the installation of a repeater station as it had in 1955. This was the Vodafone repeater station at Prospect Park. The minutes of the Society stated,

We have not opposed such facilities as electric sub-stations in the reserves, provided they are inconspicuous. It was agreed that the proposed station would be less visible if situated on the other side of the road and down the bank.

The committee followed this up with a visit to the site and supported the proposed station for this area as long as it was disguised.

The way the Town Belt was regarded by the Dunedin public had significant implications for decisions made by the DCC whose councillors, often in the name of economy, when its maintenance was allowed to flag, or in support of private pressures, ignored illegal uses of the Belt land. There was wide citizen interest in the Belt which although often quiescent was a force that had to be considered by the DCC. Such controversies as those which arose from the York Place group's demands and the threatened Lovelock Avenue closure could not be solved by DCC edict. The Dunedin public made its views known, often with differing results that depended upon the strength of the core parties and whether they had the support of the general public. Added to the mix of public opinion was the influence of Dunedin's two newspapers and how and when the facts and opinions were presented. This was democracy in action but local politics also derived from timing, strength of councillor groupings, and publicity. But with such a wide variety of citizen interests as shown in this chapter, more equitable results could have been achieved if the legislation in place had been used to solve outstanding problems. In bringing together the range of these separate problems as seen in

176 Dunedin Amenities Society. Minutes May 13 2004 deposited at the Hocken Library Dunedin
177 Dunedin Amenities Society Minutes June 14 2004 deposited at the Hocken Library Dunedin
Vandals fell 13 native trees in Town Belt

By DEBBIE PORTEOUS

THE mysterious felling of 13 native trees in Dunedin's Town Belt has the city council stumped. It appears someone has used a small axe or a machete to fell the trees, five of which were about 16m tall, had a half-metre girth and were more than 50 years old.

Dunedin City Council parks officer Scott Maclean said staff were appalled by the sheer scale of the damage and bewildered by the degree of persistence and motivation required to achieve it.

"It would have taken them hours to do one, but to do five? It's a pretty boring way to spend your day."

The five mature trees and eight younger ones, all different types and in close proximity to each other, remain where they fell in dense bush, about 50m from any road and the same distance from houses below the Town Belt.

"It's not someone trying to expand or clear their property." Mr Maclean said council staff were deeply upset about the damage.

Such serious cases of vandalism were rare, he said. The destroyed trees were discovered by a possum contractor carrying out routine work in the Prospect Park area of the Town Belt. They appear to have been felled some time during the past two to three weeks.

Staff had referred the matter to police, and were also determined to find those responsible.

They urged anyone with any information, or who heard any chopping from the Town Belt, to contact them. Letters would be sent to neighbouring residents seeking the same information.

Anyone with information about the vandalism should contact Martin Thompson (Parks and Reserves team leader) or Scott MacLean on 477-4000.
each chapter, a final assessment will then be made of the performance of the DCC and actions yet needed for the Town Belt's future survival.
Chapter 6  Lovelock Avenue – A case study of Belt politics

The most long-running controversy related to the use of the Town Belt was, and is, that which concerns public access to Lovelock Avenue. This is treated as a separate case study which will show how various sectors of the Dunedin public viewed the proposed modification of an area of the Town Belt and how DCC administration and councillors responded.

Lovelock Avenue runs from Opoho Road, at the top, to Clyde Street at the bottom of the hill near the University of Otago. It bisects the top of the Botanic Garden where the main administrative and glass-house complexes are, but significantly its border gives ready access to the Rhododendron Dell. This gave rise to vandalism and theft in the upper garden and prompted the DCC staff, in 1987, to take the practical step of closing Lovelock Avenue from evening to dawn to ensure security from the ongoing problems at night from people entering the garden from cars on Lovelock Avenue. This was not a unilateral decision taken by staff as the decision to close Lovelock Avenue had been supported by discussions in council six time in the previous year.

The DCC report of May 6 1987 summarised the problem and quoted section 4 of the 1902 act that stated,

The Council is empowered to declare and regulate the rule of the road and the traffic, upon roads in the Town Belt whether highway or not, not withstanding any enactment or law to the contrary. Primary value of this is as an area of reserve. Lovelock Avenue is not a legal road, it is a road formed over the Town Belt and surrounded by some of the city's most prestigious parkland ... believes that the road users should consider it a privilege and not necessarily a right to be able to drive along Lovelock Avenue.178

The closing of the road brought about the wrath of Opoho residents who used Lovelock Avenue as the most convenient route between home and work. This was highlighted by the Otago Daily Times which reported that councillors and the Mayor had received many complaints and that the gates should be be

178 DCC archives file 19/15/2 May 6 1987
removed. A decision was deferred until there was time for more public submissions.179

Within three days the *Otago Daily Times* published the headline, “Garden again vandalised.” This time vandalism occurred at the nearby bus loop off Opho Road in the upper garden, where the grass verge was torn up by numerous deep tyre marks and newly planted trees had been knocked over and destroyed. Mr Stewart, supervisor of the upper garden, said there was not much that could be done... unlike Lovelock Avenue, the bus loop could not be closed off.180 On May 5 the *Otago Daily Times* displayed the headline, “DCC staff, councillors to attend public meeting.” There was some discussion between councillors as Cr McLean, chairman of the Parks and Recreation Committee, said that neither she nor the Parks Manager, would attend. She advised that three full pages of information had been sent to the organisers. "I've had enough of public meetings at Maori Hill," she said, referring to the rate reform group meeting of the previous month. Cr Elizabeth Hanan said the meeting should be a communications exercise. The committee decided to ask Mr Struthers, Manager, Parks, to attend the meeting to answer factual (rather than political) questions.181 The Dunedin Amenities society backed the nightly closure of Lovelock Avenue with the statement in the *Otago Daily Times* that the "outstanding amenity" of the Botanic Garden deserves the extra and successful protection afforded by the closure of the avenue at night.182

The council recreation committee meeting on June 9 resulted in a long and sometimes tense discussion. The final successful motion said that the nightly closure of the avenue should be discontinued when alternative security arrangements had been devised. The new arrangements were to be made in consultation with staff and residents, and were acceptable to the council.183

At the council meeting on June 22 the subject of the gates was again discussed. It was noted that this was the sixth time the council or the committee had discussed the closure since the installation of the gates was approved in July

179 *ODT* Decision on gates deferred. April 4 1987
180 *ODT* Gardens again vandalised. April 7 1987
181 *ODT* DCC staff, councillors to attend meeting. May 5 1987
182 *ODT* Amenities Group backs Lovelock Avenue closure. May 30 1987
183 *ODT* Bid to reopen Lovelock Avenue. June 9 1987
the previous year. The director of services, Mr W.E. Whitney, estimated that time
taken by staff in investigations concerning the closure had cost $15,000. The
discussion ended with agreement of an amendment from the committee chairman,
Cr Jean McLean, that other interested bodies should be consulted in an attempt to
find alternative security measures to protect the Botanic Garden and the Northern
Cemetery. Until agreement was reached the gates would continue to be closed at
night.184

The controversy went on during July with closure support from the
Department of Conservation and the New Zealand Labourers Union. In a
statement to the Otago Daily Times, Professor Barbara Calvert of the Opoho
Residents Committee accused DCC staff of continuing to supply misleading
information about the closure and that the information given was accepted by the
parties that favoured closure.185

On November 9 1987 the recreation committee decided to compromise and
replace the gates across the road with barriers across the most vulnerable
entrances. Barriers would be placed across the entrance to Bracken's View, the
Northern Cemetery, the main upper gardens car park, the service entry and the
roadway to the aviary. During the previous 12 months, prior to the gates being
closed, damage to the upper garden had amounted to $39,280. The Residents
committee, the Friends of the Botanic Garden and Mr A. Gilbert, of Dunedin
North Intermediate School were against the road closure. The Amenities Society,
the New Zealand Labourers Union, the Dunedin Geological Society and the
Department of Conservation were for retaining the gates.186

A hard-hitting and detailed editorial in The Otago Daily Times on
November 12 castigated the Council for weakness in permitting what it called "a
relatively small number of Opoho users to avail themselves of this night-time
short cut." The editorial continued,

Even when all these soft options are put in place, the city is left with
such problems as bicycles and dogs and misbehaviour in the Lower
Gardens, drunken trouble in Bracken's View, and serious and

184 ODT Gates to be removed. June 23 1987
185 ODT Obstruction claimed over street closure. September 1 1987
186 ODT Compromise may open Gardens road. November 10 1987
interminable vandalism in the Northern Cemetery. And still no one is prepared as Dunedin people were prepared in earlier days to impose the law...\(^{187}\)

By 2008 the controversy had once more gained momentum. On March 8 2008 the *Otago Daily Times* published a full report on DCC plans for the Dunedin Botanic Garden with the large headlines, "$6m upgrade planned for botanic garden."

The intention is to reroute Lovelock Avenue along the side of the Northern Cemetery ($1m) and to build propagation glasshouses, nursery and work areas on a new site at the top of the boundary of the garden ($5m). Moving the glasshouses led to the plan to realign Lovelock Avenue which winds through the gardens. This would allow more space for the rhododendron dell and the realignment should also help overcome a theft problem...Mr Matchett was well aware of public interest in any change to the garden...development plans for the botanic garden would be explained at two public meetings at the garden centre 4 pm March 16 and 7 pm March 19.\(^{188}\)

A letter to the editor of the *Star* had the headline, "Opposition to Lovelock Avenue changes." and expressed an objection to lack of public input, despite two meetings of Opoho residents, to Council planned road changes to Lovelock Avenue.\(^{189}\) The controversy was opened again on January 23 2010, when the *Otago Daily Times* ran an extensive article under the headline, 'Last chance for Lovelock Ave opponents.' The article outlined the plan to realign Lovelock Avenue to allow more room for the Rhododendron Dell and the relocation of the propagation house and the administration buildings, and deal with safety issues related to the road. The plan was supported by the Friends of the Botanic Garden who held two meetings with city councillors to explain the Lovelock Avenue realignment. Members too, were asked to lodge submissions in favour of the project but 158 submissions were received against the plan compared with 32 in favour.\(^{190}\) Opponents, mostly Opoho residents, had fought the project as it had gone through council, then through the resource consent process, but now the

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\(^{187}\) *ODT* Lovelock Avenue. November 12 1987

\(^{188}\) *ODT* $6m upgrade planned for botanic garden. March 8 2008

\(^{189}\) *The Star* Opposition to Lovelock Avenue changes. May 22 2008

\(^{190}\) Friends of the Dunedin Botanic Garden. Minutes of the Annual General Meeting. April 23 2010
DUNEDIN BOTANIC GARDEN DEVELOPMENT PLAN
DEVELOPMENT PLAN B

LEGEND

1. NEW GARDEN DEVELOPMENT
2. NEW GARDEN DEVELOPMENT
3. AVIARY (EXISTING)
4. NEW SUB ANTARCTIC GARDEN
5. NEW TROPICAL GARDEN
6. NEW ADMINISTRATION FACILITY
7. NEW SEMINAR FACILITY
8. NEW INFORMATION CENTRE
9. NEW CAFE
10. EXISTING DAFFODIL LAWN
11. BUS AND CAR PARKING
12. NEW ENTRY
13. SERVICE ACCESS
14. EXISTING TOILETS
15. LOVELOCK AVE
16. NEW SHADE HOUSE
17. NURSERY
18. PROPAGATION
19. GLASSHOUSE
20. GLASSHOUSE
21. BOILER
22. WORKSHOP
23. RECYCLING
24. OPOHO BOWLING CLUB
25. LOVELOCK BUSH
26. EXISTING CAR PARK
council decided to listen to the public's view one more time at the annual plan hearings in May.191

In the same issue of the Otago Daily Times Emeritus Professor Helen Leach provided a full page article with maps, that detailed the history of the avenue from a track in 1866 to the present plan to replace it with a fully formed road on the eastern boundary of the Town Belt. The original closure of the avenue was opposed on the grounds that it inconvenienced the lives of Opoho residents. New reasons given were that the south-facing substitute road would be a potential traffic hazard in winter with frost and sun-strike and with a steep gradient (1 in 6.2). This would deprive cyclists of a well-graded uphill route from Dundas Street to Opoho, while other people, “were sad that they will lose a scenic drive beside the upper garden, or a peaceful traffic-free walk beside the cemetery.” 192

In May the Mayor, Peter Chin, used his casting vote to ensure the project went ahead. In this decision the DCC was acting within the legal boundaries of the Dunedin Town Belt Roads Closing and Regulations Act 1902 which included the statement,

It shall be lawful for the Council of the City of Dunedin, subject, however, to the provision hereafter contained to create and dedicate highways through the the Town Belt, in addition to or in substitution for such as already exist or to change the course of any highway within the Town Belt in such manner as may seem best.193

In September the Lovelock Environment Society had called a public meeting with City electoral candidates, to again make plain their opposition to the closure. This was timely as the local elections were scheduled for October 2010 and views of candidates could influence voting preferences of local voters. The Society said that the main problem was the initial lack of consultation before the plan was made public. Later, when a petition was distributed in Opoho and three hundred signatures were gained from residents who opposed the plan, DCC officials were unwilling to accept the need of a public meeting. 194

191 ODT Last chance for Lovelock Ave opponents. January 23 2010
192 ibid
193 Albert Green. Necklace of Jade. 25
194 Dr W. Harris, University of Otago. Interview October 24 2010
View from above . . .
Looking towards Pine Hill Rd from the Southern African collection above the Mediterranean Garden, the plaza and fountain seem to float on the bush.

PHOTOS: GILLIAN VINE
But in October a new Council had been elected. Councillor Lee Vandervis was alerted that tenders for the “realignment” were out and due to be signed. He went to the new Mayor, David Cull, who quickly responded to this news by telling the Council CEO not to sign any such tender. At the same time the Mayor went public with this decision in the *Otago Daily Times*. This ensured that the new Council would have a need to review of the previous council’s decision.\(^\text{195}\)

On Monday November 16 the council voted 8-5 not to go ahead with a plan to realign Lovelock Avenue, part of a redevelopment plan at the Dunedin Botanic Garden.

Councillor Vandervis said,

> There were darker political moves afoot however. The old Council had voted for the destruction of Lovelock Avenue egged on by staff who had decided what was best without bothering to sell it to the public. The old guard therefore united (almost - Cr Collins the exception) to try and maintain their previous decision just to show the newbies who still ran the show. The 8-5 in favour of retaining Lovelock Avenue was the first significant old boy A Team defeat in years, and they are unlikely to recover. From my perspective, the Council voted against the closure of Lovelock Avenue primary because it became evident that to the majority of us that most Dunedin people concerned (especially Opoho residents) really liked and valued the serpentine road. It is difficult to form an attachment to a straight steep accountant’s line on the map. (Dunedin has far too many of these.) but Lovelock Avenue has a lovely sweep, a lovely name, and character, which in the end won the day.\(^\text{196}\)

Dunedin Amenities Society president Mick Field said the people who had worked for years on the project were disappointed. He was concerned that some people had got the idea that the staff had not applied the necessary rigour to the project and that there were “connotations we got it wrong. That was not the case; rather there were social and political reasons it wasn’t acceptable this time.”\(^\text{197}\) He said, "it was a triumph for politics rather than progress.”\(^\text{198}\)

\(^{195}\) Lee Vandervis (2011) E-mail lee@vandervision.co.nz to Albert Green. February 15

\(^{196}\) ibid

\(^{197}\) *ODT* Garden Group laments. November 18 2010

\(^{198}\) *ODT* Garden Group laments. November 18 2010
opposition and in turn were supported by some councillors' use of the controversy to establish Council political domination.

This controversy over Lovelock Avenue emphasises the role of politics in decisions pertaining to the Town Belt. Lovelock Avenue was just part of the Botanic Garden which in turn was just part of the Town Belt but because of the perceived inconvenience to residents of the suburb that bordered the area it became the centre of a long-running controversy between DCC staff and councillors with the residents of Ophoho. It involved other city organisations and the Otago Daily Times both in support and in opposition to the plan to divert Lovelock avenue.

The DCC gardens staff bore the brunt of Ophoho residents' resentment at the threatened loss of "their" road. But the gardens staff acted within the authority given by the council and their actions were practical whereas the reasons given by the opposition were emotionally based. The main point presented by the residents was that they were not given the opportunity of contributing to the plan yet from 1997 until 2010 there were one meeting after another. The new mayor cancelled the actions of the previous mayor and called yet another meeting of council to affirm his action. The final decisions made were political in that the controversy became centred around power struggles of groups within the council, especially between newly elected councillors and those remaining from the previous council. It was the political election timing of the final decision made, whether the new plan would be allowed to remain as already confirmed. The continuation of this controversy was also influenced by the articles of the Otago Daily Times which resuscitated the problem each time it appeared to die down.

The subject of how to develop the upper Botanic Garden will not go away. On December 3 2010, the Otago Daily Times ran an attractive photograph along with the headline "Subtle changes in Lovelock Bush." This did not mention Lovelock Avenue but did include a full description of the native bush in the surrounding area and future possibilities for native tree development. In the new year of January 2011 the original problem of theft and vandalism was once more rife. The Otago Daily Times on its front page carried the headline, "Rare rhodos being pilfered" with details of how fifteen flowering plants, imported as wild seeds
collected from China, Japan and South Korea had been taken from the garden in two recent raids. Council Botanic team leader, Alan Matchett said that the thefts had followed a string of vandalism at the garden in recent months that included damage to the new Mediterranean garden causing damage of about $6,000. However Botanic Garden staff accepted the direction of council and at the Annual General meeting of Dunedin Friends of the Botanic Garden on March 23 2011 presented the new Dunedin Botanic Garden Development Plan which showed the new developments straddling Lovelock Avenue.

199 ODT Rodos pilfered from Botanic Garden. January 19 2011
Conclusion

Encroachments on Town Belt land have been a persistent problem for the DCC since the time of settlement but during the past century action to counter this abuse has lessened or even completely disappeared. Similarly there have been decades of maintenance regression which allowed weeds and exotic fauna to dominate the natural tree cover to the detriment of the Town Belt's appearance. Earlier chapters have identified these problems and the laws in place to eliminate them. It is now intended to broaden and summarise the record of encroachments so as to identify whose responsibility it was to respond to these illegal actions.

It has not been just private encroachments that have threatened the integrity of the Town Belt as there have also been the unilateral actions of DCC departments, other than the Community and Recreation Department, that have modified or made illegal use of this land.

As already recorded, the Electricity Department built the sub-station at Alva/Stafford Streets in 1955, and in the same year the Water Department built the storage reservoir at Montecillo. The Roads department has excessively cutback the tree lines where Town Belt roads meet intersections or where the roads has been widened. In 2008 the Roads Department made Queens Drive a one-way street at Littlebourne. It was the DDC that issued building permits for garages that opened directly onto the Town Belt and also authorised the subdivision of sections that depended upon access across the Town Belt. The Community and Recreation Department, too, has been guilty of allocating land for other than recreational purposes when it gave a portion of Belt land to Glamis Hospital as a car park by declaring the land to be a public road.

With the building of infrastructure on Belt land many of these actions have been irreversible and the land permanently lost. Where public demands have been made that such land be recovered, action solutions have been subject to reports, lawyer oversight, interdepartmental negotiations and council consultations. As in the case of Queens Drive, these have stretched into years and only an outside
organisation such as the Dunedin Amenities Society has the stamina and range of membership to cover the years that such corrections demand.

An early 20th century example, Mr. A. Burt, was in 1904 instructed by the Reserve department to remove all fences, hedges and gardens off the Town Belt within a fortnight. This firm action was the last recorded stance taken by the DCC against a continuing plethora of encroachments and easements.

By 1917 the Reserves Committee was asked to report on the encroachments being made on the Town Belt. This report can no longer be traced through the DCC archives but it was only the first of a series of reports on encroachments and easements that increased during the 20th century and present decade.

The Superintendent of Reserves, Mr. R. Skipworth, made his report to the Town Clerk in 1940 as follows,

There is a considerable number of encroachments of various sorts on different parts of the Town Belt. These encroachments maybe described in two main classes.

1. Vegetable gardens - During the depression several areas of the Town Belt were set side by the Corporation for the cultivation of vegetables by unemployed men who possessed no private gardens. As the need for this purpose gradually disappeared, the plots were abandoned by their original owners, but householders in the neighbourhood frequently continued to cultivate entirely new areas on the Town Belt.

