



Te Kaunihera o  
**Te Awa Kairangi ki Uta**  
**Upper Hutt City Council**

## PROPOSED PLAN CHANGE 49

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# Open Spaces—Variation 1

FULL SUBMISSIONS

**FEBRUARY 2023**



# Submission 1

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Sylvanian resident just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Bob Alkema

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**Postal address of submitter:**

30 Sylvan Way, Silverstream, Upper Hutt, 5019

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**Email address:**

randatalkema@gmail.com

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**Telephone number:**

0272481528

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Plan change 49 - variation 1

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**My submission is that:**

I support the plan change variation that changes the status of the council owned land at the Silverstream spur to Natural Open Space Zone. Changing the zoning of this land helps protect and reinforce a natural east west corridor across the southern end of Upper Hutt. A further possible outcome of this change would be an ability to develop a public walkway (and possibly too a cycle track) through the native bush to the south-west of Sylvan way with possible linkages to other parts of Silverstream and Pinehaven.

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**I seek the following decision from the local authority:**

Adoption of Variation 1 to plan change 49

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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## Submission 2

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DF just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Doug Fauchelle

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**Postal address of submitter:**

28 York Ave Heretaunga

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**Email address:**

dougfauchelle@msn.com

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**Telephone number:**

02041598046

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

12.4.3 Due to the Silverstream Spur currently having no public access the introduction of site-specific provisions, to enable infrastructure including a transport corridor, to make the Silverstream Spur accessible for these activities is also recommended. 12.4.4 The importance of the SGA in terms of potentially delivering development for future housing needs in Upper Hutt, something which is recognised within local and regional strategies and plans, cannot be disregarded. The delivery of development on the SGA is still intrinsically linked with the access through the Silverstream Spur site.

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**My submission is that:**

I submit that the transport corridor to provide access to both the SGA and recreational activities on the spur be provided off Reynolds Bach Drive and that Kiln Street access is dismissed as an option. This is for the following reasons: 1. Reynolds Bach Drive can more easily be developed as a primary access road and will take traffic off local already congested roads in the Silverstream Village area. 2. Reynolds Bach Drive access is less likely to be seen and may avoid much of the spur area that has iconic properties (in that it can be easily seen from State highway 2, Fergusson Drive and hopefully much of Eastern Hutt Road 3. As noted there is indigenous vegetation that will be irretrievably lost if access

is made through extending Kiln Street.

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**I seek the following decision from the local authority:**

To dismiss Kiln St access as an option to the Spur and the SGA To provide access off Reynolds Bach Drive to the Spur and SGA To make every effort to mitigate the visual affects of the Reynolds Bach Drive access from Statehighway 2, Fergusson Drive and Eastern Hutt Rd.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

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# Submission 3

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FP just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Stuart Grant

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**Postal address of submitter:**

135 Pinehaven Rd

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**Address for service (if different from above)**

135 Pinehaven Rd

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**Email address:**

clicsg@gmail.com

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**Telephone number:**

0278030620

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**Could you gain an advantage in trade competition through this submission?**

No

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**If you answered yes to the above, please choose one of the following options:**

I am not directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Access to the Southern Growth Area through a rezoned Silverstream Spur

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**My submission is that:**

I SUPPORT the specific provision for future access to the Southern Growth area, because:  
1. Future residential growth will require roading access, and adding access only through

other existing roads would increase traffic volumes through more residential streets which would make them less safe, cause more congestion and negatively impact school zones at Silverstream and Pinehaven 2. Access to the Southern Growth Area through Silverstream Spur provides the most direct connectivity to arterial Eastern Hutt Rd and State Highway Two. 3. Without access to the Southern Growth Area through Silverstream Spur, much needed residential development opportunities will be lost or delayed. 4. With development of the Southern Growth Area, a case for additional service infrastructure will be easier to make, and subdivision of existing residential properties in the area will be less likely to overload newly expanded infrastructure. 5. Other areas of Pinehaven and Silverstream have not suffered loss of biodiversity from having roading in and around them. 6. Having easier road access to the Silverstream Spur reserve areas will enable a wider diversity of people to experience the flora and fauna it contains.

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**I seek the following decision from the local authority:**

retain the variation as it currently reads and do not amend it to remove potential future access through Silverstream Spur to any future residential development on the hills around Pinehaven.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 4

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Korero just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Caroline Woollams

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**Postal address of submitter:**

22 Chatsworth Road, Silverstream

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**Email address:**

caro@caro.co.nz

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**Telephone number:**

0204689000

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Plan change 49. Open spaces.

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**My submission is that:**

Amendment. Access to the southern growth area does not need to go through the spur or Silverstream at all. Access could use the existing forest roads to Reynolds Bach drive.

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**I seek the following decision from the local authority:**

Access to the southern growth area does not need to go through the spur or Silverstream at all. Access to use the existing forest roads to Reynolds Bach drive.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 5

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LJ just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Lynda Joines

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**Postal address of submitter:**

8b Sierra Way, Blue Mountains

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**Email address:**

lyndakj@gmail.com

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**Telephone number:**

0224370163

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Prohibit any special zoning or provision for any road, infrastructure/transport corridor or similar proposal on any part of the spur.

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**My submission is that:**

I support variation 1 to Plan Change 49 to: Include the entire 35.5 ha of the silverstream spur in plan change 49 Disallow any special zoning provisions for any road or infrastructure/transport corridor, or similar proposal, on the spur, now and in the future. Zone the entirety of the spur as natural open space.

