



UPPER HUTT CITY COUNCIL

CERTIFICATE OF COMPLIANCE

SECTION 139 – RESOURCE MANAGEMENT ACT 1991

This is to certify that;

The Hearings Committee under delegated authority of the Upper Hutt City Council made the following resolution at its meeting on 4th December 2003: –

Decision

THAT pursuant to Section 357 of the Resource Management Act 1991, the Committee allowed the objection and confirmed that a Certificate of Compliance is to be issued to the Hutt Valley Gun Club Incorporated in the following terms: "Shooting is permitted on the Club's Wallaceville Road property (Lot 1 DP 9009) on a maximum of eighty days per year during daylight hours only."

Reasons

1. The Committee is satisfied, on a balance of probabilities, that the relevant District Plan in 1961 was the Hutt County (Rural Zone) Extra-Urban Planning Scheme Number 1 (Operative from 1st January 1955) and that the Club's activity is a permitted activity pursuant to Clause 20A(iii) of that District Plan.
2. The Club's permitted activity status was confirmed by the Council in January 1982.

Signed: _____

W M PEDERSEN
CHIEF EXECUTIVE

Date: _____

**REPORT of the HEARINGS COMMITTEE held in the COUNCIL CHAMBERS
Level 3, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt, on
THURSDAY 4 DECEMBER 2003 commencing at 8.30am**

PRESENT: HIS WORSHIP THE MAYOR MR W N GUPPY (CHAIR),
CRS P R CHRISTIANSON, N M GILLIES, S P HARRIS, H NEWELL
AND C T TCHERNEGOVSKI

IN ATTENDANCE: DIRECTOR OF ENVIRONMENTAL SERVICES, WORKS ENGINEER (Item 1 only)
AND CITY SECRETARY

A. PUBLIC BUSINESS:

1. OBJECTION TO SUBDIVISION - ARARINO STREET - N G GORRIE LIMITED (352/62/093)

Notice of Objection dated 23 October 2003 (agenda page A1-1).

Report by the Works Engineer dated 24 November 2003 (agenda pages A1-2 to A1-3).

John McKechnie Surveyor and Bruce Svenson attended, representing the Objector.

The Works Engineer spoke to his report. Mr McKechnie made a submission and answered questions from the committee. The hearing then closed.

Decision

THAT pursuant to Section 357 of the Resource Management Act 1991, the Committee disallowed the objection and confirmed Condition 5.1 of the conditions of a subdivision consent granted to N G Gorrie Limited in respect of a property at 37-41 Ararino St and Phar Lap Grove Upper Hutt.

Reasons

1. With all new subdivisions, Council's Code of Practise for Civil Engineering Works requires each Lot to be fully serviced "to the highest accepted technical standards and codes". Where the Subdivider can prove that the existing services are up to these standards, then the need to provide them is waived.
2. The expectation of Purchasers of new Lots is that the Lots have been serviced to a standard that will not require repairing and/or replacing for many years. Condition 5.1 is part of the mechanism for achieving this.
3. Water service pipes made of the materials as set out in Condition 5.1 were originally laid many years ago. All these materials ceased to be used for water service pipes 10 years ago and are considered to have out-lived their useful life. From Council's experience they are unlikely to, in the Objector's words, "provide proper and adequate

water supply to each property". This is not a case, as the Objector claims, of "upgrading services that are already satisfactory". Pipes of this age and made of these materials have proved themselves unsatisfactory and are considered not suitable for a new subdivision.

4. Should the need arise to replace all three water services pipes across Ararino Street, then at the engineering approval stage the option of the Subdivider installing a suitably sized single ridermain to service all three Lots to minimise his costs, will be considered.
5. This decision is consistent with previous decisions of Council on the same subject.

2. **OBJECTION TO DECISION DECLINING CERTIFICATE OF COMPLIANCE - WALLACEVILLE ROAD - HUTT VALLEY GUN CLUB INCORPORATED _____(350/62/904)**

Notice of Objection dated 6 November 2003 (agenda pages A2-1 to A2-20).

Report by the Director of Environmental Services dated 28 November 2003 (agenda pages A2-21 to A2-148).

The Director of Environmental Services spoke to his report.

The Objector was represented by Rosemary Dixon and Susan Smith, Solicitors. They made submissions on behalf of the Objector and called Peter Marsland, the President of the Club to give evidence supplementary to an affidavit sworn by him and filed with the application for a Certificate of Compliance. The hearing then closed.

Decision

THAT pursuant to Section 357 of the Resource Management Act 1991, the Committee allowed the objection and confirmed that a certificate of Compliance is to be issued to The Hutt Valley Gun Club Incorporated in the following terms: "Shooting is permitted on the Club's Wallaceville Road property (Lot 1 DP 9009) on a maximum of eighty days per year during daylight hours only".

Reasons

1. The Committee is satisfied, on a balance of probabilities, that the relevant District Plan in 1961 was The Hutt County (Rural Zone) Extra - Urban Planning Scheme Number 1 (Operative from 1 January 1955) and that the Club's activity is a permitted activity pursuant to clause 20 A (iii) of that District Plan.
2. The Club's permitted activity status was confirmed by the Council in January 1982.

The meeting closed at 12.05pm.

WNGuppy
MAYOR