2. The second type of encroachment consists of the extension of private gardens by adjoining owners. A portion of the Town Belt adjoining the back of section is usually first kept tidy, then gradually converted to garden, and in some cases fenced in. In addition, such cases of extension often led to the erection of wireless poles, clothes lines, fowlhouses and sheds on Corporation property. Entrances to garages, for the delivery of coal etc. are also frequently made without the authority of the Corporation. Areas where this has occurred may be seen at the back of portions of Royal Terrace, Queens St., York Place and Maitland St.

The owner of the adjoining section usually argues that the areas as most untidy and that his encroachment is an improvement.

Although this letter identified the problems of encroachment it did not offer any solution or action to be taken.

200 DCC Reserves Committee Minutes. February 22 1904
201 ibid May 21 1917
202 DCC letter from the Superintendent of Reserves to Town Clerk. Archives Res. M/1 19850
In 1960 the problem of encroachments was raised by the Superintendent of Reserves with the Town Clerk who in turn asked the council lawyers to prepare a report as to what powers the DCC had in this matter. This report, which has been fully recorded in chapter 3, confirmed the legal powers to have encroachments removed. The Town Clerk acted on this advice by circularising all owners and occupiers of property adjoining the Town Belt to specify what the DCC required of them.\textsuperscript{203} The circular left sufficient doubt as to firmness of purpose in that it advised that under certain conditions listed, that at the discretion of the council, licences could be granted.

A 1964 Reserves Department minute contained a report from the Superintendent of reserves that listed conditions of the Town Belt that varied from good to poor. The report included strong policy recommendations that the DCC resist all further attempts to open up new roads and footpaths, pipe lines, power lines and the trimming of road edges.\textsuperscript{204} The report was accepted and the Superintendent approved in principle the steps for the removal of all rubbish and undesirable growth, area by area, over a period of two years.\textsuperscript{205} There was no mention of encroachments.

The Recreations Committee granted an easement across the Town Belt to 82 Heriot Row, on October 28 1987, even though there is no record of public notification as required by the \textit{Reserves Act 1977}. In the discussion of this easement the committee members expressed surprise at the number and type of encroachments listed in the accompanying report, \textit{Dunedin Town Belt: Encroachments for vehicular Access}. The report was a full one even though it covered only one aspect of encroachment, that of development of private drives across the Town Belt.\textsuperscript{206}

Under the heading \textit{Background} the report stated,

\begin{quote}
Comprehensive reports, describing the extent of encroachment onto the Town Belt for private benefit, were presented to Council in 1898 and again in 1960. All varieties of encroachment were detailed: the illegal construction of drives, paths, sheds and fences, the extension onto the Belt
\end{quote}

\textsuperscript{203} Office of the Town Clerk. Letter October 19 1960
\textsuperscript{204} DCC Reserves Department minute June 8 1964
\textsuperscript{205} DCC Approval for restoring Town Belt. July 6 1964
\textsuperscript{206} For full details refer to Appendix E
of private yards and drying greens, the tipping of spoil and garden refuse and scrap.

The report in paragraph 3 under the heading Council Practice stated,

Provision for the granting of rights of way subject to Ministerial consent was introduced to reserves legislation by section 49 of the Statutes Amendment Act 1948. Subsequently the provision was included in the Reserves and Domain Act 1953, and with the proviso that public notification be given in certain cases in the Reserves Act 1977. Not withstanding this statutory requirement, the Council had continued to grant access over the Belt “at the pleasure of the Council” although there was an increasing doubt as to the wisdom of this practice.207

The report also included DCC policy for the Town Belt adopted by the Parks and Recreation department in the Annual Plan in terms of the Reserves Act 1977. The 1983 Plan stated that,

(a) Existing access over the Town Belt granted at the pleasure of the Council shall be confirmed by the granting of easements under section 48 of the Reserves Act 1977, where in the opinion of the Council the continuation of such use is essential in order to provide safe vehicular access to adjacent property, and the provision of such access does not detract from the purpose of the Town Belt as recreation reserve.208

In 1989 separate council departmental committee meetings were amalgamated into one meeting and the resultant précis of business recorded lacked detail and identity of responsibility. The following letter from the Dunedin Amenities Society emphasises the frustration at the lack of DCC responsibility in Belt protection during the 1990s.

Dunedin Amenities Society - letter to His Worship the Mayor April 16 1992

In our dealings with the Council over the years our main contact was with the Councillor who was chairman of the Reserves committee and also with the Director of Parks and Reserves. Not only did we get used to this arrangement, but we understood clearly the political responsibility which the former carried and administrative responsibility of the latter.

207 DCC Recreation Committee minute. File 72/2/7 October 28 1987
208 ibid
When we had a suggestion or a problem we knew by its nature which of the two people to approach. What was most important was that the Chairman became the champion of his department in taking the views and aspirations of this officer to Council for decisions. Since the reorganisation of the Council, there seems to have been lost the direct involvement of a Councillor with responsibility for recreation, reserves and parks. What has been recorded in the newspaper reports referred to, i.e. the loss of significant amenities by decree of Council as a whole, evidently had no champion in the shape of a Chairman of Reserves etc. to oppose it.
The politicians took the easy way out, said virtually, “prune your budget by $300,000, we could not care less how you do it.” We consider that the staff of recreation planning were placed in totally unfair invidious position by an irresponsible act. It is not good enough that Councillors adopt an attitude that they have to absolve themselves of responsibility.

The Amenities Society still felt the DCC's lack of environmental concern in the new decade when it recorded in the Society minutes,

Mr John Perry saw a progressive deterioration of the number people in the DCC who have horticultural training - level of responsibility held by such people has been lowered ... felt that no one in the Town Hall was interested in the environment, or in the beauty of the city.

By the end of the 20th century no DCC action had yet been taken as evident in the following Amenities Society correspondence.

Dunedin Amenities Society to the Chairman and Members Community Development Committee, DCC.
Accessways and Encroachments over Council Reserves and other Council Lands.
At our Society's meeting on 24 August our President, Mrs Jean Byer, reported new approaches to her concerning encroachments on Council reserves and other lands, it being stated that there are many such that have been sanctioned in writing by Council officers and others which have been sanctioned verbally by Council officers, both recent and in the more distant past.
The revelation confirms our earlier contention that the Council's administration of these lands has been less than satisfactory, that the ethic of stewardship, i.e. administration for the public good has been lost, but now must be retrieved.
There is an enormous job to be done to find out from encroachments what and who have agreements, whether they are written or verbal, what the details are and who the Council officers were and when. The Society is happy to pass on to Council staff all knowledge which has been revealed

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and doubtless will be revealed in the future in order to enable staff to pursue the facts.

It has been stated to us by Council staff that the options which have been adopted by Christchurch and Wellington City Councils cannot be considered by you at this time because of the conflict with recently made Council policies.\textsuperscript{210}

In August 1999 the Amenities Society continued its defence of the Belt with a full report of the encroachments on the Belt. The \textit{Otago Daily Times} reinforced the report from the Society in the matter of encroachments when it accused the DCC of being aware of encroachments over reserve land for decades and stated there was a report that the Council knew about 80 to 100 informal encroachments and accesses.\textsuperscript{211} Amenities Society Treasurer, John Perry, quoted in the same article, believed that a DCC staff report presented two options: 'actively pursuing' the current policy for all known existing encroachments and accessways or continuing as at present which meant considering encroachments and access issues as they arose and not actively pursuing those already known about. He also advocated that the DCC adopt the policies of the Christchurch and Wellington City Councils which were as follows,

\textbf{Christchurch.} No new rights of way will be allowed on reserves. All existing rights of way will be progressively removed by 2020. Existing approved rights of way will be allowed to be formalised so that the rights of owners can be clarified. These rights will be designated to terminate on 30 June 2020. Existing unapproved rights of way will be progressively removed over the next ten years and will not be formalised. Formal easements pursuant to section 48 of the Reserves Act 1977 ... will be negotiated to expire on 30 June 2020.

\textbf{Wellington.} Encroachments by Occupation: Encroachments have alienated 2.3253 ha of original Town Belt land. This is contrary to the original deed which intended the land be 'forever hereafter used and appropriated as a public recreation ground' and prohibited Council from alienating or disposing of it.... An owner who is encroaching shall be required within 12 months to remove...\textsuperscript{212}

\textsuperscript{210} Dunedin Amenities Society. Minutes September 21 1999. 72721297 Hocken Library Dunedin
\textsuperscript{211} \textit{ODT. Request for direction on Reserves.} August 7 1999
\textsuperscript{212} Dunedin Amenities Society. Letter to DCC Community Development Committee. August 10 1999
The Amenities Society went on to report,

Our discussions and considerations were benighted by the input of two of the members of the Town Belt review committee, one of whom is a listed encroacher on the Town Belt (I suggested unsuccessfully that she should be removed from the committee), the other reflected the encroacher’s attitude, her stance being the removal of encroachments would affect property values adversely. The outcome of the discussions was apathetically weak policy on easements and encroachments. This policy has now become a recent addition to the DCC Reserve Management Plan General Policies.213

At the end of 2004 the Amenities Society joined with the Community and Recreation Services Department (CARS) in a series of meetings to produce a Strategic Plan for the long term of 10 years so that by 2014 the Town Belt would have been retained, protected and extended as Dunedin’s premier open space/recreational buffer zone. This would extend from Ravensbourne to Lookout Point as a continuous flexible green belt.214

The Plan went on to report,

The Town Belt is bounded by relatively affluent suburbs which include houses of many of Dunedin’s influential citizens who also act inappropriately toward the Town Belt. Weaknesses. The lack of political will within the DCC to take tough action on the prevention or removal of encroachments into the Town Belt. On occasion, there is poor communication from other departments to CARS. For instance CARS was not notified about possible encroachments on the Town Belt by Planning, Water or Roading departments. As a consequence, some inappropriate encroachments end up being approved and would not occur if CARS were notified.215

The Plan was formally presented to the Council on July 12 2005. It also listed fifteen specific actions which needed to occur over the next one to two years which, when completed, would be the springboard for the actual remedial and development work within the Town Belt over the ensuing years.216

In answer to a letter in 2008 to the Otago Daily Times concerning encroachments by Royal Terrace residents whose properties bordered the Town

213 ibid
214 Dunedin Amenities Society and CARS. Executive Summary jointly developed November 30 2004
215 ibid
Belt, the *Times* featured an article headed, “Line being drawn on use of town belt land. New policy developed by Dunedin City Council.” This quoted the Council’s community and recreation policy team leader, Lisa Wheeler, who confirmed that there were numerous such encroachments in the Town Belt but now council staff were working on implementing the Dunedin Town Belt Management Plan in a bid to gain control of the situation. The plan would be implemented during the next 12 months and Ms Wheeler said council staff would walk around the perimeter of the Town Belt in June to record each intrusion. She stated,

> We’re going to have to take responsibility for some encroachments, particularly where we have given resource consent to build garages that face out towards the Town Belt. We are going to have to formalise those situations to keep them there. Any access built in the last six months that encroaches on the Town Belt will have to cease and may be removed. But, each case will be judged on its individual merits.\(^{217}\)

To date, in 2011, nothing has changed. In February the Amenities Society recorded, “We have presented to the DCC our concerns about ‘devastating’ encroachment of Town Belt land by Olveston area.”\(^{218}\) (This is the same area which prompted the statement by DCC in 2008.)

In a meeting with Lisa Wheeler on December 8 2008 she advised that intrusions had yet to be identified but a proposal was made to leave the present encroachments in place but no future intrusions would be allowed. A further meeting with her on July 10 2009 elicited the information that nothing had yet been done concerning encroachments on the Belt. One of the defunct Kaituna Bowling Club buildings had been allocated to the Malcam Charitable Trust an organisation that conducted programmes for troubled youths to assist them reenter the community. This could be within the recreational purpose of the Belt. To allow the Leith Bowling Club to sub-lease their club building to a church organisation was, however, illegal within the conditions of the original lease even if the purpose was to help out the club whose membership had been dramatically declining. When seen again on February 1 2011 Lisa Wheeler advised that nothing had yet been done concerning encroachments. She expected the solution

\(^{217}\) *ODT.* *Line being drawn on use of Town Belt land.* February 23 2008

\(^{218}\) Dunedin Amenities Society. *Minute.* February 8 2011
to be 'sophisticated', that the DCC solicitors needed to be consulted, that the public needed to be educated. The examples of Christchurch and Wellington were not applicable due to the DCC's own procedures. She did promise to provide a list of encroachments but when this was requested again on February 14 2011 no record had been found of encroachments or easements. Lisa Wheeler stated that it was probable that aerial photographs would need to be examined to locate encroachments and accessways across the belt. This lack of records is confirmed as it is seen that only eight private property easements are recorded in the appendices of the Dunedin Town Belt Management Plan January 2007.219

On March 16 2011 the DCC Archives Department had been advised by the Community and Recreation Services supervisor, Judy Milward, that the department was now looking at the Management Plan and planning to do some things differently. When Judy Milward was contacted on May 2 she stated that the DCC proposed to chase up encroachments from old records to trace how they were obtained and would identify encroachments from aerial mapping. There would be no more easements. Action would be taken according to available resources such as staff time and the resultant new policy would be included in the updated Annual Plan.

A recurring proposed solution to the encroachment problem was for the DCC to approve the encroachments and impose rents for the land being used. This idea was put forward at the turn of the 19th century when the City Surveyor presented a list of 40 encroachments of which 24 were on the Town Belt. The rents were not imposed as by the next year appeals were still held over.220 In 1960 the DCC, when consulting its lawyers about encroachments, put forward one option which was to grant property owners the right to cross the Town Belt, "subject to such conditions, including the payment of an annual fee, as it may decided."221

The report from the Director of Community Services of July 15 1985 recommended,

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220 DCC minutes January 20 1898
221 Office of the Town Clerk (Dunedin) letter to Ramsay, Haggitt and Robertson. August 15 1960
Queens Drive one-way sector at Littlebourne ground
Effect of parked cars
Access easement may be granted over reserve land here if in the opinion of the Council it is essential in order to provide safe vehicular access to an adjacent property and access does not detract from the purpose of the reserve. ... Payment for the benefit of an easement will be made as a lump sum when the easement is negotiated. Such payment is to be established individually by a valuer for each easement.222

The Dunedin Amenities Society broached the matter of encroachments at a committee meeting in 1997 and its minutes recorded,

Encroachments have been a concern of the DCC. Garages have been built on the Belt and some houses have their access through the bush. Apparently the Christchurch and Wellington municipalities have also looked into this problem and have charged an annual fee. We believe the DCC should form a proper lease with people who have encroached on the Belt and charge for their use of it.223

The Annual Report of the Society on December 31 reiterated the suggestion for charges to be made for private use of Belt land in a report which stated, “we urge that an annual charge be made on existing structures and any further applications should be rigorously controlled.” 224

The question arises as to how could easements be negotiated and rents applied if the encroachments were not known and recorded. Similarly how could 'a line be drawn' by allowing all present encroachments and easements to stand, but rigorously policing and removing all new ones, when it was not known which were old and which were new. This proposal of legalising encroachments and charging rents recurred repeatedly as each cycle of public uproar arose concerning abuse of Belt land. Each cycle of non-action by the DCC meant that the encroachments accumulated and the problem became greater. Each time the DCC suggested that present encroachments be legalised and a 'line be drawn' on new encroachments, more Belt land would be lost to illegal takeover for private interests.

The enactment of the Reserves Act 1977 and the Resource Management Act 1991 appeared to solve all problems for the protection of the Town Belt but

222 Director of Community Services. Report to the Finance and Policy Committee July 15 1985
should have been unnecessary because the legislation was already in place in 1854 and confirmed in 1865. The new acts involved final responsibility to DOC but they were happy to leave policy and action with the DCC because they were entirely occupied with broader conservation problems throughout the province. Similarly the Resource Management Act 1991 which impacted upon outstanding landscape was the responsibility of the Regional Council. But the Council, too, was more occupied on its wider land and river problems.

In addition the Town Belt was identified as An Area of Significant Conservation Value (ASCV) and became the responsibility of the DCC through the Dunedin City District Plan.225 In effect responsibility for the Town Belt remained with the DCC within additional guidelines provided by the new legislation. But without oversight by Central Government or Regional Council, DCC staff and councillors would remain the chief arbiters in the management of the Town Belt.

This was apparent when councillors, too, could have effect on the final production of the Annual Plan when councillor Joel described the plan as 'too dogmatic'. He said, “we should have a plan, but not a tough one that ties us up in knots.”226 At his behest the original clause relating to private property through the Town Belt was amended to confirm existing rights and allow new rights where reasonably required for convenient vehicle access. Mr Whitney, the Director of Community Services said, “the new clause could mean that vehicle access could easily be obtained and control would be difficult.”227

The 1977 act has meant that there is openness in policies and objectives through the production of a Dunedin Town Belt Management Plan in which the public can participate by submitting their needs for consideration. Although this plan fully covers all aspects of care of the Belt it does not show what progress or action has been taken during the periods between each update. It has been observed that the DCC has made great progress in clearing vines and weeds throughout the Belt and has planted many new trees and shrubs. While this 'hands

226 ODT. Plan changed – Councillor Joel. June 23 1983
227 ODT. Joel, too dogmatic. October 23 1983
on' care of the Belt is encouraging, the biggest problem remains. New encroachments are still being added to those that have occurred throughout the 20\textsuperscript{th} century. This leaves the question as to whether the Town Belt Management Plan is just another of those previous plans commissioned or volunteered, and then ignored?

Laws are in place for the protection of this valuable recreational land yet the Town Belt is now smaller and is chipped and chopped by roads, tracks and private driveways. The responsibility lies with the Department of Conservation, the Regional Council and the DCC but by their non-action city departments and private individuals are allowed to take this land for their own convenience. DCC parks staff have not moved to limit this damage as support by councillors has been unreliable due to political reasons of allocation of funds, citizen pressures and often ignorance of Town Belt needs. It is this non-action that wears down those who want the Town Belt protected. As already recorded, delays have been occasioned by the DCC call for reports, lawyer oversight and local protocols yet they are the same series of abuses that have occurred over the past century.

First, the encroachments and easements must be removed. The Wellington method can be applied to those with access to property over the Town Belt. The property holders need to be advised that all tracks will be removed within two months unless legal easement can be proved by the property holder. If there is an easement this will end within two years. As recommended in the paragraph on sport facilities, Queens Drive needs to be closed to all motor vehicles and made into a cycleway and walking track. This would end many illegal Belt entrances to neighbouring private properties, illegal parking and the ruination of the Drive edges. The solutions are clear and straightforward: what is needed is the political will to apply the laws already in place.
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Kelvin Lloyd, Wildlife Services. March 2011

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Mick Field, President Dunedin Amenities Society. March 6 2011

Sharon Kitchingham, Secretary Dunedin Amenities Society. February-April 2011

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## Appendix A  Sports Fields on Town Belt from 1900

<table>
<thead>
<tr>
<th>Name</th>
<th>Year Formed</th>
<th>Extensions</th>
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<tbody>
<tr>
<td>Zingari-Richmond</td>
<td>1900</td>
<td></td>
</tr>
<tr>
<td>Robin Hood pistol range</td>
<td>1900</td>
<td></td>
</tr>
<tr>
<td>Robin Hood rifle range</td>
<td>1910</td>
<td></td>
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<tr>
<td>Unity Park soccer ground</td>
<td>1904</td>
<td></td>
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<tr>
<td>St. Martins Cricket Club</td>
<td>1905</td>
<td></td>
</tr>
<tr>
<td>Mornington Cricket Club</td>
<td>1906</td>
<td></td>
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<tr>
<td>Kaituna Bowling and Lawn Tennis Club</td>
<td>1909</td>
<td></td>
</tr>
<tr>
<td>N.E. Valley Cricket Club</td>
<td>1910</td>
<td></td>
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<tr>
<td>Cosy Dell Tennis Club</td>
<td>1911</td>
<td>1959, 1984</td>
</tr>
<tr>
<td>Punga Croquet Club</td>
<td>1911</td>
<td></td>
</tr>
<tr>
<td>Maori Hill soccer ground and children’s playground</td>
<td>1912</td>
<td></td>
</tr>
<tr>
<td>Moana Tennis Club</td>
<td>1912</td>
<td></td>
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<tr>
<td>Littlebourne Ground (Otago Boys High School)</td>
<td>1920</td>
<td></td>
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<tr>
<td>Opho Tennis Club</td>
<td>1922</td>
<td></td>
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<td>Beverly-Begg Observatory</td>
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<td>Belleknowes Golf Club</td>
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<tr>
<td>Leith Bowling and Croquet Club</td>
<td>1924, 1932, 1934</td>
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<td>Montecillo Croquet Club</td>
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<td>Opho Croquet Club</td>
<td>1930</td>
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<td>Opho Bowling Club</td>
<td>1931, 1934</td>
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<td>Robin Hood Ground (St Paul’s High School)</td>
<td>1934, 1962</td>
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<td>Opho Bowling Club</td>
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<td>Mornington Tennis Club</td>
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<td>Roberts Park</td>
<td>1957</td>
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<td>Moana Swimming Complex</td>
<td>1965</td>
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<td>Moana/Kaituna Tennis Clubs</td>
<td>1968</td>
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<td>Jubilee Park Mountain Biking</td>
<td>2000</td>
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Appendix B  Newspaper Headlines

The Dunedin newspapers, the *Otago Daily Times* and *Evening Star* (before amalgamation) and their mid-week publications always publicised any developments or malfeasance in the treatment of this important reserve. From time to time these local newspapers ran feature articles and photographs of the Town Belt that highlighted its history and present condition. This kept awareness of this scenic and recreational reserve before the city's citizens and was vital to organisations and individuals who were ever willing to prompt the DCC to action when it lagged in its statutory responsibilities.