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**I seek the following decision from the local authority:**

Approve variation 1 of Plan Change 49.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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## Submission 6

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Stephen Butler just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

STEPHEN BUTLER

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**Postal address of submitter:**

8B Sierra Way, Blue Mountains

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**Address for service (if different from above)**

8B Sierra Way

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**Email address:**

steverbutter1@gmail.com

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**Telephone number:**

+64223936506

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Disallow any special zoning or provisions for any road or infrastructure/transport corridor, or similar proposal on the spur.

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**My submission is that:**

I support the proposed variation 1 to Plan change 49 to include Silverstream Spur as a Natural Open Space, however, I oppose the site specific provision to include a transport corridor. Maintaining Silverstream spur as a natural open space is important both ecologically and to preserve the character of the surrounding suburbs.

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**I seek the following decision from the local authority:**

Proceed with including all of Silverstream spur in Plan Change 49, however disallow any special zoning or provisions for any road or infrastructure/transport corridor, or similar proposal on the spur.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 7

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Please Hear Us just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Helen Chapman

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**Postal address of submitter:**

36B Field Street, Silverstream

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**Email address:**

helen.chapman.nz@gmail.com

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**Telephone number:**

021435361

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

THE PC49 VARIATION PROPOSAL

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**My submission is that:**

I wish to have AMENDMENTS MADE to the provisions. The proposed amendments are to remove the provisions for the transport corridor on the Silverstream Spur. I DISAGREE with the following provisions, and wish them to be removed from the proposed plan change: (1) Enable site-specific provisions for infrastructure, including a transport corridor. (2) The proposed site-specific provisions would provide access to the Silverstream Spur for potential future access to the (External link) Southern Growth Area. I AGREE with the following provisions: (1) Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. (2) Protect identified significant natural areas on the Silverstream Spur from development. (3) Enable site-specific provisions to provide access to the Silverstream Spur for a range of recreation, conservation and customary purposes (only). My reasons are as follows: (1) A road corridor on Natural Open Space is contrary to the definition of 'Natural Open Space Zone'. "The Natural Open Space Zone is to allow for activities and development of an appropriate scale to occur in identified spaces whilst conserving the natural character and associated

ecological and landscape values. These spaces provide a valuable contribution to the wellbeing of the Upper Hutt community, allowing us all to undertake recreation, customary, and conservation activities in a natural setting". "Activities and development" of a Natural Open Space does not include a road corridor going through the 'Natural Open Space'. With a road going through it, it is no longer a 'Natural Open Space', and instead it is a road corridor with some trees on either side. A road corridor through a Natural Open Space Zone will take away its "natural character and associated ecological and landscape values" and no longer allow us "to undertake recreation, customary, and conservation activities in a natural setting". A road corridor does not provide a "contribution to the wellbeing of the Upper Hutt community". (2) The Spur is a significant and important green space for native birds. A road corridor through the Silverstream Spur will significantly increase the number of birds that are killed by cars. It will also disrupt nesting because of the increased noise in an area which is currently peaceful and undisturbed. (3) The access road will create immense traffic congestion to the main access to Silverstream. The proposed access to the Silverstream Spur and Southern Growth area is via Kiln Street. The only access to Kiln Street is via the Kiln Street / Field Street roundabout, which is the main roundabout in and out of Silverstream. This is already a very busy intersection, and is heavily congested particularly in the morning, afternoons, and rush hours. Increased traffic flows will further exacerbate the congestion and will make it difficult to enter and exit Silverstream. This will have a flow on effect further congesting SH2 / Field Street intersection , where traffic flows are already heavy all day. (4) Parking pressure on Silverstream. As the Southern Growth Area is on the hilltops, commuters will drive their cars down the hill, then attempt to park in Silverstream, before catching the train. The reality is that people will NOT use public transport to make this trip, instead they will drive their cars down because it is more convenient. Once they are down on Kiln Street, they will then attempt to park. This will further exacerbate the traffic congestion in the area while they are parking their cars. Silverstream will turn into a parking lot from the 1000 odd additional cars from the hillside suburbs. (5) The subdivision in the Southern Growth Area is not in line with Regional Policy Statement (RPS Change 1). "The key to change will be thriving centres where everything you need is a 15-minute walk away, linked throughout the region by efficient public transport and active travel networks that make private car use frankly unnecessary most of the time." The Southern Growth Area is a steep hillside suburb that will be spread over several kilometers. The entry road will be long and steep adding making walking access impossible, even for a person of average fitness. Therefore private car use WILL BE NECESSARY most of the time, which is contrary to Regional Policy Statement (RPS Change 1). Any bus route would be underutilized, because residents will not catch a bus to get their groceries, catch the train, take their children to school or daycare etc. (6) Waka Kotahi NZTA submitted a report to Council recently that stated that any road on the Silverstream Spur would need constant maintenance and upgrades due to the instability of the land, further adding to the ratepayer burden. I have spent considerable time and effort writing this submission, and I ask that it be considered fully.

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**I seek the following decision from the local authority:**

That the Silverstream Spur is rezoned to Natural Open Space. That the Silverstream Spur remains exclusively Natural Open Space, with no transport corridor.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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## Submission 8

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Craig Thorn just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Craig Thorn

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**Postal address of submitter:**

25 Sierra Way RD 1

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**Address for service (if different from above)**

25 Sierra Way RD 1

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**Email address:**

craig@craigthorn.co.nz

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**Telephone number:**

+64211168808

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Spur Access to Southern Growth area and Infrastructure.

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**My submission is that:**

Why does the access need to go through Upper Hutt City, Silverstream via the spur. Why can't the developer use the existing forestry roads to connect to Reynolds Bach Drive? I oppose access through the spur and Silverstream. The developers should be knocked back on the spur access to apply for access through Reynolds Bach Drive, a much better road with three lanes in places, than anything in Silverstream. Infrastructure. There has been insufficient disclosure on how the public transport and rail will be affected by another 2-3000 homes and commuters. Where is the new parking going to be to accomodate the increased demand and who will build it and pay for it? There is already a lack of parking in Silverstream for Train commuters. Parking is now past Field street, Dowling grove and as

far as Terminus and Gloucester Streets.

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**I seek the following decision from the local authority:**

Require the developers to seek to use Reynolds Bach drive as access to their proposed subdivision leaving the spur intact. Access through Silverstream and the spur should be a proposition of last resort. Answer questions on Public Transport Rail commuter parking.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 9

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DuncanStuart just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Duncan Stuart

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**Postal address of submitter:**

1 Chalfont Road

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**Address for service (if different from above)**

1 Chalfont Road

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**Email address:**

duncanstuartnz@gmail.com

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**Telephone number:**

+64274266115

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

The proposed transport corridor

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**My submission is that:**

I disagree with the following provisions, and want them to be removed from the proposed plan change: 1. Enable site-specific provisions for infrastructure, including a transport corridor. 2. The proposed site-specific provisions would provide access to the Silverstream Spur for potential future access to the (External link) Southern Growth Area. I agree with the following provisions: 1. Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. 2. Protect identified significant natural areas on the Silverstream Spur from development. 3. Enable site-specific provisions to provide access to the Silverstream Spur for a range of recreation, conservation and customary purposes (only). My reasons are: 1. The space should be

modeled on Polhill Reserve in Wellington. This is a beautiful area, full of walking and biking tracks which is treasured by the community. There is no shortage of volunteers to plant native trees and build tracks and I believe the residents of Silverstream and Upper Hutt could build a similar place over time that would be a taonga to our city 2. What is proposed as 'natural open space (with an infrastructure corridor)' doesn't actually meet the definition of a 'Natural Open Space Zone' due to the disruption that will be created by the road. 3. Ecological reasons: the Spur is an important area for birds. Birds will get killed by cars. 4. Congestion: Housing on the hills will create immense traffic pressure in Silverstream. There will not be enough parks for those who wish to catch the train. The streets of Silverstream are already full on weekdays currently. 5. Sustainability: The housing up on the hills will be car-dependant. One only needs to look to Riverstone or Maungaraki to see that hillside suburbs cannot be adequately serviced by public transport. People simply won't get the bus if it only comes every 30 or 60 mins. The long-term carbon footprint of this will be immense. We need to incentivise developers to go up, and not out. 6. Climate/slip risk: The recent slips in Stokes Valley and around the country are a stark reminder of the costs and dangers of building on hillsides 7. Not aligned with the Regional Council's RPS Change 1: This states "The key to change will be thriving centres where everything you need is a 15-minute walk away, linked throughout the region by efficient public transport and active travel networks that make private car use frankly unnecessary most of the time." These houses will be more than 15 minutes away, and up a steep hill. 8. Asset maintenance: Horizontal infrastructure is expensive to maintain, especially up hills. The cost of building up there will likely never get recovered from the associated rates and development contributions. Waka Kotahi submitted a report to Council saying a road on the Silverstream Spur would need constant maintenance and upgrades due to the instability of the land, costing the ratepayers 9. Alternative options for the developer: Ratepayers should not have to pay for this road to enable development when the developer already has existing access to their land I am a millennial who is deeply concerned about the housing crisis, and access to housing. A development on the hill like this will not create affordable housing, and will contribute to an infrastructure crisis that will affect our way of life forever.

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**I seek the following decision from the local authority:**

That the Silverstream Spur is rezoned to Natural Open Space. That the Silverstream Spur remains exclusively Natural Open Space, with no transport corridor (now or in the future). Designate the Spur as a Reserve (Reserves Act 1977)

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 10

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Logan M just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Logan McLean

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**Postal address of submitter:**

26B Field Street

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**Address for service (if different from above)**

26B Field Street

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**Email address:**

loganmclean@gmail.com

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**Telephone number:**

+6421350990

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

THE PC49 VARIATION PROPOSAL: Silverstream Spur

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**My submission is that:**

I wish to see amendments to the provisions. I would like to see the Silverstream Spur in full protected as a Natural Open Space Zone - without the addition of a road corridor. There are ample alternative options to access the Southern Growth area without having to sacrifice portions of an area that was purchased as a reserve with money specifically earmarked for that purpose. The community are not asking for roading to be able to access this area for recreation, so any suggestion that the addition of a road serves anyone other than the Guilford Timber Company is disingenuous.