For brevity the *Evening Star* will be referred to as *Star*, the *Otago Daily Times* as *ODT*, the *Dunedin Saturday Magazine* as *DSM*, *Star Midweeker* as *STM*, *D Scene* as *DS*.

<table>
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<td>Horticultural Conference</td>
<td><em>ODT</em></td>
<td>July 8</td>
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<td>Dunedin Town Belt and reserves</td>
<td><em>ODT</em></td>
<td>September 24</td>
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<td>Tannock Report</td>
<td><em>ODT</em></td>
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<td>The Town Belt</td>
<td><em>ODT</em></td>
<td>October 15</td>
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<td><strong>1904</strong></td>
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<td>Sub-leader Town Belt</td>
<td><em>ODT</em></td>
<td>October 15</td>
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<td>February 26</td>
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<td>Sub- editorial</td>
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<td>July 18</td>
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<td><strong>1919</strong></td>
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<td>Hiding place for criminals</td>
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<td>May 29</td>
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1921

Vandalism

1939

Woodhaugh Gardens
Development conservation
Mr Tannock resignation - appointment of successor
City's open spaces many improvements necessary
State of Town Belt
The Bullock Track
The Bullock Track
Alleged slaughter of native trees
Native bush City policy criticised
Beautifying new entrance to city (two photos)
Native bush
Society for Preservation Reserves Department policy severe criticism expressed
Mr Tannock's comment - back garden mentality
Amenities Society tour of inspection improvements suggested

1940

Town Belt treatment of bush
Police recommend chain of growth from footpath or street entirely cleared of ground cover
Outstanding service - Work of Mr Tannock
Retrospective survey
Concern expressed widening of Queen's Drive trees removed

1941

Woodhaugh Gardens

1942

Damage and theft the City's reserves prevalence of vandalism

1943

ODT September 27
Star March 4
ODT April 4
ODT April 18
ODT May 16
ODT June 13
ODT August 15
ODT September 12
ODT September 18
ODT October 4
ODT October 20
ODT October 27
ODT November 14
Star November 14
ODT March 1940
ODT April 8
Star August 10
ODT October 17
Star January 21
ODT September 1
City reserves Council and society recent trends deplored

Itch to destroy vandalism serious scale

1944

Good work by scouts (photo)

1948

Tour of city reserves - Beautify project

Plan for Montecillo - Centennial Plantation

Photo of site

Former Superintendent (Mr D. Tannock) favours native bush in Town Belt

Town Belt preservation urged - policy of Amenities Society - criticism expressed

Amenities Society does not advocate the destruction of the native bush

Clearing not favoured by architects - letter to Editor

Editorial

Editorial

Town Belt - Council's view

1951

Dunedin's Town Belt - Civic Asset is legacy of pioneers

Town Belt improvements planned

1955

Preservation of city's beauty

Amenities Society statement on Town Belt encroachment

1961

Town Belt Warning Given by Councillor

Town Belt building - Amenities Society attitude explained

The Town Belt - editorial

Lights smashed by vandals

1962
Car site park in Town Belt is approved

1963
Letter to Editor - Town Belt parking
The Town Belt - a treasured legacy
Letters to Editor regarding rubbish

1964
Town Belt in danger. The 500 acre of woodland and reserve which provides relief for the city's people is in danger
Our Town Belt in danger (front page photo)
Editorial support for Amenities Society
Town Belt belatedly recognised - Town Belt needs assistance
Volunteers for Town Belt
Cleaning up of the Town Belt

1968
Belleknowes course may use reserve
Proposal to not construct fence dangerous

1969
Areas thoroughly cleared
A five year plan to restore Town Belt
Editorial - front page
Restoration plan for Town Belt
The Town Belt - editorial
Removal of plants by specialist - front page
Town Belt inspected, 50 representatives at Field day
Letters to Editor

1971
Town Belt as a special place
Native species in Belt in Danger

1972
Editorial - front page

1973
Letter to Editor recommended Belt be viewed by foot

1979
Night shooting within Town Belt

1980
Town Belt cycle cross upset

1981
Opposums annoying Dunedin Residents

1982
My view - Dunedin the way we want it

1983
Belt Plan Changed - Councillor Joel
    Director of Parks retires
    Joel too 'Dogmatic'

1985
$95,500 gift to upgrade reserves - bequest for parks from Wm. Brown

1986
Gates trial to beat vandals
    Lovelock Avenue closure agreed
    City's Botanic Garden moved with times (photo)

1987
Problems at Botanic Garden (photo front page)
    Decision on gates deferred
    Gardens again vandalised
    Compromise sought on Avenue closure
    Town Belt plan dogmatic
    Fears raised over Town Belt
    Bid to reopen Lovelock Avenue
    Resolution 'contrary to standing orders'
    Gates to be removed
    Town Belt stand taken
Recreation Committee
Compromise may open Gardens road
Lovelock Avenue (editorial)

1988
Friends of Gardens upset
Gardens Staff angered by destruction
Consider this...A Note From The Editor's Desk
What has the Larnach family done to Dunedin to deserve this?
A legacy of desecration. Unsightly grass
Dunedin's forgotten fountain
Reserves management plan
Larnach tomb
More 'awkward' glasshouse decisions may face council
New Zealand's first botanic garden
Fear raised over Town Belt
Bandstand to be renovated
A lovesome thing, God wot
Obstruction claimed over street closure
Bid to eradicate 'old man's beard'
Trees - letter to editor
Town Belt plan still a mystery
'Nonsense' says parks chairman
Town Belt plan unseen by Council
Town Belt - letters to Editor
Mayor calls for halt to argument
Botanist critical of Chairman
Letters to Editor
Town Belt - letter to Editor
Town Belt issue tidied up

1989
Probation service
Town Belt plan published
Tighter Control of Town Belt sought
More time for submissions on Town Belt

1990
Town Belt plan published
Litter dumped in Town Belt
Town Belt Submission - Cost affects response
More time for submissions
Town Belt plan - Lack of public response to DCC
Management Plan - Volunteers join fight to save
the native bush
'No Signs' – Town Belt sacrosanct

1991
Land bought for Town Belt
Volunteers join fight

1995
Council makes headway against Cld Man's Beard
Bush Links Town Belt to Gardens

1996
Town Belt neglect claim
Amenities Society plea may result in Town Belt
Town Belt track idea appalls

1997
Dunedin City reserves
Some Town Belt roads not legal
Town Belt track appalls

1998
Town Belt - painted treasure
Town Belt trees
Resident pine for view of sun

1999
Residents express willingness to protect trees  
Proposal to remove trees not supported  
Maintenance allowed to slip  
Decision on Town Belt trees is deferred  
Town Belt decision deferred  
Proposal to remove tree not supported  
Panel favours retaining trees  
Group proposes all exotic trees should go  
Some oppose replacement of exotic trees  
Public to be consulted over pools issue  
Request for direction on reserves  
DCC rebuked for attitude over encroachments  
Belt's trees need TLC

2000
A rocky subject to pick  

2001
Cemetery brightened by rose enthusiasts  
Weeding garden safe  

2002
A Little On The Reserved Side  

2003
Blooming Wonderful - Dunedin's Botanic Garden is 150 Years Old  
Club Med at Botanic Garden  

2004
Verging on the Illegal  
Goodbye Possums! and the rest of our pests  
'It's a disgrace' - Northern Cemetery a sorry sight  

2005
Leith lets in trouble  
Land rights come first  
Buildings should be fully utilised
Sports need to take responsibility

Is the Town Belt Buckling? David Loughrey pulls back branches and peers into the heart of Dunedin's backyard - the Town Belt

Hopes for Town Belt extension

2006

Council declares war on reserve possums
Growing pains cost $5m
DCC to take axe to rogue tree in park - Plans to bring Jubilee Park back to original glory
Jubilee Park deserves residents' support
Bowls clubs on mat. DCC has hinted at amalgamations
'Health check' for other codes

2007

Weeds and landscape
Practical lesson pays dividend
More talks before change to Gardens
Stick to proper paths, DCC tells dog-walking critics
Town Belt protective measure

2008

Town Belt Access tracks rise legal issue
Line being drawn on use of Town Belt land
Mediterranean dream materialises
$6m upgrade planned for botanic garden
Extra court to aid congestion - Year-round facilities an asset for Cosy Dell Tennis Club
$300,000 Tomb restoration Plan
SH1 slip work will affect some native trees

2009

Leithendel home rich in family history
On the trail of Lovelock
Town Belt easement in perpetuity refused
SH1 slip work will affect some native trees

2010

Last chance for Lovelock Avenue opponents

Seat, plaque dedicated to Brasch

Gardens of good and evil

Vandals fell 13 native trees in Town Belt

Hatchet job

Growing intern interest

Green waste warning

Your garden can feed native birds

Thief strips garden quince trees

Infection lands fullback in hospital

Resident volunteer for Town Belt watch

Opposition to Lovelock Avenue changes

Botanic Garden earns quite a laurel

Botanic Garden gains international recognition

Bike track will have wide appeal

Med Garden nearly complete

Larnach tomb restoration site work starts

Tree-planting policy in Town Belt explained

Don't sign any tender papers, Harland told

Town Belt maintenance also important

Stories in Stone

Vandals destroy rose bushes

Lovelock Avenue

Garden group lament

Subtle changes in Lovelock Bush

New section of flood protection works starts
Appendix C  DCC Reserves Committee Minutes. Intrusions in Town Belt
The following excerpts are taken from the DCC Reserves Committee minutes over a period that covers 99 years (file 19/15/2, RPL 29/1/1, RPL 29/1/2). After 2002 similar information was no longer available as the DCC amalgamated the meetings of the various department committees and the resulting précis of the overall meeting was reduced to become useless for information and how decisions were made. The Dunedin Amenities Society also decried the limitations of information from the reorganisation of the Council in a letter to the Mayor in 1992.\textsuperscript{228} Although the Committee information or recommended actions do not always follow through from one meeting to another this record does give an indication of the same problems which continue and the years. There were the cycles of citizen demand for action and then periods when DCC care of the Belt lapsed again. This record also highlights the vagaries of the decisions made by councillors in the treatment of incursions or applications for easements, sometimes in the face of DCC staff recommendations.

1903
September 9
People living on Queen's Drive making Belt receptacle for rubbish

1904
January 25
Rubbish - Mornington Council asked to contribute to cost of damage to shrubs. Fires on Town Belt

February 22
A. Burt instructed to remove all fencing, hedges and gate off Town Belt within a fortnight

1905
February 20
Encroachments on Belt by James Stewart and Judge Ward

April 17
Mr Theomin using Town Belt as crossing for carting building materials - Engineer to note

July 10
Planting behind Mr Theomin's residence - noted

1906
April 2
Decline permission to stack timber on Belt - not to be used for dray traffic

August 30
Horses on Town Belt

October 20
Bush fires

\textsuperscript{228} Dunedin Amenities Society. Letter to Mayor April 16 1992
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>November 12</td>
<td>Bush fires - destruction of bush</td>
</tr>
<tr>
<td>1909</td>
<td>High Street school permitted to level a portion of the Town Belt</td>
</tr>
<tr>
<td>August 16</td>
<td>Declined application from George Todd re short-cut from Littlebourne Road to London Street Town Belt easement in perpetuity refused</td>
</tr>
<tr>
<td>December 20</td>
<td>Cosy Dell Tennis Club cutting down Town Belt trees</td>
</tr>
<tr>
<td>1911</td>
<td>Problem of rubbish dumped on Town Belt</td>
</tr>
<tr>
<td>September 25</td>
<td>Destruction of bush along sides of roads through the Town Belt</td>
</tr>
<tr>
<td>1912</td>
<td>Back entrance of D.E. Theomin residence to be reported on Permission for back entrance to D.E. Theomin property from Town Belt</td>
</tr>
<tr>
<td>May 20</td>
<td>Potato growing on Town Belt - areas suitable</td>
</tr>
<tr>
<td>1913</td>
<td>Reserves Committee to report whether Town Belt being encroached upon</td>
</tr>
<tr>
<td>August 25</td>
<td>Surface-men depositing street mud from gutters on grass and trees on Town Belt - City Engineer to end</td>
</tr>
<tr>
<td>1914</td>
<td>Approved entrance roadway to school through Arthur Street Reserve</td>
</tr>
<tr>
<td>June 15</td>
<td>Renewal of right of potato growing on portion of Town Belt by C.A.Bean. Clothes posts on Town Belt near Burt's property removed</td>
</tr>
<tr>
<td>June 29</td>
<td>Plot for cultivation on ground in Town Belt granted for Joseph Herbert</td>
</tr>
<tr>
<td>1917</td>
<td>Permission granted to cross Town Belt with motor car at rear of Royal Terrace</td>
</tr>
<tr>
<td>May 7</td>
<td>Soil removed from Town Belt by M. Stevenson Stevenson to pay £50</td>
</tr>
<tr>
<td>May 21</td>
<td>Amenities Society asking that exotic trees on Belt be removed</td>
</tr>
<tr>
<td>August 27</td>
<td>Damage to trees in Town Belt by V. Jacobs</td>
</tr>
<tr>
<td>1919</td>
<td>Theomin and others dumping on Queens Drive Vandalism in Woodhaugh Garden</td>
</tr>
<tr>
<td>January 13</td>
<td></td>
</tr>
<tr>
<td>April 19</td>
<td></td>
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<tr>
<td>October 18</td>
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<tr>
<td>1920</td>
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<tr>
<td>June 27</td>
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<tr>
<td>August 8</td>
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<tr>
<td>September 19</td>
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<td>1922</td>
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<tr>
<td>July 15</td>
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<td>1923</td>
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<td>August 20</td>
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<td>1925</td>
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<tr>
<td>April 9</td>
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<tr>
<td>November 20</td>
<td></td>
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<tr>
<td>1927</td>
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</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
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</tr>
<tr>
<td>December 5</td>
<td>Proposal to form roadway on Town Belt by Works Committee. Reserves Committee strongly object</td>
</tr>
<tr>
<td>1928</td>
<td>Roadway across Town Belt requested by Duncan sub-division not agreed by Reserves Committee</td>
</tr>
<tr>
<td>June 15</td>
<td>Approved by DCC</td>
</tr>
<tr>
<td>July 13</td>
<td>Grazing rights granted in Robin Hood quarry</td>
</tr>
<tr>
<td>September 27</td>
<td>Encroachments on Town Belt - 5/- pa. Belleknowes Golf Clubhouse £10 pa</td>
</tr>
<tr>
<td>1930</td>
<td>Encroachment on Town Belt by A. MacDonald</td>
</tr>
<tr>
<td>May 9</td>
<td>Unemployment Committee request planting vegetables on Town Belt - approved</td>
</tr>
<tr>
<td>July 13</td>
<td>Dunedin Naturalist's Field Club report removal of trees from Town Belt - police to be notified</td>
</tr>
<tr>
<td>1931</td>
<td>Otago High Schools Board - class rooms at Littlebourne ground - extension of three years granted</td>
</tr>
<tr>
<td>June 12</td>
<td>Encroachments on Queens Drive and Woodhaugh Garden W.T. Beveridge access from Queens Drive across Town Belt to garage granted</td>
</tr>
<tr>
<td>August 7</td>
<td>Shed on Town Belt 156 Queens Street - to be removed</td>
</tr>
<tr>
<td>1933</td>
<td>Bush Preservation Society report re destruction of bush at Track plus in and around Dunedin</td>
</tr>
<tr>
<td>June 25</td>
<td>Garage of McKay on own Belt bush on hillside overlooking Woodhaugh - supported by Leith Amenities Society</td>
</tr>
<tr>
<td>1934</td>
<td>J. Ferguson wanted contribution for fence on Town Belt boundary - declined</td>
</tr>
<tr>
<td>February 16</td>
<td>Belleknowes Golf Club permission to remove trees - granted donation for planting of native trees</td>
</tr>
<tr>
<td>August 17</td>
<td>Piping of open ditch across Maori Hill Clear - declined</td>
</tr>
<tr>
<td>1938</td>
<td>Amenities Society concerned at destruction of trees in Botanic Garden</td>
</tr>
<tr>
<td>November 1</td>
<td>Complaints re trees at rear of properties of M. James and F.E. Simkin York Place</td>
</tr>
<tr>
<td>1939</td>
<td>Application to erect garage with access from Town Belt - Declined</td>
</tr>
<tr>
<td>October 12</td>
<td>Deputation re improve Belt below Scarba Street</td>
</tr>
</tbody>
</table>
November 27 1942
Mrs A. Nelson requested topping of trees adjoining her property in Arthur Street declined. Impounded horse belonging to Keith Ramsay grazing in Belt

1943
March 19
W.D. Anderson complaint re trees obstructing view
June 25
Encroachments on Town Belt at rear of 365 and 373 York Place
October 14
Continuing vandalism on City reserves conference of interested bodies

November 1
Unauthorized cutting of trees plus garage entrance off Woodhaugh Garden – Clayton. Queens Street wants trees cut back – again complained August 1 1944 and August 14 1944

March 30
Encroachments - various - on Town Belt
August 1
Prosecution of E.N. Milne - cutting down trees in Town Belt

1944
June 27
Multi requests re removal of tree in Town Belt
July 17
Prosecution of G.R. Stone for use of building as a garage fronting Town Belt

September 2
Electricity Committee - re installation of electricity substation on Town Belt land in vicinity of Eglinton Road - approved subject to Chairman and Superintendent considering building suitable

1945
January 15
Request for removal of tree stumps from Town Belt opposite 6, 8, 10 Como Street
January 29
Public Works Committee - question of access to private properties over Town Belt
February 26
McDougall access across Town Belt
October 29
Request from Works department to cut into western side of Queens Drive – approved

1946
January 21
Access to properties at Belleknowes Terrace across Town Belt - approved - residents pay cost of roading. R.A. Ramsay wants access across Town Belt. Subject raised re tracks to private properties- again raised February 11
January 14
Mr Anderson to remove fence back to his own property
T.F. Smith - entrance for tenement building over Town Belt approved - building encroachments on Town Belt