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**I seek the following decision from the local authority:**

I wish to see amendments to the provisions. I would like to see the Silverstream Spur in full protected as a Natural Open Space Zone - without the addition of a road corridor. I would also like to see UHCC finally work with the community to allow restoration of this reserve through community-led native planting projects and development of walking trails. This will enhance the existing community trapping efforts in this area with a view to enhancing and restoring the biodiversity of the area.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 11

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Engineer Guy just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Carl Leenders

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**Postal address of submitter:**

86 Field St, Silverstream

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**Email address:**

carl.leenders@gmail.com

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**Telephone number:**

0272396917

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Plan change 49 - Open Spaces

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**My submission is that:**

The majority of the changes proposed are great - protection of the spur is paramount. However, adding a corridor and provision for access to the SGA is something that I oppose strongly. Adding a road and other services in there would destroy the natural significance of the area

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**I seek the following decision from the local authority:**

To remove the ability for an access corridor to be included in the plan for the area

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 12

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tmp\_banjo just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Jonathan Board

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**Postal address of submitter:**

66 Chatsworth Road, Silverstream

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**Address for service (if different from above)**

No Answer

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**Email address:**

jonathan.board@gmail.com

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**Telephone number:**

021676580

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**Could you gain an advantage in trade competition through this submission?**

No

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**If you answered yes to the above, please choose one of the following options:**

No Answer

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Enable site-specific provisions for infrastructure, including a transport corridor.

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**My submission is that:**

There is no reason to provide a provision for a transport corridor for recreation, conservation and other customary purposes, the land has survived perfectly well without this for the last few hundred years. The only reason to provide immediate provisions for a transport corridor is to provide access to the Southern Growth Area and facilitate the

development of the hills above Pinehaven and Silverstream. Any such development would destroy the habitats and migration corridors of several protected and endangered species present on the spur and the ridge; it would fundamentally change the general character of the area by destroying the look of the hills and significantly increase the risk of flooding to the valley below according to reports generated independently of the council. Additionally, the entire area seems to be covered by the recently distributed PC47 for Natural Hazards, specifically high and unstable slopes; therefore the building of a road would be significantly more costly for all rates payers and dangerous for houses below the development. I oppose any provision that would enable development of the southern growth area.

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**I seek the following decision from the local authority:**

Remove the provision for a transport corridor crossing the spur.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 13

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Adam just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Adam Ricketts

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**Postal address of submitter:**

8 Heretaunga Square, Silverstream, Upper Hutt 5019

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**Address for service (if different from above)**

No Answer

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**Email address:**

adam.cathryn@gmail.com

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**Telephone number:**

+64284231029

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

I agree that Silverstream Spur should be a Natural Open Space

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**My submission is that:**

Silverstream Spur is a place of beauty and full of birdlife. It could be well utilized by the community for walks, picnics, running, etc. The road system cannot take any more traffic - it is congested every morning and evening along Fergusson Drive, to Stokes Valley, and the motorway. Development of Silverstream Spur would be catastrophic - especially given the unchecked systematic destruction of the suburbs through development/intensification that is currently happening. I Fully support the rezoning which will protect Silverstream Spur as a Natural Open Space for the generations to come.

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**I seek the following decision from the local authority:**

Re-zone Silverstream Spur as a Natural Open Space

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

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# Submission 14

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Silverfox just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Howie Rait

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**Postal address of submitter:**

3 Kurth Crescent, Silverstream

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**Email address:**

raitz@xtra.co.nz

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**Telephone number:**

027

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

PC 49 Variation 1 - Access to the Silverstream Spur under the proposed change plan.

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**My submission is that:**

I support the change to a Natural Open Space, however wish to have an amendment to PC 49 Variation 1. I have grave reservations relating to access of the area, in that nothing has (supposedly) formally been proposed or identified. I do not believe this land use can be changed until access and utilization of the access has been identified for the public. Additionally there is mention of a "Transport Corridor" with no further information provided.

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**I seek the following decision from the local authority:**

Detailed planning, dimensions and maps showing the access to the Silverstream Spur and the "transport corridor" including who would be able to use this "Transport Corridor" and for what purposes would it be used, or, remove all wording regarding a "transport corridor" and "potential future access to the Southern Growth Area" from the variation. ..

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 15

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LisaC just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Lisa Clephane

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**Postal address of submitter:**

21 Deller Grove, Silverstream, Silverstream

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**Address for service (if different from above)**

21 Deller Grove, Silverstream, Silverstream

---

**Email address:**

lisaclephane@xtra.co.nz

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**Telephone number:**

0212073232

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Silverstream Spur re-zoning.

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**My submission is that:**

I support the re-zoning of the Silverstream Spur to natural open space. It makes sense to put a road through the Spur to give access to the Southern area. I like that the re-zoning protects the natural open space, and would also protect identified significant natural areas.

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**I seek the following decision from the local authority:**

Re-zone the Silverstream Spur as natural open space.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 16

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49 – SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 16  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Herenga ā Nuku / Outdoor Access Commission		
Postal address of submitter	PO Box 11181, Manners Street, Wellington 6142, New Zealand		
Agent acting for submitter (if applicable)	David Barnes		
Address for service (if different from above)			
Contact phone / email	Telephone: 021 1437281	Email: <a href="mailto:david.barnes@herengaanuku.govt.nz">david.barnes@herengaanuku.govt.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am</b> / <b>am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

## DETAILS OF SUBMISSION

The specific provisions of the Variation that my submission relates to are as follows:

See attached.

*(Please use additional sheets if necessary)*

My submission is that:

See attached.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

See attached.