1947
October 13
Access to proposed garage Royal Terrace across Town Belt - declined

1948
July 21
R.H. Lamb and Co. permission granted to cross Town Belt for building purposes.

August 11
<table>
<thead>
<tr>
<th>Year</th>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>April 16</td>
<td>Miss D.M. Theomin access from Town Belt – granted</td>
</tr>
<tr>
<td></td>
<td>July 30</td>
<td>Tipping of rubbish in Town Belt from Harcourt St</td>
</tr>
<tr>
<td></td>
<td>August 20</td>
<td>Access across Town Belt to London Street - to be removed</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Dunedin Amenities Society question cutting back corners in Queens Drive</td>
</tr>
<tr>
<td>1952</td>
<td>May 30</td>
<td>Access across Town Belt to London Street – declined</td>
</tr>
<tr>
<td></td>
<td>August 4</td>
<td>W.S. Audey encroachment on Town Belt from London Street</td>
</tr>
<tr>
<td></td>
<td>September 15</td>
<td>Deposting rubbish - Town Belt from Tolcarne Ave</td>
</tr>
<tr>
<td>1954</td>
<td>August 4</td>
<td>Damage to Town Belt by vehicles – remind Education Department</td>
</tr>
<tr>
<td>1955</td>
<td>April 19</td>
<td>Temporary classrooms Littlebourne ground - declined</td>
</tr>
<tr>
<td>1956</td>
<td>April 23</td>
<td>Do not agree re. Northern Motorway built through Botanic Garden</td>
</tr>
<tr>
<td>1958</td>
<td>July 14</td>
<td>Boundary question Town Belt/Pine Hill Road development</td>
</tr>
<tr>
<td></td>
<td>October 6</td>
<td>Deputation re temporary classrooms on Town Belt - approved</td>
</tr>
<tr>
<td>1959</td>
<td>October 5</td>
<td>Illegal access across Town Belt</td>
</tr>
<tr>
<td>1960</td>
<td>April 11</td>
<td>Occupation of Town Belt at rear 156 Queen Street - building to be removed - fence to be erected on true boundary</td>
</tr>
<tr>
<td></td>
<td>June 20</td>
<td>Report on position as a whole re intrusions</td>
</tr>
<tr>
<td></td>
<td>July 29</td>
<td>Encroachments - Access across Town Belt - Queens Street Numbers 138, 140, 144, 146, 150, 154, 156 vegetable gardens and fowls.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Warrender Street - Numbers 69, 71, 77, 89. rubbish and compost. Royal Terrace - Numbers 26 garage, 28 garage and vegetable garden, 30 garage, car, caravan, trailer, vegetable garden, 32 vegetable garden, 36 garage.  London Street numbers 93 extended property, 99 rubbish and incinerator, 113 garage access, 115 garage. Clyde Street 137 garage access</td>
</tr>
<tr>
<td></td>
<td>August 19</td>
<td>Town Belt encroachments - 53 property owners making use of Town Belt</td>
</tr>
<tr>
<td></td>
<td></td>
<td>26 vehicular accesses, 1 pedestrian access (concrete steps), 5 owner garages and 5 buildings on Town Belt, 15 gardens or lawns - 5 enclosed separately from owners' freehold property. 12 compost, destructors or rubbish, 8 have portion of Town Belt enclosed within fence surrounding their freehold property, 5 removed boundary fence, 2 park caravans or motor vehicles on Town Belt, 3 have clothes lines on Town Belt</td>
</tr>
</tbody>
</table>
August 22  Report to Council of boundaries fenced - rubbish removed - all
fixed term year to year - buildings removed - access-ways
brought up to standard - no more allowed without approval
September 2  Damage to Town Belt R.P. Snell 349 York Place - truck stuck
carrying building materials
October 3  damage to Town Belt
December 5  Encroachments on Town Belt - John Rees 22 Lachlan Avenue
allowed access remain. E. Glendinning 277 York Place allowed
seal drive remain. F.W. Guest 93 London Street - clothes line
and vegetable garden to be removed and fence reinstated. Dr
Stuart More 1057 George Street and Hopkins - no access across
Woodhaugh Garden rail to be erected on Queen Street
frontage. S.R. Philips 137 Clyde Street access. S.A.
Bastenmeyer 36 Royal Terrace no permit for vegetable
garden

1961
February 16  Total encroachments on Town Belt - Queen Street 10, Royal
Terrace 5, London 3, Clyde Street 1, York Place 10, Abbs
Place 1, Preston Crescent 1, Belleknowes Terrace 4, Lonsdale
Street 3, Lawson Street, Heriot Row 1, Clyde Street 1, Queens
Drive 2, Hawthorne Avenue 1, Russell Street 3, Stafford Street
2, Maitland Street 1, Steep Street 2
These included private car and garage access, enclosed
vegetable gardens, rubbish, incinerators, parked cars, caravans,
trailers, parked cars, garages, rotary clothes lines and dividing
fences removed.
Encroachments - W. May 20A Logan St and 20A Royal
Terrace, N.R. Buchanan 10 Raeburn St, H.C. McDonald 156
Queens St, B.K. Lawless Lonsdale St, H Walden Fitzgerald
Royal Terrace, K. McCracken 146 Queen St, E.A. Templeton
138 Queen St.
March 13  F.W. Guest 93 London St, clothes line and vegetable garden to be
removed and suitable boundary fence erected. A.R. White
114 Gore Place no access across Town Belt, G.A.
Sutherland Abb's Place remove clothes line and erect boundary
fence, A.M. Barr 113 London Street, no access across Belt,
A.K. Ibbotson 305 London St. St John Ambulance Assn access
Inglewood Hospital. - tree trimmed back.
April 17  A.K. Ibbotson granted access across Town Belt subject sealing
road payment - removal compost bin
June 12  Temporary garage Town Belt - Royal Terrace - to be removed
August 4  Encroachment from 87, 89 Lonsdale Street and 87 and 89
Russell Street
August 7  Applications (2) for vegetable gardens on Town Belt -
declined
September 6  Glamis Hospital Queen Street - approval of car park on Town
Belt.
<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>September 12</td>
<td>Application for Fire Station site - declined - applied again</td>
</tr>
<tr>
<td>October 30</td>
<td>Proposed power lines cross Town Belt poles on reserve and below lookouts - declined</td>
</tr>
<tr>
<td>February 12</td>
<td>Moana Pool - parking requirements approved</td>
</tr>
<tr>
<td>1962</td>
<td>St Hilda's College pathway through Town Belt</td>
</tr>
<tr>
<td>February 12</td>
<td>Clayton re trees at Woodhaugh - again declined</td>
</tr>
<tr>
<td>1963</td>
<td>5 Stonelaw Terrace - access over Town Belt</td>
</tr>
<tr>
<td>August 5</td>
<td>St Hilda's College re. track through Town Belt</td>
</tr>
<tr>
<td>1964</td>
<td>Clayton re trees at Woodhaugh - again declined</td>
</tr>
<tr>
<td>March 9</td>
<td>78 Heriot Row - owner pay for right to encroachment</td>
</tr>
<tr>
<td>July 6</td>
<td>Encroachments Lonsdale Terrace roadway to be put in order, garden removed and hut shifted</td>
</tr>
<tr>
<td>September 7</td>
<td>Eradication of exotic growth area of Town Belt to be allotted to Botany Department of the University</td>
</tr>
<tr>
<td>1965</td>
<td>361 York Place application for crossing Town Belt - declined</td>
</tr>
<tr>
<td>April 5</td>
<td>L.B. Clayton 188 Queen street wants tree topped - no action renewed request February 13, September 4, and October 1967 - no action</td>
</tr>
<tr>
<td>1966</td>
<td>Garage being built 335 York Place - access across Town Belt - granted</td>
</tr>
<tr>
<td>January 16</td>
<td>Garage being built 335 York Place - access across Town Belt - granted</td>
</tr>
<tr>
<td>March 17</td>
<td>78 Heriot Row - owner pay for right to encroachment</td>
</tr>
<tr>
<td>October 31</td>
<td>78 Heriot Row - owner pay for right to encroachment</td>
</tr>
<tr>
<td>1967</td>
<td>Encroachments Lonsdale Terrace roadway to be put in order, garden removed and hut shifted</td>
</tr>
<tr>
<td>June 12</td>
<td>Carriageway across Town Belt Great King Street/Garden approved in terms of the Dunedin Town Belt's Roads and Closing Regulations of 1902</td>
</tr>
<tr>
<td>1968</td>
<td>Carriageway across Town Belt Great King Street/Garden approved in terms of the Dunedin Town Belt's Roads and Closing Regulations of 1902</td>
</tr>
<tr>
<td>July 8</td>
<td>Encroachment from 113 London Street - recommended that access be given to existing garage - no perpetual rights. Application for access to proposed flats rear 32A Royal Terrace via Town Belt - declined</td>
</tr>
<tr>
<td>March 10</td>
<td>Encroachment from 113 London Street - recommended that access be given to existing garage - no perpetual rights. Application for access to proposed flats rear 32A Royal Terrace via Town Belt - declined</td>
</tr>
<tr>
<td>August 4</td>
<td>Dunedin Anti-litter Committee proposal to clear rubbish from Town Belt - approved</td>
</tr>
<tr>
<td>1970</td>
<td>Access through Town Belt North end Harbour Terrace to Mr Cockerell 168 Dundas Street property recommended provided that cost borne by Cockerell London Street/Stout Gate recommended sub-division at intersection. Declined</td>
</tr>
<tr>
<td>July 6</td>
<td>Access through Town Belt North end Harbour Terrace to Mr Cockerell 168 Dundas Street property recommended provided that cost borne by Cockerell London Street/Stout Gate recommended sub-division at intersection. Declined</td>
</tr>
<tr>
<td>Date</td>
<td>Event Description</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>February 14</td>
<td>Permitted access to 115 London Street from Moana Pool carpark</td>
</tr>
<tr>
<td>March 8</td>
<td>Permitted access to 113 London Street from Moana Pool carpark</td>
</tr>
<tr>
<td>May 8</td>
<td>Continuing litter dumping in Town Belt - Harcourt Street and Sligo Terrace</td>
</tr>
<tr>
<td>July 15</td>
<td>More vandalism in Town Belt at Pacific and Wallace Streets</td>
</tr>
<tr>
<td>1973</td>
<td>September 19 Access over Town Belt 82 Heriot Row recommend subject to adjoining property owners to south</td>
</tr>
<tr>
<td>November 12</td>
<td>Permit granted for crossing 78 Heriot Row. DCC policy. treating application for the use of the Town Belt or reserves on its merits.</td>
</tr>
<tr>
<td>1974</td>
<td>August 29 Director Mr.G.G. Henderson - referring to request for Maori marae on Town Belt - I recommend that the Council remain firm in its policy to keep sacred and inviolate the remaining areas of the Town Belt and decline the application. He stated that the marae established at Otakou was not fully utilised and that the DCC had improved this area out of all recognition, including the cemetery. This was never acknowledged by the Maori community.</td>
</tr>
<tr>
<td>November 14</td>
<td>Bollards built at bottom of Pollock Street to prevent access of trail bikes</td>
</tr>
<tr>
<td>1975</td>
<td>December 3 Complaint re rubbish deposited in Town Belt at Tolcarne Ave next to T.K. Sidey residence</td>
</tr>
<tr>
<td>1976</td>
<td>August 27 Complaint concerning trees from Mrs. Williden 21 Queens Street</td>
</tr>
<tr>
<td>1977</td>
<td>March 17 OK for parking area in Belt at 161 Queen Street</td>
</tr>
<tr>
<td>August 12</td>
<td>Lease of 22 A Adams Street to join Town Belt</td>
</tr>
<tr>
<td>August 23</td>
<td>Permit given for access to 26 Parkhill Avenue</td>
</tr>
<tr>
<td>October 4</td>
<td>Dr H.A.A. Stevely 70 Heriot Row complained about shade from trees - disapproved</td>
</tr>
<tr>
<td>November 9</td>
<td>Surprise at number and type of encroachments</td>
</tr>
<tr>
<td>1978</td>
<td>June 14 Woodhaugh Garden and Opoho Park - cost of providing sites for dumping clay excavate from new library sites</td>
</tr>
<tr>
<td>1979</td>
<td>August 1 Grassed area between Preston Crescent and Lonsdale street being driven over</td>
</tr>
<tr>
<td>1980</td>
<td></td>
</tr>
</tbody>
</table>
August 6 Permitted to construct vehicle access across Town Belt at 289 York Place
August 18 Vehicular access across Town Belt end of Kyle Street of Cosy Dell. Complaint from Sligo Terrace re use of Town Belt by Dunedin Pedal Cross Club had been allowed
November 2 Package sub-station Eglinton Road on part of Town Belt - approved

1981
March 20 Temporary access during construct 361 York Place - Extensive correspondence Belleknowes Terrace (refer history September 4 1979)
May 7 20A Royal Terrace access via boundary of Town Belt recommended
May 11 Kono Construction request access Town Belt from Queens Drive - not approved
20A Royal Terrace access over Town Belt - approved subject to maintenance of adjoining Town Belt
July 6 Package sub-station on Town Belt - recommended that Council change designation of portion of DP 17729 from Recreation reserve to Local Purpose reserve

1983
June 20 Town Belt Management Plan - make draft available for public comment
August 15 Botanic Garden plan - make available for public comment
November 21 Dunedin Botanic Garden - Reserve classification - advise Commission Crown Lands Management plan for Town Belt - amend clause 3.9.1. to get control of access

1984
May 7 Lateral walking track through Town Belt - request feasibility
November 19 Littlebourne Ground - lease to Otago High Schools Board not need consent of Minister
December 19 Access across Town Belt - Lawson Street/Huntley Avenue - Miss Todd considerable portion of Town Belt beyond southern end of Lawson Street includes wash-house built on Town Belt

1985
August 30 Correspondence re access over Town Belt to houses fronting Belleknowes Terrace
September 5 Easement over Town Belt - 29 Bruce Street over Huntly Ave
November 18 Grazing licence granted Mr. Stephen Alexander

1986
March 7 OK for shed stabling and grazing horses for area next to Cemetery subject to Reserves Act 1977 section 74
Southern Re Galers - "However the Town Belt is Dunedin's major reserve. The City's responsibility is to protect and reinforce the existing vegetation. To act on any request to remove or prune vegetation on the grounds of shading or loss of view
Plan) August 11 would set a precedent that would continue throughout the entire Town Belt.” (see policy 3.3 Town Belt Management classification of reserves re Act 1977 - list to be considered by Council

<table>
<thead>
<tr>
<th>Date</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>Mr &amp; Mrs Galer 99 Eglinton Road request removal of trees in Town Belt as blocked sun and view – declined</td>
</tr>
<tr>
<td>May 18</td>
<td>Closure of Lovelock due vandalism rife - two deputations 1 for and 1 against - subject arose again June 8, June 22, August 31, November 9</td>
</tr>
<tr>
<td>June 22</td>
<td>N.B. Pitts 82 Heriot Row sought access over Town Belt - deferred (Manager Parks and Gardens against but committee were for)</td>
</tr>
<tr>
<td>June 26</td>
<td>Discontinue closure of Lovelock Avenue after dark - damage of 12 months prior to closure $39,280</td>
</tr>
<tr>
<td>July 25</td>
<td>Agreed to sub-stations as part of putting lines underground and avoiding tree interference DOC agreed Leith Bowling Club request building for indoor rink. Right of way over Town Belt to Glamis Hospital - request for sole rights of present car park and driveway - recommended that land be removed from Town Belt under Act of 1902 - recommend that easement be granted under Reserves Act 1977</td>
</tr>
<tr>
<td>October 5</td>
<td>Pitts request opposed by Dunedin Amenities Society as dangerous precedent - deferred for investigation and full report on encroachments requested</td>
</tr>
<tr>
<td>November 9</td>
<td>Again easement granted - surprise at number and type of encroachments</td>
</tr>
<tr>
<td>1989</td>
<td>Draft Management Plan - access-ways - no more easements</td>
</tr>
<tr>
<td>October 19</td>
<td>Agreed to purchase land from Dominican Fathers in Dalmore – could be valuable addition to Town Belt - visual link to Town Belt and Botanic Garden</td>
</tr>
<tr>
<td>1992</td>
<td>Arthur Street School easement granted for access - no parking</td>
</tr>
<tr>
<td>1994</td>
<td>Access from Drivers Road - declined</td>
</tr>
<tr>
<td>1995</td>
<td>Belleknowes - residents complain once more re. trees</td>
</tr>
<tr>
<td>April 7</td>
<td>508 Queens Drive - easement granted</td>
</tr>
<tr>
<td>May 18</td>
<td>Complaints from York Place residents - want exotic trees removed as shading and causing frost on properties</td>
</tr>
<tr>
<td>1998</td>
<td></td>
</tr>
<tr>
<td>December 23</td>
<td></td>
</tr>
<tr>
<td>1999</td>
<td></td>
</tr>
</tbody>
</table>
January 14 2000
Meeting re York Place complaints - 7 supporters (1%) and 108 opposed (93%)

September 19 2000
D.K. Hollebon 44 Park Street warned re trailer and boat parked on Town Belt

November 3 2001
Stoutgate - dumping rubbish

April 5 2001
3 Chamberlain Street - dumping rubbish

May 31 2002
Damage by car on Town Belt

March 18 2002
15-17 Harcourt Street - dumping rubbish
Appendix D  DCC Reserves Committee Minutes. Town Belt Extracts

These extracts taken from the committee meetings have been collated separately as they are not entirely concerned with encroachments or easements but still give an indication of the pre-eminence of Town Belt matters in the considerations of the DCC Reserves Committee.

1903
15 June  City Engineer report re state of roads on Town Belt referred to Works Committee. Protection of Water of Leith - refer to Acclimatisation Committee. Mr Tannock to take up appointment. Conditions of appointment
June 29  Grazing and grass cutting still being allocated. They are recorded in the DCC archives under file 19/15/1

1904
January 11  Town Belt Tannock report and ranger report. Recommended that plan and information be obtained and that complete survey of the Belt be made at an estimated cost of not more than £200
January 25  Construction of rock garden. Jubilee Park - recommend fence at cost of £6-10 Rubbish in Town Belt at Mornington. Propose fence built and ask Mornington council re damage to scrubs contribute to cost
January 25  Fires on Town Belt
February 8  Permission for Southern Recreation reserve adjoining Andersons Bay Road be depot of water pipes
February 22  Otago Rugby Football Union permission to complete pavilion on Opho ground. A. Burt to remove all fencing, hedges and gate off Town Belt within a fortnight. Survey of reserve opposite Botanic Garden. Jas Hutchinson and others want use for Northern Association Football Club
April 5  Otago Football Association applied for use of grounds on Town Belt for various clubs
May 2  Extension of Botanic Garden to Opoho Road
May 30  Tannock report re same
June 27  Grazing and grass cutting rights allocated
July 11  Otago Football Association agree to contribute £5.00 to improve reserve at Garden [and up to £10.0]
July 25  proposed new aviary - referred to Acclimatisation Society
August 24  Grange Cricket Club apply for permission to erect pavilion on Northern Recreation reserve
September 5  Acclimatisation Society unable to assist re aviary.
November 14  Smith McGregor and Sinclair re prescriptive rights as to use of the Town Belt

1905
January 9  Closing of tip at Woodhaugh.
February 20  Encroachment on Town Belt by James Stewart and Judge Ward. Elderberry cutting by school boys
April 17  Mr Theomin using Town Belt as a crossing for building materials. Engineer to note
July 10  Planting behind Mr Theomin's residence noted
1906  
March 5  Conservation Society re tourism development
April 2  Decline permission to stack timber on Belt not to be used for dray traffic
April 30  Annual report Botanic Garden and reserves year ended March 31 1906
August 30  Horses on Town Belt
September 30  No dogs allowed on any reserves
October 20  Bush fires
November 12  Bush fires. Destruction of native bush
November 26  Permission granted to Mornington Cricket Club to erect pavilion
1907  
January 7  Instructions re adequate staff during holidays for prevention of fires
1909  
August 16  High Street School permission given to level a portion of the Town Belt.
October 25  Leases for grazing on fenced portions of the Town Belt
December 20  Declined application from George Todd re short-cut from Littlebourne Road to London Street
1910  
September 12  Conservation Society planting small pieces of ground at the Junction
1911  
May 22  Moana Tennis Club granted portion of Town Belt
September 22  Cosy Dell Tennis Club cutting down Town Belt trees
Council already decide to retain Woodhaugh reserve for garden and scenic purposes. (this in reply to application for need of another recreation ground at North End)
1912  
May 20  Problem of rubbish dumped on Town Belt
1913  
January 13  J. Brown complaint: concerning nuisance from certain trees on Town Belt in upper York Place
February 24  Robin Hood deed of indemnity for rifle range
March 17  Meeting with Reserves Committee with many delegates of sports and conservation committee concerning planting holly hedge and trees on Anderson Bay Road side of Oval and laying out as a reserve for sports purposes and pavilions
April 21  Confirmed as above
August 25  

1914  
June 15  
June 20  
June 29  

1917  
May 7  
May 4  
May 21  
July 2  
July 30  
August 27  

1919  
January 13  
June 16  
November 3  
December 1  

1920  
April 19  
May 31  
July 26  
August 23  
October 18  
November 1  

1921  
June 21  
August 8  
September 19  

1922  
July 15  
November 6  

1923  
February 19  
June 11  

Destruction of bush along sides of roads through the Town Belt  
Back entrance D.E. Theomin residence to be reported on  
Deputation re Woodhaugh Garden - various maintenance needs  
Permission for back entrance to D.E. Theomin property from Town Belt  
Report concerning potato growing on Town Belt  
Complaints re. Broom on Belt – Superintendent to remove  
Rubbish on Town Belt. Potato growing - areas on Belt suitable  
Amenities Society offers $5.00 to improve Town Belt behind Royal Terrace  
Recommend that Town Belt not be let for grazing of horses  
Surfacemen depositing street mud and mud from gutters on grass and trees on Town Belt. City Engineer to end practice  
Approved entrance roadway to school through Arthur Street reserve  
Grazing sheep on Town Belt approved. Shepherd (Mr Angus Kennedy) approved  
Gorse on Town Belt  
Gorse on Town Belt Underwriters Association rapid solution  
Renewal of right to potato growing on portion of Town Belt for C.A. Beal. Clothes posts on Town Belt need to be removed from Burt's property  
Report re cost of swimming pool near Woodhaugh Garden  
George Street School offer of £100 toward cost of pool  
Arrange for sheep for Town Belt  
Plot for cultivation of ground in Town Belt granted for Joseph Herbert  
Recommend site on Town Belt for observatory for Otago Institute  
Permission granted to cross Town Belt with motor car at rear of Royal Terrace  
Soil removed from Town Belt by M. Stevenson  
Stevenson to pay £50  
Amenities Society asking that exotic trees on Belt be removed extensions to "clear" at Maori Hill  
Drowning at Woodhaugh Garden  
Proposal for golf course on Town Belt
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>June 25</td>
<td>Course confirmed for Belleknowes Hill and on domain</td>
</tr>
<tr>
<td>July 23</td>
<td>Possible exhibition in 1925-26 - trees and plants would be required</td>
</tr>
<tr>
<td>August 20</td>
<td>Damage to trees in Town Belt (by Jacobs). Proposal for Winter Garden (originally in Amenities Society annual report March 31 1906). Interest and attraction would be maintained during winter when no flowers outside and also wet days. Many plants not grown here - possible tropical section such as palms and orchids</td>
</tr>
<tr>
<td>February 29</td>
<td>Dunedin North and Leith Amenities Society construct bowling green and croquet lawn at cost to the Society</td>
</tr>
<tr>
<td>March 27</td>
<td>Amenities Society concerned re preserving native bush</td>
</tr>
<tr>
<td>April 9</td>
<td>Theomin and others concerned at dumping of rubbish on Queens Drive</td>
</tr>
<tr>
<td>November 20</td>
<td>Vandalism at Woodhaugh Garden</td>
</tr>
<tr>
<td>1926</td>
<td>Otago Institute re Department of Internal Affairs re building of barracks on Town Belt - agreed to 1 year</td>
</tr>
<tr>
<td>January 29</td>
<td>Amenities Society - offered to remove &quot;foreign&quot; trees from Town Belt.</td>
</tr>
<tr>
<td>May 7</td>
<td>Grazing of sheep on Town Belt. Dogs not on leash prohibited on city reserves and recreation grounds</td>
</tr>
<tr>
<td>December 5</td>
<td>Proposal to form roadway on Town Belt by the Works Committee - Reserves Committee strongly objected to proposal</td>
</tr>
<tr>
<td>1928</td>
<td>Coroner report re. Hole - Woodhaugh Garden</td>
</tr>
<tr>
<td>March 12</td>
<td>Road through Town Belt to Maori Hill and track from Wallace Street.</td>
</tr>
<tr>
<td>June 1</td>
<td>Roadway across Town Belt from Duncan Street sub-division.</td>
</tr>
<tr>
<td>June 15</td>
<td>Not agreed to</td>
</tr>
<tr>
<td>July 13</td>
<td>Duncan Street road agreed to</td>
</tr>
<tr>
<td>September 6</td>
<td>Tree planting on Town Belt - Mr Tannock to report</td>
</tr>
<tr>
<td>December 4</td>
<td>Approach to Drivers Road from Town Belt</td>
</tr>
<tr>
<td>1929</td>
<td>Amenities Society - tree planting approved</td>
</tr>
<tr>
<td>May 24</td>
<td>Amenities Society plan for future of Town Belt</td>
</tr>
<tr>
<td>July 19</td>
<td>Grazing rights Robin Hood quarry</td>
</tr>
<tr>
<td>September 27</td>
<td>Encroachments on Town Belt - set rental of 5/- pa</td>
</tr>
<tr>
<td>1930</td>
<td>Belleknowes Golf Club - club house rental £10 pa</td>
</tr>
<tr>
<td>May 9</td>
<td>Buildings on Town Belt</td>
</tr>
<tr>
<td>July 11</td>
<td>Encroachments on Town Belt by A. MacDonald</td>
</tr>
</tbody>
</table>
August 7

Unemployment committee planting vegetables on Town Belt – approved

1932

May 12

Master of Knox CoLege wanted footbridge over Lindsay's Creek and path through Botanic Garden – approved

March 30

Work on reserves for the unemployed

June 25

Dunedin Naturalists Field Club advised re removal of trees from the Town Belt - police notified

September 1

Dunedin North and Leith Amenities Society donation of £20 for pond in Woodhaugh Garden DCC still turning down requests to play tennis on Sundays

1934

February 16

Otago High Schools Boards request extension of three years for classroom on Littlebourne ground – granted

August 17

Encroachments at Woodhaugh Garden

1935

May 17

Deputation re swimming pool at Woodhaugh (requested again August 23)

July 26

Amenities Society notified untidy condition of the Town Belt at the track from Wallace Street to Cobden Street - work to be carried out

August 23

W.T. Beveridge access from Queens Drive across Town Belt to garage - approved

November 1

Various organisations - meeting to be arranged to inspect the Town Belt

1938

August 18

Council will not support organised games on reserves on Sundays

September 15

Old rams in Botanic Garden – approved

November 10

Swimming pools for Chingford and Woodhaugh Garden - referred to Finance Committee. Shed on Town Belt 156 Queens Street - to be removed

November 24

Retirement of Mr Tannock - time extended one year

1939

April 13

Mr M.R. Skipworth appointed Superintendent of Reserves - recommended be sent abroad

May 25

Dunedin Amenities Society advise re Broom and gorse on reserves

October 12

Native Bush Preservation Society advise re destruction of bush on Bullock Track plus in and around Dunedin

November 9

Dunedin Naturalists' Field Club protest at destruction of native bush on the Town Belt. Dunedin Native Bush Society deputation with same objections

1940

February 15

Garage re McKay on Town Belt

February 29

Clearing bush on Town Belt
March 28  Construction stone wall Woodhaugh Garden - Otago Native Bush Preservation Society objections re clearing bush on hillside overlooking Woodhaugh
April 11  Leith Amenities Society - same objections
May 9  J. Ferguson wanted contribution for fence on Town Belt boundary – declined
June 20  Belleknowes Golf Club permission to remove trees - granted - donation for planting native trees
August 1  Piping of open ditch across Maori Hill “Clear”

September 12  Declined liability for opossums in Town Belt
October 24  Amenities Society re destruction of trees in Botanic Garden

1941
February 27  Amenities Society re improvements to Town Belt. Recommendation to be policy of Council. Complaints re trees at rear of properties, York Place. No action (M. James and F.E. Simkin)
May 9  Application to erect garage with access from Town Belt – declined.
July 10  Deputation re improve Town Belt below Scarba Street
November 27  Mrs A. Nelson requested topping of trees adjoining her property in Arthur Street. - declined. Impounded horse belonging to Keith Ramsay - grazing on Town Belt

1942
March 19  W.D. Anderson complaint re trees obstructing view
April 30  Complaint re gorse at Montecillo ground
June 2  Encroachments on Town Belt at rear of 365 and 373 York Place
August 6  N.Z. Gazette vesting control of scenic reserve in DCC

1943
October 14  Continuing vandalism on City reserves - conference of interested bodies
November 11  Unauthorised cutting of trees plus garage entrance Woodhaugh Garden - Clayton Queen Street. (Still trying August 1 1944 and August 14 1945)

1944
March 30  Encroachments - various on Town Belt
August 1  Prosecution of E.N. Milne for cutting dozen trees in Town Belt

1945
February 27  Amenities Society request 'observation platforms' on various points of the Town Belt
June 27  Multi requests for removal of tree on Town Belt
July 3  Amenities Society – re. new highway (Stuart Street extension) and Quarry Street and Drivers Road through the Town Belt
July 17  Prosecution of G.R. Stone for use of building as garage fronting Town Belt
September 25

Electricity Committee – re. installation of electricity sub-station on Town Belt land in vicinity of Eglinton Road - approved subject to chairman and superintendent consider building suitable

1946
January 15
Request for removal of tree stumps from Town Belt opposite 6, 8, 10 Como Street

January 29
Public Works Committee - question of access to private properties over Town Belt (also 12 March) cost of roading

February 26
D.F. Jennings request access to Queen Street property

March 26
McDougal access across Town Belt

October 29
Request from Works Department to cut into western side of Queens Drive - approved

1947
January 21
Access to properties at Belleknowes Terrace - approved - residents pay cost of roading. R.A. Ramsy wanted access across Town Belt re tracks to private properties (again 11 February)

1948
January 1
Mr Anderson removed fence at back of his own property

June 3
T.F. Smith requested entrance across Town Belt for tenement building – approved

July 21
Building encroached on Town Belt. Access across Belt to proposed garage Royal Terrace - declined

August 1
R.H. Lamb permission to cross Town Belt for building purposes permit withdrawn (T.F. Smith)

October 13
1950
February 8
still referred to as 'Clear' (also July 1950)

May 8
(first mention) Portion of Town Belt as a site for new swimming bath - Moana site approved

1951
April 16
Miss D.M. Theomin access from Town Belt approved

May 7
Gorse and broom on Town Belt

July 9
Water of Leith deviation for new northern outlet George and King Streets

July 30
Tipping of rubbish in Town belt at Harcourt Street

August 20
Access across Town Belt at London Street - metal to be removed. Dunedin Amenities Society object to cutting back corners in Queens Drive

1952
May 30
Access over Town Belt to London Street - declined

August 4
W.S. Eudey encroachment across Town Belt at London Street

September 15
Depositing rubbish in Town Belt below Tolcarne Avenue

December 8
Amenities Society re Stuart Street extension

1953
January 9
Connection Town Belt at Stuart Street extension
1954
August 2  Damage to Town Belt by vehicles - remind Education Department. Dunedin Amenities Society plant trees at Jubilee Park to commemorate Queen Elizabeth and Duke of Edinburgh visit

1955
March 7  Trees at Theomin Corner explain to Dunedin Amenities Society
April 19  Temporary classrooms in Town Belt at Littlebourne ground - declined
May 30  Noxious weeds in Town Belt

1956
April 23  Do not agree re Northern Motorway through Botanic Garden
December 3  Littlebourne sites re proposed swimming pool

1957
February 4  Design of buildings erected on reserves

1958
April 21  No Sunday football
July 14  Boundary Town Belt/Pinehill road development
August 4  First reference to 'Prospect Park'
October 6  Deputation re temporary school rooms on Town Belt – approved

1959
October 5  Illegal access across Town Belt

1960
April 11  Occupation of Town Belt at rear of 156 Queen Street Buildings to be removed - fence erected on true boundary
June 20  Report on position as a whole
August 22  Report to Council - Boundaries fenced - rubbish removed. allocation of fixed terms year to year - building removed - access-ways brought up to standard - no more allowed without approval

September 1  Licence plots
October 3  Damage to Town Belt - the “Clear” referred to
December 19  Encroachments on Town Belt

1961
16 February  Encroachments
W. May 20a Logan Street and 20a Royal Terrace
<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
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</thead>
<tbody>
<tr>
<td>March 13</td>
<td>F.W Guest, 93 London Street, clothes line and vegetable garden to be removed and suitable boundary fence erected.</td>
</tr>
<tr>
<td></td>
<td>G.A. Sutherland, 1 St Abbs Place, remove clothes line and erect suitable boundary fence. A.M. Barr, 113 London Street,</td>
</tr>
<tr>
<td></td>
<td>A.K. Ibbotson, 305 York Place, granted access across Town Belt subject to sealing road and removal of compost bin (17 April).</td>
</tr>
<tr>
<td></td>
<td>Royal Terrace access across Town Belt and seek agreement for sealed road payment.</td>
</tr>
<tr>
<td>June 12</td>
<td>Temporary garage Town Belt Royal Terrace - to be removed.</td>
</tr>
<tr>
<td>August 7</td>
<td>Two applications for vegetable gardens on Town Belt - declined.</td>
</tr>
<tr>
<td>September 6</td>
<td>Glamis Hospital, Queen Street, approval for car park on Town Belt.</td>
</tr>
<tr>
<td>September 12</td>
<td>Application for fire station site - declined (again February 12 1962).</td>
</tr>
<tr>
<td>1962</td>
<td>St Hilda's College application for pathway through the Town Belt (again November 27 1962).</td>
</tr>
<tr>
<td>March 8</td>
<td>Viewing areas to be provided on Town Belt.</td>
</tr>
<tr>
<td>June 11</td>
<td>Application for Sunday football - declined. (but granted July 8 1963).</td>
</tr>
<tr>
<td>November 27</td>
<td>'Open areas' on Town Belt. Leith Valley scenic reserve - recommended. DCC take over subject to roads and fencing. Crown responsibility (also July 8 1963)</td>
</tr>
<tr>
<td>1963</td>
<td>Clayton re trees at Woodhaugh - declined again.</td>
</tr>
<tr>
<td>August 5</td>
<td>5 Stonelaw Terrace - access over Town Belt.</td>
</tr>
<tr>
<td>1964</td>
<td>St Hilda's College - re old track and report re Town Belt.</td>
</tr>
<tr>
<td>February 13</td>
<td>Dunedin Amenities Society offer £500 toward cleanup of defined areas of Town Belt - accepted. Carpark area of Town Belt for Moana Pool approved</td>
</tr>
<tr>
<td>March 9</td>
<td>Eradication of exotic growth in areas of Town Belt to be allotted to Botany Department of the University</td>
</tr>
<tr>
<td>July 6</td>
<td>Talk re nature trails.</td>
</tr>
<tr>
<td>September 7</td>
<td>3,000 trees and shrubs planted in Town Belt over past season.</td>
</tr>
<tr>
<td>Date</td>
<td>Event</td>
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<tr>
<td>December 13</td>
<td>Letter from Director - 5 men permanently in Town Belt. A very strong letter from Mr. G.G. Henderson very conscientious about his job</td>
</tr>
<tr>
<td>1972 May 8</td>
<td>Continuous litter dumping in Town Belt. Harcourt Street and Sligo Terrace</td>
</tr>
<tr>
<td>1974 August 29</td>
<td>Maori Marae - Town Belt. Recommended that Council remain firm in its policy to keep sacred and inviolate the remaining acres of the Town Belt and decline the application from the Maori Council for the proposed site</td>
</tr>
<tr>
<td>1976 August 27</td>
<td>Complaint re trees. Mrs. Willeden, 21 Queens Drive</td>
</tr>
<tr>
<td>September 20</td>
<td>Improvements to Lechlan Avenue - widened</td>
</tr>
<tr>
<td>Nov 1 1977</td>
<td>56 Maori Road leasehold land</td>
</tr>
<tr>
<td>February 11 1977</td>
<td>T. Beamish, 4 Stonelaw Terrace permission for vehicular access through Town Belt</td>
</tr>
<tr>
<td>1979</td>
<td>Miss E. Johnson - gift of Tolcarne Avenue sections with mature trees. Tree planting over the season - 366 Southern Cemetery, 138 Mortecillo 75 natives Chamberlain Street</td>
</tr>
<tr>
<td>1985 July 1985</td>
<td>Huntley Avenue/Lawson Street access. 29 Bruce Street for Mrs L. Beck. Lands and Survey Department authorised</td>
</tr>
<tr>
<td>October 2</td>
<td>Recommended formalise easement for access road to Arthur Street School formed 1945 - still not formalised 1952 - now authorised under section 48 Reserves Act</td>
</tr>
<tr>
<td>November 18 1986</td>
<td>Grazing licence granted to Mr. Stephen Alexander</td>
</tr>
<tr>
<td>March 7 1987</td>
<td>Authorised shed for stabling and grazing horses for area next to Southern Cemetery - subject to Reserves Act section 74 1977</td>
</tr>
<tr>
<td>September 22 1988</td>
<td>Galer objections re view obstructed on Montecillo ridge - opposed by Amenities Society and Royal Forest and Bird Society</td>
</tr>
<tr>
<td>November 7 1989</td>
<td>Moved that Woodhaugh Garden be scenic reserve and remainder of Town Belt be recreation reserve</td>
</tr>
<tr>
<td>February 27 1989</td>
<td>Draft Management Plan Dunedin Town Belt - That be approved for public notification</td>
</tr>
<tr>
<td>June 19</td>
<td>DOC comments. Access-ways - no more easements</td>
</tr>
</tbody>
</table>
Appendix E  Town Belt encroachments report October 1987
The Committee, at its meeting of 5 October 1987, deferred a final decision on the grant of a vehicular right-of-way to No. 82 Heriot Row pending further investigation, and sought a full report on all encroachments on the Belt.

That report has now been completed, and is attached hereto.

N. W. Struthers,
MANAGER - PARKS.

TOWN BELT ENCROACHMENTS

RE 72/2/7

A report from the Manager, Parks dated 28 October 1987 recalled that a final decision on the granting of a vehicular right-of-way over the Town Belt to 82 Heriot Row had been deferred pending a full report on all encroachments on the Town Belt. A comprehensive report listing all significant encroachments was attached.

Committee members expressed surprise at the number and type of encroachments listed but following discussion in which it was considered that granting this particular request would not detract from the Town Belt as a recreation reserve it was moved:

"That an easement be granted across the Town Belt to 82 Heriot Row."

Motion carried, on a division, 9:2.

For: His Worship the Mayor, Councillors Benson-Pope, Archer, Bezett, S. Jones, Arnold, Hanan, Williams and J. Jones.

Against: Councillors McLean and Scott.
1. Background

Comprehensive reports, describing the extent of encroachment onto the Town Belt for private benefit, were presented to Council in 1898 and again in 1960. All varieties of encroachment were detailed: the illegal construction of drives, paths, sheds and fences, the extension onto the Belt of private yards and drying greens, and the tipping of spoil and garden and domestic refuse and scrap.

This report covers only one aspect of that encroachment: the development of private drives across the Town Belt. In many cases, the other means of encroachment are evident alongside these.

2. Development of encroachments

Today, a significant portion of the Town Belt's boundary is legal street (see Table C appended). Not all were so shown on the original survey, and the Belt's boundary was largely shared with private properties. As the (urban) quarter acre sections were developed, and the suburban ten acre sections were subdivided for housing, the Belt was from an early date seen as a natural means of access, and a pattern of encroachment developed. It is one still evidently unfolding:

(i) use of the Belt for pedestrian access;

(ii) irregular use for cartage, often accompanied by parking of vehicles and stockpiling of materials on the Belt;

(iii) establishment of all-weather vehicular access (either by Council or private landowner); construction of carports and garages serviced from the Belt;

(iv) Council approval of access: either specifically as a driveway or implicitly by the setting aside of alienated land as road.

Subdivisions as early as Deeds Plan 15, dated February 1862, produced many properties, particularly on the outer perimeter of the Belt, without legal or practical street frontage. Council's action in the eventual dedication of nearby parts of the Belt as legal street has simply recognised that the function of those areas of reserve had changed irrevocably.

On the inner perimeter of the Belt encroachment has more typically arisen because local topography renders vehicular access from or parking on the property's legal frontage impractical, and land owners have made use of their good fortune in having a reserve adjoining. Concern for the principal purpose of that reserve has seldom been a consideration.

3. Council practice

Provision for the granting of rights of way subject to Ministerial consent was introduced to reserves legislation by Section 49 of the Statutes Amendment Act 1948. Subsequently the provision was included in the Reserves and Domains Act 1953, and, with the proviso that public notification be given in certain cases, in the Reserves Act 1977.
Notwithstanding this statutory requirement, the Council had continued to grant access over the Belt "at the pleasure of Council", although there was increasing doubt as to the wisdom of this practice. (See Table 8 below listing recent applications for access.

The Reserves Act 1977 brought a greater emphasis on public accountability in reserves management, and careful consideration of any proposal for alienation of reserve land from public use. Its emphasis was well publicised by the Department of Lands and Survey, and was adopted by the Parks and Recreation Department in the drafting of a management plan for the Town Belt in terms of the Act. The policy within that plan regarding access over the Belt was established in 1983, and stated that:

"(a) Existing access over the Town Belt granted at the pleasure of Council shall be confirmed by the granting of easements under Section 48 of the Reserves Act 1977, where in the opinion of Council the continuation of such use is essential in order to provide safe vehicular access to the adjacent property, and the provision of access does not detract from the purpose of the Town Belt as a recreation reserve.

"(b) The Council may grant further easements under the conditions outlined in (a) above.

"(c) The granting of an access easement does not imply the right to park vehicles within the reserve."

In 1985 the Council broadened this policy to cover all reserves, and determined that costs associated with the granting of easements be borne by the grantee.

No reference or implication is made in this policy to the granting of rights of way to enable subdivision of adjacent properties.