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	✓
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	✓

## SIGNATURE AND DATE

David Barnes,  
Regional Field Advisor/Kaitohutohu ā rohe

Submitted electronically

\_\_\_\_\_  
*Signature of person making submission or person authorised to sign on behalf of person making submission*

Date: 27-10-2022

*(Note: A signature is not required if you are making your submission by electronic means)*

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

Upper Hutt City Council  
Private Bag 907  
Upper Hutt 5140  
[planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

21 October 2022

Dear sir/madam

**VARIATION 1 TO PROPOSED PLAN CHANGE 49 - SILVERSTREAM SPUR**

**Introduction**

Herenga ā Nuku Aotearoa, the Outdoor Access Commission is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to provide New Zealanders with free, certain, enduring and practical access to the outdoors. We administer a national strategy on outdoor access including tracks and trails. We map outdoor access, provide information to the public, oversee a code of responsible conduct in the outdoors, help resolve access disputes and negotiate new access

**Proposed plan change**

Herenga ā Nuku commends and supports the Council's proposal to set aside this land for a range of recreation, conservation and customary purposes. We suggest that this be secured for future generations by making the land a recreation reserve or scenic reserve.

There is an unformed legal road from Kiln Road to and alongside the property's south-eastern border. We suggest that consideration be given to identifying this legal access by signage. It may be necessary to undertake some clearing or development of the unformed legal road to make access practical.

We also suggest that consideration be given to identifying access to the western corner, where it is adjacent to Reynolds Bach Drive.

If you would like to discuss these points, please get in touch.

Yours sincerely

David Barnes  
Kaitohutohu ā-Rohe | Regional Field Advisor - Wellington and Wairarapa | Te Whanganui-a-Tara me Wairarapa  
P: 021 143 7281 E: [david.barnes@herengaanuku.govt.nz](mailto:david.barnes@herengaanuku.govt.nz)

Level 15, Majestic Centre  
100 Willis Street  
Wellington, 6011

[herengaānuku.govt.nz](http://herengaānuku.govt.nz)

# Submission 17

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Kelsfly just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Kelsey Fly

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**Postal address of submitter:**

82 Pinehaven Road, Pinehaven, Upper Hutt 5019

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**Address for service (if different from above)**

82 Pinehaven Road

---

**Email address:**

kelsfly88@gmail.com

---

**Telephone number:**

0220233550

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

My submission relates to the proposal to make Silverstream Spur a designated Natural Open Space, as well as the site-specific provisions to enable infrastructure including a transport corridor.

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**My submission is that:**

I fully support Council's proposal to rezone Silverstream Spur as a Natural Open Space. However, I do not support the site-specific provision of allowing infrastructure development or a transport corridor. The Spur is a crucial area in the valley, both in terms of biodiversity and the potential for recreational enjoyment for Upper Hutt residents. I disagree with the variation's statement that "Silverstream Spur is critical to enable infrastructure including a transport corridor to access the SGA." There are already established alternatives to accessing the SGA which would not involve bisecting a Natural

Open Space. Regardless of intention, a road through the Spur will create many problems, including disruption to wildlife from traffic, road hazards and noise, as well as littering and pollution, unfortunate side effects of all thoroughfares. Although these issues will occur with any road, they will wreak the most havoc on a Natural Open Space. Upper Hutt residents need green space more than anything, and access to these spaces for future generations to enjoy, along with the incredible biodiversity they provide. Not only is this proven to benefit our mental health, it is also a critical mission for Aotearoa to protect our taonga species before it's too late. A transport corridor goes directly against these values by disrupting the natural cohesiveness of the land. We don't need a road to access this beautiful space - trails are more than enough, as seen in Ecclesfield Reserve, Keith George Memorial Park and similar nearby reserves. As an area of ecological importance, the Spur should be prioritised as a space where nature is allowed to flourish, away from transport corridors. As someone who spends time pest trapping in the area, I've seen the amazing native flora, and the potential for more native bush to take hold once the pines are dealt with. Piwakawaka flit in the trees overhead, kura flourish in the streams and more native species will make this their home and thrive if we look after the Spur. As stated, "UHCC should focus on enhancing native flora and fauna on the Silverstream Spur." A road goes entirely against this, and at the very least it diminishes the possible enhancement of native flora and fauna. The Silverstream Spur is an indispensable link to the hills across the valley, as well as other reserves in Pinehaven and Silverstream. With further roads breaking up our native bush, birds and other species will find it more difficult to establish the corridor they desperately need to thrive in this human-dominated world. While it is crucial that we set aside the Spur as a Natural Open Space, it is by no means necessary that we disrupt this special green space with a transport corridor. Please protect this space for future generations to enjoy the natural world, away from infrastructure. Allow our precious native species to thrive, uninterrupted. It is the least we can do.

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**I seek the following decision from the local authority:**

Please approve the proposal to make Silverstream Spur a designated Natural Open Space, but remove the provisions to enable infrastructure, including a transport corridor, through the Spur.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 18

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Greenbelt just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Silverstream Retreat

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**Postal address of submitter:**

P O Box 30526 Lower Hutt

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**Agent acting for submitter (if applicable):**

John Ross

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**Address for service (if different from above)**

3 Reynolds Bach Drive, Lower Hutt

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**Email address:**

john@redcoats.co.nz

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**Telephone number:**

0274434000

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**Could you gain an advantage in trade competition through this submission?**

Yes

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**If you answered yes to the above, please choose one of the following options:**

I am directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.

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**My submission is that:**

For good reason, the land was once zoned for residential purposes. As the Hutt Valley population has grown and the attitude towards building homes close to existing infrastructure has become more popular, the Silverstream Spur is an even more important solution to housing needs than ever before and will be more so in the future. We can not find a compelling reason for this proposed zone change. This is our backyard and we do not support the zone change proposal.