4. **Tables appended:**

Table A: Established driveways over the Town Belt

Table B: Recent applications for access rights

Table C: Legal streets adjoining Town Belt

Table D: Streets not yet legalised
<table>
<thead>
<tr>
<th>Ref.</th>
<th>In Favour of</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Lot 6 DP 1671 (S. R. Phillips, 4 Lovelock Avenue)</td>
<td>Driveway crosses a small grassed area to join Lovelock Avenue. Pleasure of Council Crossing has been provided in kerb.</td>
</tr>
<tr>
<td>2.</td>
<td>Lot 8, Deeds Plan 265 (Dunedin North Fire Station, Willowbank)</td>
<td>Sealed entrance bisects grassed area to provide shortest route to Gt. King St. POC (Pleasure of Council)</td>
</tr>
<tr>
<td>3.</td>
<td>Section 15, Block XXXII (K. A. McCracken, 146 Queen St.) Sec. 16, Bk XXXII (G. C. &amp; C. E. Waite, 150 Queen St.) Sec. 17, Bk XXXII (A. J. Stephen, 154 Queen St.) Pt. Secs. 18 &amp; 19, Bk XXXII (B. A. Grant, 156 Queen St.)</td>
<td>Properties without vehicular access off Queen St. Driveway POC 1961: development of parking spaces has followed.</td>
</tr>
<tr>
<td>5.</td>
<td>D. P. 1709 and D. P. 809 (D. C. C. - &quot;Olveston&quot;) Pt. Secs. 39 &amp; 40, Bk XIX (A. J. &amp; H. J. Kuzma, 46 Royal Terrace) Pt. Sec. 39, Bk XIX (S. M. Fitchett, 19 Duchess Ave.) Pt. Secs. 39 &amp; 40, Bk XIX (M. D. Brown, 17 Duchess Ave)</td>
<td>All these properties have short driveways across the Belt to Queens Drive and the southern end of Duchess Ave. Both streets are not legal (see table 2 below).</td>
</tr>
<tr>
<td>6.</td>
<td>Lot 1, D. P. 9044 C. H. &amp; J. Lamond, 12 Cobden St) Sec. 33 &amp; Pt. Sec. 34, Bk XIX (S. J. Mallard, 34 Royal Tce.) Lot 1, D. P. 9609 (A. M. &amp; P. A. M. Barnett, 32 Royal Terrace)</td>
<td>Metalled drive serves garages at the rear of these properties. A secluded grassy area at the rear of the properties is used as a trailer park. POC</td>
</tr>
<tr>
<td>7.</td>
<td>Part Section 28, Bk XIX (J. Graham &amp; J. C. Johnston, 22 Royal Terrace) Lot 4, D. P. 5425 (K. M. Kernaghan &amp; J. P. Donald, 20A Royal Terrace)</td>
<td>Drives across the Belt provide access to Logan St. and thence to Royal Tce.</td>
</tr>
</tbody>
</table>
3. Lot 1 D. P. 12682
   (various lessees: 115 London St.)
   Lot 1, D. P. 12462
   (N. D. & K. J. Kennedy, 4 Stoutgate)
   Lot 2, D. P. 12462
   (E. J. & V. C. Thurlow, 6 Stoutgate)
   Lot 1, D. P. 15003
   (G. H. & A. Ellison, 3A Stoutgate,
   G. A. & N. M. Wales, 3B Stoutgate)

Access gained from the Moana Pool carpark to garages on the Belt boundary or accessed from Stoutgate, a culdesac with no access from London St. POC 1970 (temporary), 1972.

9. School reserve, part Sec. 86 Bk XIX
   (Otago Education Board)

A sealed driveway and carpark are situated on the recreation reserve immediately south of the school.

10. Lot 3, D. P. 230
    (I. A. McGregor, 379 Rattray St.)

A sealed driveway crosses the Belt; the separated section is now managed as private garden.

11. Pt. Sec. 15, Bk XI
    (P. B. & E. R. McOnie, 279 York Place)
    D. P. 1365
    (B. C. Grant & L. A. Friend, 277 York Place)
    D. P. 4690
    (W. M. Fay, 275 York Place)
    Secs. 18 & 19, Bk XI
    (Crown - Education Department)

Asphalt driveway serves Nos. 275 & 277. The owner of No. 279 drives across grass to park a trailer (inventively, on the roof of his shed!)

12. Pt. Sec. 8, Bk XI
    (R. M. Johnson, 1 Braid Rd.)
    Pt. Sec. 8 Bk IX
    (A. Stapp, 335 York Place)
    Sec. 7, Bk XI
    (J. S. & Y. E. Dennison, 343 York Place)

Sealed driveway along Belt boundary extends as far as No. 343 and serves garages on boundaries. Belt used extensively for vehicle parking. POC 1960, 1965.

13. Lot 1 D. P. 7825
    (A. M. Cook, 29 Bruce St.)
    Lot 1 D. P. 10358
    (F. M. Todd, 30 Lawson St.)

Driveway extends from end of Lawson St. to provide access to Huntley Ave. (a private right of way) and No. 30 Lawson St. The right of way to No. 29 Bruce St. has been legalised under Reserves Act provisions (1987).

4. Lot 1 D. P. 8341
   (J. H. & C. B. Mann, 4 Belleknowes Tce)
   Lot 2 D. P. 8341
   (C. R. & M. T. Steel, 3 Belleknowes Tce)
   Lot 24, D. P. 568
   (W. H. Wilson, 5 Belleknowes Tce)
   Pt. Lot 1, D. P. 444
   (K. I. & D. O. McKay, 3b Preston Cres)

The right of way to these properties was reformed and has been legalised under Reserves Act provisions (1986).
15. Lot 1, D. P. 1157  
   (S. G. & N. H. Smith, 2 Hawthorn Ave.)  
   Lot 2 D. P. 1157  
   (M. J. Osborne, 1 Lonsdale Tce)  
   Lot 3 D. P. 1157  
   (P. Chen, 2 Lonsdale St.)

16. Lot 18, D. P. 771  
    (P. B. A. Sim, 20 Queens Drive)  
    Lot 21, D. P. 771  
    (M. E. Rackley, 6 Queens Drive)  
    Lot 18 POC 1967

17. Lot 7 D. P. 771  
    (Ryman Investments Ltd., 28 Montpellier St.)

The drive to No. 2 Hawthorn Avenue crosses a grassed area near the street's junction with Lonsdale St. The drive to the remaining two properties leaves Lonsdale St. near the Belt boundary, and ascends a rounded knoll to serve the properties. Both drives are metalled.

Both properties are served by metalled drives off Queens Drive. In both cases, the drives are used for off-site car parking. Lot 18 - POC 1967.

A corner of the Belt has been taken for a sealed car park serving Glamis Hospital, and also provides access to a garage on the property. The driveway only POC 1960.
### TABLE B: RECENT APPLICATIONS FOR ACCESS RIGHTS

<table>
<thead>
<tr>
<th>Date</th>
<th>Property</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>1970</td>
<td>115 London St. Refer table A No. 8</td>
<td>Council granted temporary access rights during construction of flats. The developer interpreted this as permanent, and ignored the condition, imposed when access was granted, that permanent access was to be from London Street. In view of developments carried out, access over the Town Belt was finally granted at the pleasure of Council in 1972.</td>
</tr>
<tr>
<td>1971</td>
<td>Duchess Avenue (refer table D)</td>
<td>Access via Duchess Ave. &amp; Queens Drive was granted, at pleasure of Council, in view of the already extensive use of the route by residents.</td>
</tr>
<tr>
<td>1972</td>
<td>32A Royal Terrace (refer table A, No. 6)</td>
<td>Applicant sought access across the Belt to serve proposed flats on a rear site. Declined.</td>
</tr>
<tr>
<td>1972</td>
<td>113 London St. (refer table A, No. 8)</td>
<td>Permission had been granted pre-1960 to a shed being built on the boundary of the property adjoining the Belt. A garage, with access off the Belt, was subsequently erected. Access rights to this garage were sought by, and granted (P. O. C.) to the prospective purchaser in 1972.</td>
</tr>
<tr>
<td>1972</td>
<td>2 Lonsdale St. (refer table A, No. 15)</td>
<td>Existing right of access was confirmed at pleasure of Council.</td>
</tr>
<tr>
<td>1972</td>
<td>82 Heriot Row</td>
<td>Access off Drivers Road was granted at the pleasure of Council.</td>
</tr>
<tr>
<td>1972</td>
<td>152 Dundas St.</td>
<td>Applicant sought access across the Belt to Harbour Terrace. Declined.</td>
</tr>
<tr>
<td>1978</td>
<td>78 Heriot Row</td>
<td>Access off Drivers Road was granted P. O. C.</td>
</tr>
<tr>
<td>1979</td>
<td>Belleknowes Tce. (refer table A, No. 14)</td>
<td>Initial recommendation of City Engineer was that this long-standing access right be ceased. Works Committee decided on its formalisation, and this was subsequently proceeded with, in accordance with Reserves Act provisions.</td>
</tr>
<tr>
<td>1980</td>
<td>289 York Place</td>
<td>Access off Queens Drive was granted at the pleasure of Council.</td>
</tr>
<tr>
<td>1980</td>
<td>32 Park St. (refer table D)</td>
<td>Applicant sought extension of access via 'Kyle Street' to service the rear of property. Declined.</td>
</tr>
<tr>
<td>1981</td>
<td>361 York Place</td>
<td>Applicant sought the provision of access from the Town Belt to enable construction of Town Houses on a rear site. Declined.</td>
</tr>
<tr>
<td>1981</td>
<td>20A Royal Terrace (refer table A, No. 7)</td>
<td>Applicant sought approval for continuation of POC access before purchasing property. Granted P. O. C.</td>
</tr>
<tr>
<td>1981</td>
<td>379 Rattray St. (refer table A, No. 10)</td>
<td>Applicant sought approval for carport construction on existing P. O. C. access. Declined.</td>
</tr>
</tbody>
</table>
1983  12 Cobden St.
(refer table A, No. 6) Applicant sought approval to extend driveway further onto Belt, and to erect carport on Belt. Consent deferred

1984  361 York Place Temporary access granted during building construction.

1984  29 Bruce St.
(refer table A, No 13) Right of way granted over part of Town Belt in accordance with Reserves Act provisions.

1985  154 Queen St.
(refer table A, No. 3) Applicant sought approval to a subdivision relying on a drive over the Town Belt to Queens Drive to provide vehicular access to the rear allotment. Declined.

1985  2 Lonsdale Tce.
(refer table A, No 15) Applicant sought either Council assistance in maintenance of drive over the Belt, or grant of a registered easement. Advised of statutory requirements; no further contact.

1986  30 Royal Terrace Applicant sought access rights over the Town Belt to enable construction of a 'granny flat' on the rear of section. Advised that this did not satisfy criteria established 1983 regarding rights of way, and application declined.

1986  82 Heriot Row Applicant sought approval to a subdivision relying on a drive over the Belt to Drivers Road to provide vehicular access to the rear allotment. Not yet resolved.
<table>
<thead>
<tr>
<th>Ardmore Drive</th>
<th>*Sligo Terrace</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andersons Bay Road</td>
<td>*Wallace Street</td>
</tr>
<tr>
<td>Princes St.</td>
<td>*Tolcarne Avenue</td>
</tr>
<tr>
<td>Eglinton Road</td>
<td>Drivers Road</td>
</tr>
<tr>
<td>Stafford Street</td>
<td>*Stonelaw Terrace</td>
</tr>
<tr>
<td>*Parkhill Avenue</td>
<td>Malvern Street</td>
</tr>
<tr>
<td>Serpentine Avenue</td>
<td>Pine Hill Road/ Bank St.</td>
</tr>
<tr>
<td>Arthur Street</td>
<td>Quentin Avenue</td>
</tr>
<tr>
<td>*Harcourt Street</td>
<td>Willowbank</td>
</tr>
<tr>
<td>Rattray St.</td>
<td></td>
</tr>
<tr>
<td>*Lawson Street</td>
<td></td>
</tr>
<tr>
<td>*Scarba Street</td>
<td></td>
</tr>
</tbody>
</table>
These streets have arisen, like those denoted* in table C above, as development of the Belt's environs has progressed, but have not been legalised. Street names have been assigned, and the Council has, to a varying extent, undertaken normal street works (signposting, kerb and channel, sealing, etc.) Their existence as public street cannot be denied, and they should clearly be set aside as streets in the same manner as those above under the provisions of the Town Belt Roads Closing and Regulations Act 1902.

Queens Drive is not included in this listing. From the time of S. H. Mirams, who planned the Drive in 1873 and oversaw its completion in 1876, it has been recognised that Queens Drive is principally and ultimately a road provided for the citizens' greater enjoyment of the Town Belt; and the subordination of that role to one of merely another suburban street is to be resisted.

1. Cosy Dell Road (that portion adjoining properties in Block XIX) All these properties have legal access to Lachlan Avenue/Regent Road, but in many cases this is reduced by topography to "paper" access only. Residences face, and gain real access from, Cosy Dell Road.

2. "Kyle Street" (track from Cosy Dell Road to northern boundary of D. P. 5077).

This track provides vehicular access to properties bounding Queen and Park Streets, and to the Cosy Dell Tennis Club and adjacent parking area. It also provides the only practical access to properties bounding the true Kyle Street, which runs off Queen St., but it is not negotiable by vehicles at the Queen St. end.

3. Duchess Avenue (that portion from Drummond Street to its junction with Queens Drive).

Duchess Avenue has developed to the extent that it is clearly the only service road for adjoining properties, and the alienation of Town Belt land is irreversible. For reasons noted above, it is contended that the portion of Queens Drive from Duchess Avenue south to Cobden Street (that portion adjoining "Olveston) should not be legalised, but that access in this area should continue to be treated as a right of way over a reserve.

By another historical anomaly, it appears that Drivers Road in this area is not legal street from Corrie St. to the vicinity of Drummond St.

4. Butts Road (that part adjoining Town Belt)

Mostly consists of land taken from Harbour Board endowment (Logan Park) but includes some Town Belt land.
Appendix F  Draft Management Plan submissions 1989
The draft management plan was publicly notified, as required by the Reserves Act 1977, on 4 March 1989. In addition to media notification via the 'Otago Daily Times', 'Star', Radio Otago, Radio New Zealand and Television New Zealand, copies of the plan were sent direct to all major sporting codes, environmental and civic organisations concerned with the management of the Town Belt.

Submissions were received from 16 organisations and individuals before closure of the period of public notification, extended to 19 May. Those forwarding submissions are listed below (abbreviated titles are those used in this report).

Mr G Aimers                                  Department of Conservation
Mr E Entwistle                                (DOC)
Mr R James                                   Maruia Society
Mr J Manning                                  Otago National Parks and Reserves
Mrs P Mark                                    Board (ONPRB)
Ms M McLean                                   Otago Tree Society
Mr P Powell                                   Royal Forest and Bird Protection
Miss F Todd                                   Royal Society (RFBPS)
Botany Department,                            Silverpeaks Combined District
University of Otago                          Noxious Plants Authority
Botany Division;                               (SNPA)
DSIR

The majority of submitters prefaced their comments by statements in support of the plan and its general thrust. Many supported the classification of part of Woodhaugh Gardens as a scenic reserve, and a number took the opportunity to offer assistance in the task of vegetation management.

The full text of submissions is available for Councillors' perusal. This summary deals with those main points raised by the
submitors which require attention to the contents of the management plan. They are listed according to the section of the management plan involved.
<table>
<thead>
<tr>
<th>SUBMITTOR</th>
<th>SUBMISSION</th>
<th>COMMENTS</th>
<th>RECOMMENDED ACTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Entwistle</td>
<td>Relationship of plan to the Botany Division report on the Town Belt's vegetation is unclear; references to it are confusing.</td>
<td>Agreed.</td>
<td>Insert on contents page: 'The report 'Vegetation of the Dunedin Town Belt' (Allen, R B and Johnson, P N), published by the Botany Division, DSIR in 1982, is to be read as a part of this management plan; and should be referred to as a guide in matters of local vegetation management'. Standardise other references.</td>
</tr>
<tr>
<td>Tree Soc</td>
<td>Question the validity of the Botany Division report seven years after publication.</td>
<td>Before public notification of the draft plan, the Botany Division were asked to check their 1982 report for any specific matters requiring amendment. None were advised.</td>
<td></td>
</tr>
<tr>
<td>RFBPS</td>
<td>Similarly, question the validity today of the 1973 Recreation Survey.</td>
<td>The survey is cited only in passing as an indicator of a recognised trend in recreation.</td>
<td></td>
</tr>
<tr>
<td>Entwistle</td>
<td>The layout of the plan appears to give low priority to vegetation management.</td>
<td>Proper reference to the importance of the Botany Division report should balance this.</td>
<td></td>
</tr>
<tr>
<td>James</td>
<td>Suggests a 'Recreational Opportunity Spectrum' model for management.</td>
<td>Effectively means zoning of the Belt for different uses - probably not feasible in an urban reserve. Would also require rewriting of the plan.</td>
<td></td>
</tr>
<tr>
<td>Tree Soc</td>
<td>Question why authors' names are not given.</td>
<td>The 1982 draft was prepared by a large team of permanent and temporary Parks Department staff. It was effectively rewritten in 1989, and the editor's name is given on page 3.</td>
<td></td>
</tr>
</tbody>
</table>
## Objectives

<table>
<thead>
<tr>
<th>Submitter</th>
<th>Submission</th>
<th>Comments</th>
<th>Recommended Action</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>2.1</strong> DOC</td>
<td>Suggest rewording as 'open space and natural landscape character'.</td>
<td>Both 'natural' and 'unnatural' landscapes in the Belt are recognised as being of value. The stronger commitment to protecting open space and native bush, sought by DOC, can be made by amending maintenance in objective 2.2 to 'protection'.</td>
<td>(See 2.2 below)</td>
</tr>
<tr>
<td><strong>2.2</strong> DOC</td>
<td>See 2.1 above.</td>
<td>See 2.1 above.</td>
<td>Amend 'maintenance' to 'protection'</td>
</tr>
<tr>
<td>- DOC</td>
<td>Suggest an additional objective: 'Protection of open space and native botanical values from being eroded by unnecessary development'.</td>
<td>Broadly covered by existing objectives, and too narrow in treating 'unnecessary development' as the only threat to these values.</td>
<td></td>
</tr>
<tr>
<td>- James</td>
<td>Suggests an overall 'aim' of 'maintaining and developing a green belt'.</td>
<td>Implicit in objective 2.1, and also stated in the Dunedin District Scheme.</td>
<td></td>
</tr>
<tr>
<td>POLICIES</td>
<td>SUBMITTOR</td>
<td>SUBMISSION</td>
<td>COMMENTS</td>
</tr>
<tr>
<td>----------</td>
<td>-----------</td>
<td>------------</td>
<td>----------</td>
</tr>
<tr>
<td>3.1, DOC</td>
<td>Contend that the document implies the reserve is owned by the Council, and seek rewording in 3.1 and 3.4 to indicate Council is manager of reserve land.</td>
<td>This was checked with City Solicitors, who confirmed the historical account on page 40 and suggested amendments to clarify the legal situation.</td>
<td>Amend policies as follows: 3.1 (comment) - paragraph 1: insert 'This arises from the fact that the Town Belt lands were vested in the Council last century subject to reserve trusts'. 3.4 (comment) - paragraph 1: insert after 'owner', '(subject to reserve trusts)'.</td>
</tr>
<tr>
<td>3.2 DOC</td>
<td>Provisions should be strengthened by making reference to the Visibility Analysis (mentioned in 'comment') one of the criteria in the 'Implementation' section.</td>
<td>Agreed.</td>
<td>Insert in 'Implementation', after the words 'wider Dunedin landscape', 'with reference to the Visibility Analysis (Figure 5)'. Delete last sentence in 'comment' section.</td>
</tr>
<tr>
<td>3.2 DSIR</td>
<td>Where reference is made to restoration of bush cover, the plan should clearly specify the desirability of using native species, if possible of local provenance (seed source).</td>
<td>This proposal is supported. It is more broadly stated in part 5.4, Planting, which refers to 'indigenous species'.</td>
<td>In paragraph 4, add after 'conserved', 'Where possible, plantings elsewhere on the Belt should also use specimens of local provenance'.</td>
</tr>
<tr>
<td>3.2 Tree Soc</td>
<td>Object to the use of the word 'may' in this and other policies as indicating a 'softer' attitude than 'shall'.</td>
<td>'May' was used in the draft to indicate that Council had the power to act in that way. If, however, it is interpreted by readers as a sign of 'softness' in implementing policies, its replacement by 'shall' is desirable.</td>
<td>Amend, in this policy and elsewhere where consistent with meaning, the word 'may' to 'shall': 3.2, 3.3, 3.4, 3.13, 3.14, 3.29.</td>
</tr>
</tbody>
</table>
3.2 ONPRB, Tree Soc
Seek clarification of the application of last paragraph in 'implementation'. See 'where possible' as being an excuse for inaction.