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**I seek the following decision from the local authority:**

Either leave the zone as is or change the Hill Residential portion of it to General Residential, making the whole area a General Residential zone.

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

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# Submission 19

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number:  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

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CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Greater Wellington Regional Council		
Postal address of submitter	PO Box 11646, Manners Street, Wellington 6142		
Agent acting for submitter (if applicable)	Mika Zollner		
Address for service (if different from above)			
Contact phone / email	Telephone: 0212267336	Email: <a href="mailto:mika.zollner@gw.govt.nz">mika.zollner@gw.govt.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

<p>The specific provisions of the Variation that my submission relates to are as follows: Refer to submission letter.</p> <p><i>(Please use additional sheets if necessary)</i></p>		
<p>My submission is that: Refer to submission letter.</p> <p><i>(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)</i></p>		
<p>I seek the following decision from the local authority: Refer to submission letter.</p> <p><i>(Please give precise details and use additional sheets if necessary)</i></p>		
Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	✓
	I <b>do not</b> wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	✓
	I <b>do not</b> wish to make a joint case	

**SIGNATURE AND DATE**

<p>_____</p> <p><i>Signature of person making submission or person authorised to sign on behalf of person making submission</i></p> <p>Date: 28/10/2022 <i>(Note: A signature is not required if you are making your submission by electronic means)</i></p> <p><b>Terms of making a submission</b> - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.</p> <p><b>PLEASE NOTE</b> Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): <b>1</b> it is frivolous or vexatious; <b>2</b> it discloses no reasonable or relevant case; <b>3</b> it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; <b>4</b> it contains offensive language; <b>5</b> it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.</p>
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## Greater Wellington Regional Council Submission

To:	Upper Hutt City Council
Submission on:	Variation 1 to Proposed Plan Change 49—Open Spaces

1. The Greater Wellington Regional Council (**Greater Wellington**) wishes to make a submission on Variation 1 to Proposed Plan Change 49 (**the Variation**) pursuant to Schedule 1 clause 6 of the Resource Management Act 1991. This submission is from Greater Wellington officers.
2. The Variation is to re-zone the Silverstream Spur to Natural Open Space, protect significant natural areas in the Silverstream Spur, and include site-specific provisions for infrastructure and future access to the Southern Growth Area.
3. Greater Wellington broadly supports the Variation at this stage and seeks some amendments relating to the transport corridor and indigenous biodiversity provisions. Submissions on specific provisions are included in Attachment 1, to be read alongside this letter.
4. We support the protection of identified significant natural areas in the Silverstream Spur plan change, as this is consistent with the Regional Policy Statement (**RPS**) Objective 16 and Policies 23 and 24. However, we note that the District Plan does not currently give effect to RPS Policies 23-28 to identify and protect significant indigenous biodiversity values and landscapes. Given the delay with the Tiaki Taiao Plan Change 48 for Significant Natural Areas and Landscapes, there is currently limited protection of indigenous biodiversity in the District Plan beyond indigenous vegetation clearance provisions. Greater Wellington submitted to this effect on Proposed Plan Change 49; seeking greater protection of indigenous biodiversity through the Natural Open Space zone.
5. We also look forward to working with Upper Hutt City Council to ensure the future Southern Growth Area provides for a well-functioning urban environment as articulated in Proposed Change 1 to the RPS.
6. Greater Wellington wishes to be heard in support of its submission. We would also welcome the opportunity to clarify and further discuss the matters raised.

Nāku nā,



Matt Hickman  
Manager, Environmental Policy

**Address for service:**

Mika Zollner

E [mika.zollner@gw.govt.nz](mailto:mika.zollner@gw.govt.nz)

**Attachment 1: Table of Greater Wellington submission points**

Provision	Submission	Relief sought	Reasons
NOSZ-P6, NOSZ-S4	Support with amendment	<p>Ensure the provision for future growth in the Southern Growth Area, and access to it through the Silverstream Spur, has regard to Proposed RPS Change 1 and provides for a well-functioning urban environment.</p> <p>This should include providing for public transport and multi-modal and low/zero-carbon transport options along the proposed transport corridor. Amendments to the provisions providing for this transport corridor may be appropriate to signal multi-modal transport connections.</p>	<p>Greater Wellington notes the provision of a transport corridor to the Southern Growth Area being provided for in the Silverstream Spur.</p> <p>Little information on the location or nature of the transport corridor, nor the nature of development in the Southern Growth Area, is provided at this stage.</p> <p>Greater Wellington supports provision for future infrastructure to support future urban development, and this aligns with Regional Policy Statement direction. However, we do not have sufficient information on the Southern Growth Area or the transport corridor to be fully supportive at this stage.</p> <p>The Silverstream Spur is located close to Silverstream Station, and Greater Wellington considers that the provisions could signal an initial preference for public transport and multi-modal transport connections at this initial stage.</p>
NOSZ-P7	Support with amendment	<p>Amend reference to the effects management hierarchy to ensure consistency with the 'avoid, minimise, remedy' direction in Policy 32 of the Proposed Natural resources Plan, and equivalent provisions in the National Policy Statement for Freshwater Management 2020 and National Policy Statement for Indigenous Biodiversity 2022 exposure draft.</p>	<p>The wording of this policy is inconsistent with the national and regional effects management hierarchy direction to 'avoid, minimise, remedy' and should be amended to ensure consistency.</p>

# Submission 20

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Colin just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Colin Rickerby

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**Postal address of submitter:**

11 Dunleith Grove, Silverstream

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**Agent acting for submitter (if applicable):**

NA

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**Address for service (if different from above)**

No Answer

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**Email address:**

col.rickerby@gmail.com

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**Telephone number:**

0272172964

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Variation 1 - Plan Change 49 1. Rezoning the Silverstream Spur as Natural Open Space. 2. Protection of identified significant natural areas 3. Provisions for infrastructure including a transport corridor.

---

**My submission is that:**

1. I fully support the the rezoning of Silverstream Spur to Natural Open Space and commend the effort to make this proposed change. 2. I also support the identification and

protection of significant natural areas on the Silverstream Spur. 3. I do not support a transport corridor with the possibility of it being an access road to the Southern Growth Area as this will have a detrimental impact to the natural open space and goes completely against the purpose of significant natural areas. The clearing of bush, earth works, roading and traffic brings changes to run off, pollution, noise, rubbish, introduces weeds and negatively impacts the visual effect of the natural open space. If the Southern Growth Area is to be as large as it is proposed this will be a significant amount of traffic requiring a sizeable road, producing a lot of noise due to the gradient and need for corners. To maintain a gradient no steeper than 1 in 8 will require a long windy road with a lot of earthwork which will eat significantly into the Natural Open Space and will not be able to avoid the Significant Natural Areas, which according to Appendix 1, border the Kiln St access. Should a road have to go in, then in accordance with proposed policies NOSZ-P7 there will need to be a lot of mitigation, offsetting and avoidance taking place to maintain the natural area's biodiversity, health and appearance. Based on the above, I would further like to see Silverstream Spur classified as reserve as it provides a pleasant natural entry in to Upper Hutt City while travelling north and while leaving when travelling south. It also helps link the bush zones (for ecological value) across the valley at this narrow point, assisted with the recent planting on Hulls Creek and the north end of the Manor Park Golf course. I have lived in the Pinehaven/Silverstream areas since the early 70s (apart from a 9 year absence). It has been pleasing to see the regenerating bush on the spur, I recall some of these areas having more gorse in decades gone by. However control of the pines needs to be done, there is a problem with wilding pines and what appears to be unmaintained pine plantings on the spur and further up the ridge back to Pinehaven (these being areas outside of the Guildford's pine plantation). During my time in the area I have enjoyed accessing the hills for walking, running and biking including the Silverstream Spur. Access has become more difficult in recent years with the development at the foot of the spur where an old (steep) access track used to emerge by the Silverstream Railway sheds at the north end of their tracks. Some track access off Kiln St is needed. At the moment there is just access from a disused logging track/firebreak from the ridge above the spur. Thank you for this opportunity to submit on Variation 1 to Proposed Plan Change 49 in relation to Silverstream Spur.

---

**I seek the following decision from the local authority:**

1. To rezone the Silverstream Spur as Natural Open Space and protect Significant Natural Areas
  2. To not include a transport and infrastructure corridor that would negatively impact the Natural Open Space and Significant Natural Areas.
- 

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 21

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mriceguy just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Michael Gray

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**Postal address of submitter:**

44 Aniseed Grove, Timberlea, Upper Hutt 5018

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**Email address:**

mikegraynz@gmail.com

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**Telephone number:**

0274752299

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

My submission relates to the PC49 VARIATION PROPOSAL: - Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. - Protect identified significant natural areas on the Silverstream Spur from development. - Enable site-specific provisions for infrastructure, including a transport corridor.

---

**My submission is that:**

I support the provision to rezone the Silverstream Spur as a Natural Open Space as it allows a range of recreational activities and also moves the Silverstream Spur closer towards being designated as a reserve. I support the provision to protect identified significant natural areas on the Silverstream Spur from development to ensure additional protections as the Spur is an ecological corridor for native birds. I oppose the provision to enable site-specific provisions for infrastructure, including a transport corridor, as including infrastructure such as roads will cause destruction to the Spur and harm to the natural open space. Roads are not required for recreational access.

---

**I seek the following decision from the local authority:**

To add the provision to rezone the Silverstream Spur as a Natural Open Space. To add the provision to protect identified significant natural areas on the Silverstream Spur from development. To remove the provision to enable site-specific provisions for infrastructure, including a transport corridor.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

---



# Submission 22

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Jane D just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Jane Derbyshire

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**Postal address of submitter:**

26B Field Street

---

**Address for service (if different from above)**

No Answer

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**Email address:**

janederbyshire@outlook.co.nz

---

**Telephone number:**

0211645115

---

**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Plan Change 49 Open Space Variation 1 Silverstream Spur

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**My submission is that:**

I wish to see amendments to the provisions. I would like to see the Silverstream Spur in full protected as a Natural Open Space Zone - without the addition of a road corridor. There are ample alternative options to access the Southern Growth area without having to sacrifice portions of an area that was purchased as a reserve in 1990 with money specifically earmarked for that purpose. This is not the only available option for roading to the Southern Growth Area and I therefore disagree with the assertion that it is "critical" to unlocking that area for potential growth. A road/infrastructure corridor is not required for public recreational access to the Spur. Other local reserves such as Ecclesfield Reserve, Wi Tako Ngatata Scenic Reserve and Keith George Memorial Park do not have a road or

infrastructure corridor through them, yet they are still fully accessible to the public for a range of recreational activities. I would prefer to see a greater area of reserve that is not bisected by what will be a busy road which will impact on the amenity of the reserve as well as the wildlife within it.