Amend last paragraph to read 'with regard to earlier disturbances to landform, the Council shall, wherever feasible, undertake programmes to restore appropriate landform and vegetative cover (see also policy 3.3 below).

3.2 Botany Dept
Add clematis vitalba, ragwort, hawthorn to list of Class B noxious plants.

Agreed.

Insert 'clematis vitalba, ragwort, hawthorn' to list in last 'comment' paragraph.

3.3 DSIR
Should provide for cooperation with noxious plants authority.

Agreed.

Insert in 'Implementation' the clause '- the Council shall liaise with the Silverpeaks Combined District Noxious Plants Authority (or its successor) in the drawing up of a programme of noxious plant control in accordance with the Noxious Plants Act 1978'.

3.3 Tree Soc
Object to provision for the removal of mature trees: seek independent audit and public notice of intended action by Council.

The new Council structure, separating policy and operational arms of the Department, will ensure transparency of activity with regard to such matters where intra-council permission is sought. No additional procedures are considered necessary.

Such priorities belong not in the management plan but in yearly budgets/work programmes prepared by the Council.

In second 'implementation' clause, insert before 'conservation covenants' the words 'purchase or'.

3.4 RFBPS
Should provide for land purchase as well as covenants.

Agreed.
3.5 DOC  Question the need for further roading. Any new roading construction should involve closure of an existing route in compensation.

While the Dunedin Town Belt Roads Closing and Regulation Act 1902 remains in force, roads can be built over the Belt. This policy recognises that possibility by the conditions it sets for roading proposals. Provisions of the 1902 Act, and the level of use of most roads over the Belt, make the compensatory closure suggestion unworkable.

3.5 RFBPS  Nature trails, rather than just tracks, should be a feature of the Town Belt.

Agreed. The matter is primarily one of interpretation/publicity.

Insert statement in 3.16 'implementation' that 'Council shall establish nature trails on the Belt, initially within the Woodhaugh Scenic Reserve'.

3.5 Manning Tree Soc  Suggesting walking track be constructed along Town Belt.

Likely to be destructive of many natural values. Tree Society's offer of help with labels should be taken up with regard to nature trails.

Amend last statement in 'implementation' section to read 'No further traffic routes across the Town Belt shall be constructed unless the Council determines ...' etc.

3.5 James  Criteria re construction of new roads are not objective, and the wording favours new roading.

No assessment of the public need for roading can be absolutely objective. The reference to criteria re landscape and vegetation protection (policies 3.2 and 3.3) ensures that Council will have considered all aspects of a proposal before reaching its decision. The 'implementation' section of policy 3.5 would be better phrased negatively.

Insert statement in implementation that: ' - drainage from roads shall be taken to natural watercourses'.

3.5 Parks Dept  Poor drainage of roads leads to water damage to nearby bush.
<p>| 3.5 | SNPA | Add 'implementation' to state that Council will keep roadside and paths clear of noxious plants to a distance of 10 metres. | May be inappropriate to carry out weed control at certain stages of bush regeneration. A matter to be clarified in the noxious plants control programme, not this plan. |
| 3.5 | Botany Dept Maruia Soc Royal Soc | Keep tracks to a minimum, review use regularly and close off or upgrade informal routes. | The informal development of tracks is a matter of concern to the Department, because of the follow-on effects of bush destruction and erosion. Add to first 'implementation' statement. 'The Council shall regularly monitor the informal tracks, and close off those whose development as part of the track network is not of benefit to the Belt'. |
| 3.13 | James | Good visibility should be a criteria for playground siting. | Already covered by safety provisions in policy. |
| 3.13 | DOC | Fire risk should be cited with regard to barbecue placement. | Agreed. |
| 3.16 | Mark Powell Todd | Welcome publicity of the Town Belt, and offer a number of suggestions. ONPRB offer scientific support in preparation of interpretative material. | Many worthwhile suggestions on publicity. The offer from the ONPRB is appreciated, and should be taken up. Under Section 5.5, add 'some measures to encourage public interest and involvement suggested in submissions on this plan:' and list the main suggestions. |
| 3.16, 5.5 | Mark Todd Botany Dept Maruia ONPRB Tree Soc RFBPS Royal Soc | Support strongly the proposal for public input into vegetation management. Many specific suggestions on strategies for public input. | The scope of management foreseen by the management plan will be attainable if the Council is able to utilise the human resource these individuals and groups provide. Amend policy 3.16 title to 'Community involvement' and insert: under 'comment' - 'the Council is happy to work with interested groups in publicising Town Belt values and in vegetation management on the Belt'. Under 'implementation' - 'groups should initially contact the Parks and Recreation Department, which will coordinate times, materials etc'. |</p>
<table>
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<th>Page</th>
<th>Action</th>
<th>Notes</th>
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<tbody>
<tr>
<td>3.16 RFBPS</td>
<td>See 3.5 above.</td>
<td>See 3.5 above. (Amend as per 3.5 above.)</td>
</tr>
<tr>
<td>3.17 DOC</td>
<td>The statement should be strengthened by use of the word 'essential', rather than 'necessary' in the paragraph (c) of Implementation.</td>
<td>Definition of what is 'essential' with regard to recreational facilities is impossible.</td>
</tr>
<tr>
<td>3.17 DOC</td>
<td>Question the restriction of the Implementation statement to sportsgrounds.</td>
<td>Should not be so restricted. Amend 'sportsgrounds' to 'the Town Belt'.</td>
</tr>
<tr>
<td>3.17 DOC</td>
<td>Other sites should be investigated before the decision is made to site any building on the Belt.</td>
<td>Agreed. Insert in Implementation '- no building proposal on the Belt shall be proceeded with unless the Council is satisfied that alternative sites have been investigated and are unsuitable'.</td>
</tr>
<tr>
<td>3.18 DOC</td>
<td>Seek clarification of the role of the Minister of Conservation with regard to leasing.</td>
<td>Agreed. Insert in Implementation '- further lease applications are subject under the Reserves Act 1977 to public notification and the consent of the Minister of Conservation'.</td>
</tr>
<tr>
<td>3.20 James</td>
<td>Suggests the fencing off of control plots in native bush to monitor vegetation damage.</td>
<td>Not practicable in the urban environment.</td>
</tr>
<tr>
<td>3.21 DOC</td>
<td>Design and placement of signs should be subject to landscape and vegetation controls (policies 3.2 and 3.3).</td>
<td>The Implementation section states 'see also policies 3.2 and 3.3 ...'. This should be strengthened, and mention made specifically of colour and materials. Amend last Implementation statement to '- signs are erected subject to policies 3.2 and 3.3 above (qv). In particular, colours and materials appropriate to the Town Belt environment should be used'.</td>
</tr>
<tr>
<td>3.21 DOC</td>
<td>The plan should require that seasonal sports signs be removed.</td>
<td>The statement in the Implementation section that signs are erected 'for the duration' is surely clear enough.</td>
</tr>
</tbody>
</table>
3.23  DOC  Asks that Council actively looks to closing those accessways not essential and prohibiting new ones unless of nett benefit to the Town Belt.

It is implied in the policy that easements will be granted only where the recipients of existing rights of way can prove that the accessway is essential, and others will be closed. 'Nett benefit to the Town Belt' is not a meaningful criterion by which to judge applications.

3.23  Aimers James  Support the implementation of the policy.

RFBPS

3.25-  DOC  The management plan should signal any development of Moana Pool which will extend it beyond its present area.

3.27  DOC

Plans for the redevelopment of Moana Pool will be made available in late 1989. As noted in the plan, these will be evaluated against the provisions of the management plan.

3.28  Aimers Entwistle Mark McLean Botany Dept Maruia Tree Soc RFBPS Royal Soc  Strong support for the scenic classification of part of Woodhaugh Gardens.

3.28  RFBPS  Suggest water be diverted into Woodhaugh at times of drought.

Implementation statement already provides for maintenance of present water table level.
| 3.28  | DSIR DOC | Both suggested rewording of the policy statement: DOC to: '... the reserve as representative of the original forest cover over much of the Town Belt'. DSIR, to '... reserve as a plant community representative of the natural vegetation of this habitat'. | Present wording is too vague. The revegetation is intended to represent the former cover of Woodhaugh itself, not of the entire Town Belt. | Amend policy to read: 'To retain and enhance the remnant lowland forest on the reserve as representative of the natural vegetation of this habitat'. |
| 3.28  | DSIR DOC | Should provide for the removal of existing native plants not of local seed stock. | Agreed. This task (which will ensure that the eventual composition of the forest resembles as closely as possible the original) will be undertaken as resources permit. | Insert in third paragraph, Implementation, after 'vegetation', the words '(including natives of other than local provenance)'. |
| 3.29  | Todd DOC | Implementation should state that the canopy of native bush be 'trimmed up' as little as possible, to preserve habitat for fauna. | Both at Woodhaugh and elsewhere on the Belt, 'trimming up' should be minimised because of its drying effect on the bush interior. | Insert in Section 5.4: 'The canopy of native bush should be retained to ground level wherever possible to prevent dessication of native bush and preserve natural communities'. |
| 3.29  | James DOC | Low fences could be used at Woodhaugh to discourage pedestrian entry to bush. | Current Council method is by ground-level barriers of large cut logs. | insert in Comment section: 'The review of the Botany Division's Vegetation Report, which is read together with this plan, is to be carried out at least every 10 years'. |
| 3.32  | Tree Soc | The plan should provide for review of the Botany Division's Vegetation Report consequent with the five yearly review of the management plan. | Intervals of 10 years are probably sufficient - the first would be at the date of first plan review under this policy. |
### VEGETATION MANAGEMENT STRATEGIES

<table>
<thead>
<tr>
<th>SUBMITTOR</th>
<th>SUBMISSION</th>
<th>COMMENTS</th>
<th>RECOMMENDED ACTION</th>
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<tbody>
<tr>
<td>5.2 Aimers</td>
<td>Asks that sprays not be used alongside traffic routes.</td>
<td>Spray use will be minimised, but it is necessary on a range of difficult weed species.</td>
<td>Insert in sentence headed (2) under Section 5.2, the word 'judicious' before 'spraying'.</td>
</tr>
<tr>
<td>5 Todd</td>
<td>A number of suggestions on ways of involving public in vegetation management.</td>
<td></td>
<td>Incorporate these in list of measures for public involvement, Section 5.5 (see 3.16 above).</td>
</tr>
<tr>
<td>5.3 SNPA</td>
<td>Control measures for gorse, broom, hawthorn and blackberry (as cited by SNPA) should be included in the plan, and implemented at least along Town Belt boundaries and traffic routes.</td>
<td>Agreed.</td>
<td>Insert control measures as cited SNPA.</td>
</tr>
<tr>
<td>5 ONPRB</td>
<td>Mention should also be made of other invasive species (eg elder, holly, ash, etc).</td>
<td>Presence of these and other species is documented in the Botany Division report. They could be given brief mention here, along with the worst garden 'escapes': wandering jew, onion weed and aluminium plant.</td>
<td>Insert end of 5.3: 'Other species including wandering jew, onion weed, aluminium plant, elder, holly and ash may compete successfully with native species. The Council will continue to investigate measures for their control in consultation with other bodies'.</td>
</tr>
<tr>
<td>5.3.2 ONPRB</td>
<td>Further control measures for clematis vitalba are suggested for inclusion.</td>
<td>Noted. The proposed 245-T is not used by Council. In view of clematis vitalba, the section describing it should be enlarged.</td>
<td>Insert in Section 3.2: 'Clematis vitalba is the most dangerous of the invasive species, and Council's aim is its total eradication because of its disastrous effect on the bush canopy. Small plants are uprooted.'</td>
</tr>
<tr>
<td>5.3.3 Manning</td>
<td>Concerned at the spread of Muehlenbeckia.</td>
<td>Noted.</td>
<td></td>
</tr>
</tbody>
</table>
5.3.5 DSIR  | Question why thinning, rather than complete removal of Coprosma australis is prescribed.  
| With public assistance, total removal of thickets of this species may be possible.  
| Amend last sentence of 5.3.5 to read: 'Before reaching flowering size, it should be manually removed'.

5.4 Manning Botany Dept  | Podocarps and other forest species should be planted throughout the Belt's native bush to regain original composition.  
| Agreed. This is implied in the fourth paragraph of that section, but could be more clearly stated.  
| Insert in fourth paragraph, 5.4 after 'indigenous species' the words '(including, where appropriate, forest podocarps)'.

5.4 Manning Maruia  | Plant rhododendrons and deciduous species to enrich exotic forest on the Belt.  
| Generally covered in the recommendations of the Botany Division. Extensive planting of rhododendrons may be at the expense of proper maintenance of individual specimens.

A number of factual and typographical errors in the text have also been identified by submitters or by the Parks and Recreation Department, and will be corrected.

DAVID NEATE
Appendix G  Town Belt of Dunedin Classification Under the Reserves Act 1977
TOWN BELT OF DUNEDIN
CLASSIFICATION UNDER THE RESERVES ACT 1977

1. INTRODUCTION:
Under the terms of the Reserves Act 1977, it is required that reserves be classified according to their principal or primary purpose

"to ensure the control, management, development, use, maintenance and preservation of reserves for their appropriate purposes".

(Section 16 (1) )

The Town Belt of Dunedin falls within a category of reserve where classification is the responsibility of the Minister of Lands, in consultation with the Council as administrator of the reserve. Part of the Town Belt, being the portion from Woodhaugh Garden eastward to Opoho Park, has been classified by this process for the purpose of recreation, as defined in Section 17 of the Act.

The Act provides further (Section 16 (1) ) that

"the Minister may classify part of a reserve for one purpose and the other part or parts of the same reserve for any other purposes".

This will occur with respect to the Town Belt, where significant portions of the Belt occupied by the Northern and Southern Cemeteries will be classified as local purpose reserves, and two smaller portions have already been classified as local purpose reserves for the siting of electricity substations.

However, the officers of this Department have been unable to reach agreement with their counterparts in the Department of Lands and Survey on the appropriate classification of the remainder of the Town Belt. In a meeting of 6 August 1984 the Assistant Commissioner of Crown Lands and his Chief Ranger stated strongly their case for the classification as scenic reserve of a portion of the Belt from Moana Pool northwards to Lachlan Avenue, and a further small portion in the northwestern corner of Woodhaugh Gardens. In response, the Council's officers restated their conviction that the most suitable classification for the remainder of the Town Belt is that of recreation reserve.

The Assistant Commissioner has stated that in view of this impasse, his action now must be to lay the matter before the Minister of Lands, with his recommendation that the portions of reserve so defined be classified as scenic reserve. Pursuant to the terms of the Act, public notice would be given of the intended classification and objections called for, at which stage the Council would be given opportunity to state its objections to the proposed classification to the Minister.

2. EFFECT OF CLASSIFICATION:
Two categories of scenic reserve, serving somewhat dissimilar purposes, are defined by the Reserves Act 1977.

2.1 The first category preserves and protects existing features:

"...protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest"

(Section 19 (1) (a) )
and management and control of such a reserve is further specified as follows:

"(a) Except where the Minister otherwise determines, the indigenous flora and fauna; ecological associations, and natural environment and beauty shall as far as possible be preserved, and for this purpose, except where the Minister otherwise determines, exotic flora and fauna shall as far as possible be exterminated:

(b) The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on administering bodies by sections 55 and 56 of this Act, to any bylaws under this act applying to the reserve, and to such conditions and restrictions as the administering body considers to be necessary for the protection and well-being of the reserve and for the protection and control of the public using it:

(c) To the extent compatible with the principal or primary purposes of the retention and preservation of the natural or scenic values, open portions of the reserve may be developed for amenities and facilities where these are necessary to enable the public to obtain benefit and enjoyment from the reserve:

(d) Where historic, archaeological, geological, biological, or other scientific features are present in the reserve, those features shall be managed and protected to the extent compatible with the principal or primary purpose of the reserve:

Provided that nothing in this paragraph shall authorise the doing of anything with respect to fauna that would contravene any provisions of the Wildlife Act 1953 or any regulations or Proclamation or notification under that Act, or the doing of anything with respect to archaeological features in any reserve that would contravene any provision of the Historic Places Act 1954:

(e) To the extent compatible with the principal or primary purpose of the reserve, its value as a soil, water, and forest conservation area shall be maintained."

(Section 19 (2) )

It is this category of scenic reserve which is proposed by the Department of Lands and Survey. From the discussion held with the Assistant Commissioner and the Chief Ranger, it is apparent that the chief criterion in applying this classification is not the landscape or scenic interest qualities of the Town Belt, but the special character of the existing vegetation.

2.2 The second category provides for development of scenic features:

"...providing, in appropriate circumstances, suitable areas which by development and the introduction of flora, whether indigenous or exotic, will become of such scenic interest or beauty that their development, protection, and preservation are desirable in the public interest."

(Section 19 (1) (b) )
and management and control is again further specified:

"except where the Minister otherwise determines, the flora and fauna, ecological associations, and natural environment and beauty shall as far as possible be preserved."

(Section 19 (3) (a) )

(Subsections (b) - (e) of Section 19 (3) are identical with their equivalent subsections under Section 19 (2) as above).

The status of the flora to be introduced or exterminated, as the case may be, is the primary difference between the management criteria for these two types of scenic reserve. The emphasis on the preservation of indigenous flora in the management of a scenic reserve for the purposes of Section 19 (1) (a) is of particular importance. The term "indigenous" is nowhere defined in the Act; from discussion with the Chief Ranger, it is apparent that the Council in its management of the Town Belt Scenic reserve would be constrained to plant only specimens grown from local genetic stock, implying that the term "indigenous" is to be interpreted strictly in the sense "native to this region". The implications of this interpretation for management and, in the light of the historical development of the Town Belt, the appropriate classification under the Reserves Act 1977, will be explored further below.

2.3 With either category of scenic reserve, the Minister of Lands and his Department have considerable powers in management, in comparison to the largely "hands off" approach to recreation reserves. In particular, the Minister's approval is required for the application of the Council's Management plan, and prior to the cutting of trees or bush or the introduction of flora by the Council.

3. OBJECTIONS TO 'SCENIC' CLASSIFICATION:

The proposed classification as scenic reserve, subject to Section 19 (1) (a), would seem to indicate a three fold misunderstanding on the behalf of the Department of Lands and Survey:

- a lack of understanding of the history of the Town Belt, its historical purpose and importance to the people of Dunedin, and the history of its management;

- a misinterpretation of the purpose of scenic reserves under the Reserves Act 1977; and

- only a partial understanding of this Department's intentions in future management of the Town Belt.

3.1 HISTORICAL DEVELOPMENT:

An analysis of the history of the Town Belt is necessary to achieve a full understanding of its present status and purpose. For the purposes of this paper, that analysis cannot be exhaustive, nevertheless a summary of the relevant statutes, documents and reports can provide a picture of the developments which have contributed to the Belt's present character.

There is little record of how the Belt fared in the early days, firstly under the control of the New Zealand Company, then from 1850 - 1865 under the Crown. The Dunedin Public Lands Ordinance, passed by the Provincial Council in 1854, set up a Board of Commissioners to manage Dunedin's reserves, including the Belt. Although its legality was challenged immediately, and it was eventually disallowed, its clause relating to the Town Belt is indicative of the Belt's perceived purpose:
"In leases of portions of that part of the said lands called the Town Belt, stipulations shall be made for preserving the trees and shrubs therein, or such part of them as it may be desirable to preserve, with a view to the ornament and amenity of the ground, and also for draining and improving it, and ultimately laying it down in grass with walks and carriage drives, as a public park or place of public recreation. Provided that no buildings or other erections, other than the necessary fencing, shall be erected on said lands."

(Section 16)

The leases of the Belt did not go ahead, but it was nevertheless illegally used by squatters, and as a source of firewood and timber by the citizens for some years.

In November 1865 the Belt was finally granted by the Crown to the Superintendent, "in trust for the purposes of public recreation for the town of Dunedin and its inhabitants". The Provincial Government, in turn, vested the management of the Belt for those purposes in the fledgling Council, in January 1866. From 1867-72 the Belt was leased out by the Council for grazing, though not without considerable public protest. Eventually, in December 1872 the Council resolved that all leases should cease (though not all did so immediately) and that the City Surveyor should draw up a scheme for the improvement of the reserve. So eventuated the plan for the laying out of Queens Drive, (completed 1876) and the planting of a "pleasure garden" at Woodhaugh, carried out from 1895-1920.

In 1878, following the abolition of the provinces and reversion of their properties to the Crown, the Belt was granted to and vested in the Dunedin City Council, subject to the provisions of the Public Reserves Act 1877, in trust for purposes of public recreation.

As Dunedin's largest reserve, it was an obvious choice for the siting of sporting grounds, once these could be filled (as at the Oval) or levelled (as at Prospect Park and Montecillo). That the Belt was also perceived as abundant playing space for the suburban boroughs, now growing on its outer boundaries, is witnessed by the dearth of play and sportsgrounds provided for in the private townships adjoining the Belt.

The importance of the Belt to the boroughs as a sporting venue was shown, well before their amalgamation with the City, by the appellation of such grounds as the Mornington Ground, Opoho Ground and Maori Hill Ground.

The development of Woodhaugh Garden merits special mention, since its present character is cited as reason for classification as scenic reserve. Woodhaugh, as noted above, was earmarked for development by the City Surveyor's report of 1873, and work on that development began in 1895. In retrospect, it is regrettable that any change had to be made to the swampland forest in the Leith Valley, but the newspaper report of the time speaks of the prevailing attitude:

"This place was densely wooded, there were numerous swamps, and generally it was the reverse of attractive. In transforming the ground into a park, those who have the work in hand are following out as far as possible the plans of a gentleman who was formerly in the employ of the Corporation, and which plans were prepared when an abortive movement was set on foot to carry out a work similar to that which is now in hand. The plans are of an elaborate and artistic design, and include, besides a carriage drive, numerous paths winding in and out through the woods, several rustic bridges over
narrow streams that run through the grounds, artificial lakes studded with islets, and so on.

"The work has already reached a stage that an idea may be obtained of what shape it will ultimately assume. The carriage drive has been marked out, and quite a number of paths formed. One of the lakes is also finished, or nearly so, and the sheet of water surrounded with the native foliage and relieved by a pretty islet, on which specimens of New Zealand plants, such as toi-tois, cabbage trees, etc., are growing, makes up a most effective picture. Another lake of similar size and design is in construction. From the east end of the park access to a natural island formed by the Water of Leith is gained by a rustic bridge, and here there is ample open space where the young folk may indulge in games during their school recess."

(Otago Daily Times, 15.8.95)

The cutting of a new channel for the Water of Leith parallel to Pine Hill Road and the filling of the old bed, which had meandered through the Garden and formed part of its southern boundary, radically and irreversibly altered the character of Woodhaugh. The water table was now considerably lower, and the "numerous swamps" disappeared. The tributary of the Leith which formed the "natural island" mentioned in 1895 was reduced to a mere trickle in a damp gully, and by 1911 filling of the former bed of the Leith by tipping was completed.

Following a deputation to the Council in the same year seeking the development of part of Woodhaugh for a sportsfield, the Council received two further deputations, one on behalf of the Amenities Society, opposing this move and seeking that the Council instead retain the area for the purpose of a scenic reserve. A deputation of Woodhaugh residents, headed by Professor Salmond, urged the Council to carry on

"..the scheme of plantation instituted by Mr. Tannock, and make what is even now, owing to its unique position on the prettiest portion of the Leith, and many other natural advantages, a very fine reserve, the most magnificent scenic park in the possession of any of the cities of the Dominion".

The Council duly declined the request to allow formation of the sportsground, and the Superintendent of Reserves, Mr. Tannock, embarked on further development of the garden:

"considerable progress was made in the conversion of Woodhaugh Park into a garden of native plants, a children's playground and a picnic ground. Useless vines and undergrowth removed from two sections of the bush, and good natives requiring the shelter of other trees during the early years of their growth were planted. Willows, thorns and other exotics were cleared away, and a grove of tree ferns and another of Cordyline indivisa were planted. Groups of ribbonwoods, kowhai, variegated broadleafs and the more ornamental veronicas were planted on the margins of the bush and in open spaces, and it is intended to increase these groups by adding such things as crimson manuka, rata, etc."

(D. C. C. Annual Report, 1912-13)
The Reserves Committee reported further that, with the joint funding of the Amenities Society and the Council, planting of "native pines, trees and shrubs" had been carried out, together with the improvement and formation of paths, erection of rustic fences and a playground shelter.

Through the following years, the provision of play equipment and the planting of native shrubs continued, until in 1919 the Superintendent was able to report that:

"Woodhaugh continues to be as great an attraction as ever, and is now recognised as the picnic ground for Dunedin. It requires to be further extended, and this can be easily done without in any way interfering with the native bush, which it is our desire to preserve and improve".

(D. C. C. Annual Report, 1918-19)

So was established the character of Woodhaugh as it remains today. The planted trees and shrubs, particularly Kowhai, native beech and broadleaf, dominate the woodland area, outnumbering the remnant kahikatea. The recreational use of Woodhaugh is now more passive than in its heyday as a picnic ground in the 1920's; the children's swimming pools formed in the old mill dam having been closed since 1952, and further planting of the remaining swampland carried out.

The historical outline above indicates clearly that the woodland now existent at Woodhaugh can in no way be considered an example of Dunedin's original lowland forest. That it contains specimens of trees from pre-European times is not denied, but it must be acknowledged that these trees now stand in a largely man-ordered ecosystem which is considerably altered from that in which they germinated. The relevance of this fact to the appropriate classification of Woodhaugh Garden will be raised again under a later heading.

What of the remainder of the Town Belt? That portion which was originally covered with flax and low scrub became largely open pasture, and was eventually colonised by deciduous trees, primarily the ubiquitous sycamore. On steeper slopes the scrub, having been worked over for timber and firewood, was then invaded by exotic weeds (elderberry, gorse and broom in particular). Both the control of these weeds and their replacement by suitable species have been an ongoing feature of Town Belt Management since the Tannock years. Mr. Tannock's style was to incorporate both exotic and native shrubs and trees in the planting of the Belt, and so the particular character of different parts of the Belt was formed. Above the Northern Cemetery, a grove of silver birch and mountain ash was planted to provide autumn tints. The Jubilee Park planting, originally a collection of plants from all over the British Empire to honour Queen Victoria's Jubilee in 1887, was extended to form a largely deciduous woodland. Throughout the Belt, plantings of native and exotic trees were made to beautify roads, footpaths and clearings, and so a characteristic mix of native and exotic vegetation developed. Maintenance of that mix to an acceptable standard, particularly by curbing some of the more enthusiastic plant species (both native and exotic) has been the main objective of Council management to this day.

3.2 APPROPRIATE CLASSIFICATION OF NATIVE BUSH ON THE TOWN BELT:

The classification of any part of the Town Belt as a scenic reserve for the purposes of Section 19 (1)(a), as described above, requires an effective mis-application of the Reserves Act 1977.
It is apparent from the Act that this section, in contrast to Section 19 (1)(b), is to be applied to reserves where there is a strong predominance of indigenous species in the local flora, and thus a healthy possibility that management of the flora will enable retention of that indigenous element as an example of the natural ecosystem.

It is all the more apparent, from even a cursory glance at the history of the Town Belt, that these conditions do not apply to the Belt. Although the staff of the Lands and Survey Department may indeed wish to see the Town Belt supporting a climax vegetation which can be claimed to represent Otago's coastal flora, the truth needs to be faced: this is a reserve which has undergone considerable vegetation changes. Non-indigenous and exotic species (among them Kauri, kowhai, rata, native beech, silver birch, English beech, rangiora and oaks, to name just a few) are an integral part of the Town Belt's vegetation and scenic character. To represent such a collection as "indigenous bush" is in fact a misrepresentation. It may need to be acknowledged that, unfortunately, the clock cannot be turned back on the changes that have been wrought on the Town Belt's vegetation. Even such a mammoth task as the removal of the offending non-indigenous vegetation (which would be a decidedly unpopular move with Dunedin's citizens) could not return the Town Belt to its original ecological state.

### 3.3 MANAGEMENT PLANS:

In anticipation of the classification of the Town Belt, the Parks and Recreation Department proceeded in 1982 to initiate the compilation of a draft management plan for the Town Belt. In order that the Council's vegetation management policies might be soundly based, the Department commissioned the local D. S. I. R. Botany Division to prepare a botanical report on the Town Belt, including recommendations for future vegetation management. These recommendations, together with those of the Department's Landscape Architect, were the basis for the vegetation management policies put forward by the Department in its draft management plan. These policies may be summed up as follows:

1. The maintenance of predominantly exotic woodland in the Belt south of Stuart Street;
2. The maintenance of predominantly native woodland north of Stuart Street;
3. Continued programmes for the eradication of noxious and invasive exotic species, and where necessary the regulation of invasive native species;
4. Where native bush is to dominate, to reinforce that dominance by planting and by the non-replacement of exotic species;
5. The "phasing out", by removal or non-replacement, of exotic species which detract from overall character of a particular area.

It has been recognised in the formulation of policies that the Town Belt contains evolving ecosystems: it is not a climax community. Changes are going to occur to the makeup of the bush, and the thrust of the Council's policies is to guide and monitor those changes so that desired goals are attained. It is not visualised that the Department will immediately begin the removal of all exotic vegetation from those parts of the Town Belt where native vegetation is to be allowed to dominate, but the long term goal in most of these areas is the gradual removal of exotic species. This approach recognises both that the exotic species contribute largely to the character and appeal of the Belt, and that they currently fill an ecological niche.
The policies in the Council's draft management plan were established in the understanding that the Town Belt would be classified as recreation reserve. As such, they represent the freedom which the "recreation" classification gives to the administrator of a reserve in vegetation management.

In contrast, the alternative classification as scenic reserve would require the Minister's approval of Council policy; and policies would have to fulfil the purposes of a scenic reserve as set out above. The Department's officers are concerned that such a move could see them faced with the implementation of policies strictly worded to accord with Section 19 (1) (a), in the management of a reserve which does not satisfy the criteria for that implementation. Eradication of the Town Belt's extensive exotic herbaceous flora, for instance, would be impossible even if the Council's already stretched resources were stretched to the limit. It is the contention of this Department that it is far more responsible to apply to the Town Belt a classification which allows feasible implementation of Management policies.

Finally, attention should be drawn to the fact that the Town Belt has been for over 130 years a major recreation resource for Dunedin.

This value is recognised and reaffirmed as an objective for the future in the draft management plan. The Town Belt has evolved as a scenic and recreation resource during the 105 years of its management by Council as a recreation reserve; that the Citizens of Dunedin should now be deprived of the recreational use of the Belt because its "scenic" qualities (as defined by Section 19) are over emphasised seems a cruel twist of fate. Some recognition should surely be given to the fact that, as those scenic qualities have been protected and enhanced since the end of the pioneering days, even though the Belt has been managed primarily as a recreation reserve; so they can be protected in the future by appropriate measures within "recreation" classification.

4. RECOMMENDATIONS:

4.1 The Minister of Lands should be advised, through the Commissioner of Crown Lands, that the Council does not agree with the classification of part of the Town Belt as scenic reserve subject to Section 19 (1) (a) of the Reserves Act 1977.

4.2 The above comments, or similar should be forwarded to the Minister when requested or on publication of notice calling for objections to the proposed classification.

4.3 If some conciliatory gesture is deemed appropriate, it could be feasible to agree to the classification of the portion of Woodhaugh Garden only as scenic reserve subject to Section 19 (1) (b).
Appendix H  Town Belt Management Plan Hearing Committee
Introduction

As you are aware, the Dunedin Amenities Society has been involved with the development and interested in the management of the Town Belt as a major reserve and public open space for the city.

The purpose of this communication is to draw attention to events that have, in our view, had an adverse effect upon the recreational amenity of the Town Belt. If this trend is allowed to continue it will undermine the very basis of setting aside public open space for recreation. In particular, we are concerned that Queen's Drive is being used to solve parking problems that have nothing whatsoever to do with the purpose of the Town Belt but rather to do with attempting to solve problems that have been generated elsewhere. We believe that these factors have been dealt with without taking the Town Belt Management Plan into account.

History of Town Belt and Queens Drive. Scenic Drive/Golden Arrow

Queen's Drive was established to provide a scenic route through the reserve for carriages. It was provided with lookouts over the city at strategic intervals along its route. In due course, it was incorporated in the 'Golden Arrow' route through the city that was fostered and supported by the Automobile Association in the 1960s. The route is still of value to many residents of the city particularly for showing the city to visitors.

Amenity value of Town Belt and Queens Drive to all of Dunedin's residents and visitors.

Queens Drive is an integral part of the Town. It wends its way from High Street in the south to Princes Park in the north. Queens Drive provides for a pleasant alternative traffic route along the hillside of Dunedin and gives a traversable access for pedestrians through the Town Belt. Along its length there are many intimate local scenes and, at various points, spectacular views over Dunedin. These attributes of Queens Drive reinforce the Town Belt as a Dunedin asset of substantial amenity.

Town Belt management plan

The problem of parking is identified in the Town Belt Management Plan in 4.8 Issues, where pressure generated by public parking needs has adversely impacted upon the reserve.

Many of the public vehicle routes through the Town Belt are used for all day parking. This has impacts on the reserve, as damage is done to the grass and vegetation adjacent to the public vehicle routes. This in turn makes it difficult for pedestrians who are forced to walk on the road to avoid the muddy, ripped up grass verge. In places, the parked vehicles...
also restrict the usable area of the narrow streets therefore impacting on other motorists, cyclists and pedestrian. The nature of the public vehicle routes through the Town Belt also results in hoons speeding through some areas, again putting other users at risk.

**Ecological Assessment of The Dunedin Town Belt**

The issue is also discussed in the Ecological Assessment of the Town Belt under 8 Other Issues 8.1

1.1 Roads and paths

Most parts of the Town Belt receive considerable recreational use and a large number of well-established and informal tracks pass through it. The Town Belt is also cut by roads, particularly the lengthy section between the Prospect and Eglington sites. These roads and tracks can be associated with undesirable ecological effects on the Town Belt, including dumping of rubbish and enhancing dispersal of animal pests and weeds. The effects of paths and roads as corridors for weed dispersal through the Town Belt depends partly on whether or not there is a closed forest canopy above, since many weeds favour forest edges. However shade tolerant weed such as rangiora are often found along trackside banks below a forest canopy. In these cases, the banks provide bare ground which is ideal for weed seed germination, and sites where competition from existing vegetation is less intense. Rangiora is well-adapted to such sites.

Roads also promote weed invasion by providing access for dumping of garden waste. Weeds such as wandering jew and aluminium plant are often associated with roadside sites which suggest this invasion pathway. Most dumping of garden waste along roads occurs in lightly-used sites such as sections of Queens Drive.

Animal pests such as cats, dogs, possums, and hedgehogs are also likely to use road margins and footpaths for access to the Town Belt. However most of the Town Belt is open to animal pest dispersal and the additional effects of roads and paths is unlikely to be important.

Several of the roads that pass through the Town Belt appear to be redundant in terms of vehicular access. Potentially-redundant roads have been indicated in the Lachlan, Cosy Dell, Wallace, and Scarba sites (see maps in site descriptions). The portion of Braid Road that passes between the Robin Hood and Belleknowes sites may also fit this category. All of these roads have forest vegetation on either side. Narrowing these roads to footpath width would allow rehabilitation of the road margins and development of a continuous forest canopy above. This would benefit the ecological values of the Town Belt by reducing vehicular disturbance, weed dispersal, dumping of garden waste, and the extent of edge habitats for weeds.

**Current and future parking situation**

With the growth of car numbers in the city and the distinct possibility of greater numbers in the future, the pressure on long term car parking adjacent to the CBD is increasing. Already Queens Drive is used as a daytime repository of vehicles for commuting folk. This is especially true of locations around (i) Olveston, Duchess Avenue and Drivers Road, and (ii) adjacent to Otago Boys High School.
The presence of this long term car parking is detrimental to the operation of Queens Drive and therefore to its value as a city amenity. Increased numbers of cars will only serve to further denigrate the amenity. The proposal of the Transportation Planning Department to make inner city parking more difficult for long term parking will place extra pressure on an already intolerable situation.

It is respectively mooted that the Council should move to limit, indeed prohibit, long term car parking along the length of Queens Drive so as to restore this key element of the Town Belt back to its natural function i.e. pedestrian and vehicular access to enjoy the pleasures of the Town Belt.

The situation of traffic control around OBHS brings into sharp relief the opposing values of car parking and access to Queens Drive. At this location Queens Drive is particularly narrow. It is the connecting part of the Drive between City Road and Stuart Street. It is near the mid point of the Drive.

OBHS is a boys secondary school. As such it is like most secondary schools in that many of the senior pupils have their own cars that they drive to school, park for 6 hours and then drive away. Due to the School’s proximity to the CBD the claim on car parking along Arthur Street is intense and so the boys took to parking their cars along Queens Drive above Littlebourne.

Being a narrow stretch of road, car parking compromises safety and the ability for passing traffic to traverse in both directions.

Transportation Planning Department’s detrimental solutions

The Transportation Planning Department acknowledged these difficulties and their remedy was to make Queens Drive one way (south) along this section. We would suggest that this unilateral action was unconstitutional, arrogant and made with out reference to the greater picture of Dunedin amenity.

Whilst the boys at the school enjoy the convenience of immediately adjacent car parking, the complement of Dunedin residents and visitors suffer a complete loss of amenity. Now it is not possible for one to motor the length of Queens Drive. Instead, the northbound traversing motorist, hopefully equipped with a map and a compass, must detour up City Road, around the Roslyn village and down Stuart Street, or negotiate a hairpin turn down City Road, turn into Arthur Street and connect again with Queens Drive at Moana Pool. Altogether this is a totally unsatisfactory situation.

The pedestrian enjoying a stroll along Queens Drive suffers a more dangerous plight. He has to walk along a narrow portion of sealed road with a line of steel, in the form of parked cars, preventing him from seeking safety from any passing vehicle.

The Transportation Planning Department rightly recognized the dangers of these parked cars to pedestrian and other motorists. Their solution to the
problem was, it is strongly suggested, inappropriate. Rather than making Queens Drive one way thereby condemning its amenity value to zero, the Transportation Planning department should have removed the cause of the problem, that is, parked cars. Metaphorically speaking if one's roof begins to leak and the bedroom is made uninhabitable, one doesn’t stop using the bedroom, rather one fixes the roof.

It is vital that the sovereignty of the Town Belt and Queens Drive is protected. The interests of the schoolboys at Littlebourne and the parking people around Olveston must be subservient to those interests of the people of Dunedin and the Town Belt.

Need for Department to operate with cognizance of other, dominant, values of Queens Drive

We find it incredible that the city can commission an Ecological Assessment of the Dunedin Town Belt that analyses and makes pertinent recommendations on the fundamental health of the reserve, prepare a management plan for a reserve of such significance and then allow the Transportation Planning department to seemingly act unilaterally to solve a very narrowly defined problem. This at the expense of open space resource for recreation.

Solutions

In the first instance we seek to discuss these issues with you with a view to find solutions. At the least, Community and Recreational Services personnel are needed to canvass the amenity and conservation issues in conjunction with Transportation Planning staff but there is a need for a wider perspective of where the city is going will all these matters. There is conflict for example between the finding in the Ecological Report and those perceived needs of recreationalists. A decision needs to be made on what are fundamental issues concerning the health of the reserve. The Transportation Planning matter cuts right across these two legitimate conflicts and leaves no room for their resolution.

I would be grateful if you would consider these matters and perhaps make a time for members of our committee to discuss this with you.

Yours faithfully

D Field.

President
Dunedin Amenities Society
### List of Maps and Illustrations

#### Maps
- Kettle map of Town Belt 1849: 3
- Cycle network 2011: 27
- Management map of Town Belt 2007: 54
- Botanic Garden development 2010: 78

#### Illustrations
- Stuart Street-Queens Drive crossing: 20
- Botanic Garden-Woodhaugh Garden: 22
- Shona McFarlane painting of Botanic and Woodhaugh Gardens: 31
- Garages opening on town Belt: 34
- Electrical sub-station Alva Street: 36
- Water tank Montecillo: 38
- Belleknowes Terrace: 39
- Number 2 Belleknowes Terrace: 41
- Queens Drive at Littlebourne Ground: 70
- Relay Station at Prospect Park: 73
- Vandals Fell 13 Native Trees: 79
- Mediterranean Garden: 85
- Garages opening on Town Belt: 91
- Mud Queens Drive at Littlebourne: 91