---

**I seek the following decision from the local authority:**

I wish to see amendments to the provisions. I would like to see the Silverstream Spur in full protected as a Natural Open Space Zone - without the addition of a road/infrastructure corridor. I would then like to see UHCC progress this area as intended - to reserve status. I additionally support the zoning of Significant Natural Areas within the Spur area.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 23

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49 – SILVERSTREAM SPUR



File Number: 351/12-051  
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To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

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**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	JOHN D O'MALLEY		
Postal address of submitter	25 SYLVAN WAY, SILVERSTREAM, UPPER HUTT. 5019		
Agent acting for submitter (if applicable)	N/A		
Address for service (if different from above)	P.O. Box 40 812, UPPER HUTT.		
Contact phone / email	Telephone: 04 970- 6392 0274 370 130.	Email: <a href="mailto:johnomalleynz@gmail.com">johnomalleynz@gmail.com</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am/I am not</b> directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

1. Rezone the Silverstream Spur as Natural Open Space.
2. Enable site specific provisions for infrastructure including a transport corridor, to access the Southern Growth Area,
3. Protect identified significant natural areas on the Silverstream Spur from development.
4. Paras 1.2 and 3 above relate to the entire area specified in Variation 1, Plan Change 49. Silverstream spur.

*(Please use additional sheets if necessary)*

My submission is that:

***PLEASE REFER TO APPENDIX A, ATTACHED BELOW.***

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

With reference to the entire area in Plan Change 49, Silverstream spur I want the Upper Hutt City Council to implement that which I support and decline that which I oppose:-

- i) I SUPPORT the rezone the Silverstream Spur as Natural Open Space.
- ii) I OPPOSE enablement on the site for specific provisions for infrastructure including a transport corridor, to access the Southern Growth Area,
- iii) I SUPPORT the protection identified significant natural areas on the Silverstream Spur from development

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	<del>I do not wish to be heard in support of my submission</del>	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	<del>I do wish to make a joint case</del>	
	I <b>do not</b> wish to make a joint case	

**SIGNATURE AND DATE**

*John D O'Malley*

*Signature of person making submission or person authorised to sign on behalf of person making submission*

Date: 31/10/2022

*(Note: A signature is not required if you are making your submission by electronic means)*

*-Terms of making a submission - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.*

***PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

## APPENDIX A.

### Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

- 1) I SUPPORT the rezone the Silverstream Spur as Natural Open Space.

**Reasons.** When this piece of land was acquired, it was for the purpose of it becoming a permanent reserve in public ownership. It was for the potential use of the public in some form of recreational purpose suitable to its terrain, and the wildlife that lives there.

It is a unique feature of the landscape, visually distinguishing and linking Upper Hutt with its southern neighbours and thus gives geographical identity to The City of Upper Hutt.

With intensification of residential housing occurring and high-rise accommodation, now possible, natural open spaces are at a premium for an increasing population. Mental health of a community needs recreational facilities of all kinds within its community as a relief and refreshing of the human spirit. Development of the spur as a reserve with its unique features of ruggedness and bush beauty, when capitalised on, would make a significant contribution to community wellbeing.

We own this facility to be enjoyed by future generations, as once it is lost to any form of development, other than a reserve enhancement, it will be lost for ever. Moving to Natural Open Spaces is a step in it being developed as a public reserve.

- 2) OPPOSE enablement on the site for specific provisions for infrastructure including a transport corridor, to access the Southern Growth Area,

**Reasons.** First, what is missing in this proposal is the design of such a road, where it will be situated, and its intersection with other arterial routes. Nor is there any indication of where such a road may sit on the site, to consider its impact on adjacent properties, including its visual impact.

Traffic flows at present on the intersection of Kiln Street and Field Street, are at various times of the day heavily congested, particularly morning and evening. I live in Sylvan Way which runs into Kiln Street. I have had at times to wait up to 5 minutes for break in the traffic to turn out of Kiln Street on to Field Street. The proposed Southern Growth Area of 1000 to 1750 homes would put an additional 2000 to 3000+ vehicles per day on an already heavily congested road. In effect traffic flow would be halted to a stop/start procession of stagnation. In addition the Silverstream Park and Ride provision is already at maximum during weekdays. Hence the additional park and ride motorists would park all around the Silverstream Streets, reducing the width of the roads to single lane, thereby be interfering with normal traffic flow.

Ease of access to the Silverstream shopping and medical centre would also be severely impeded due to the resulting traffic density. This impediment would substantially detract from the present residential enjoyment of where I currently live.

In addition is the flow on effect on to a heavily congested Fergusson Drive. This when combined with a 1000+ additional vehicles being added to Fergusson Drive arising from the

neighbouring residential development of land adjacent to St Patricks College, can only result in gridlock at peak traffic times.

When the subdivision of Sylvan Way, (where I currently reside), was being developed, the noise of earth moving equipment and diesel fumes caused a large native bird population to leave the site. A road of the magnitude proposed with 2000 to 3000 cars per day with noise and pollution will severely disturb local native habitat to the detriment of the current native bird life. Many New Zealand birds are today threatened with reducing numbers, and we must preserve as much as possible of their natural habit.

There is an assertion by Council that a road to adjoin Kiln Street for traffic access to the Southern Growth Area is essential and is the only option. Then in its representations the Council mentions a road access off Reynolds Bach Drive is possible. These two statements are contradictory. There are other options of possible access to Eastern Hutt Road and the developers of the Southern Growth Area have failed to explore this.

There is currently no plan to develop the Silverstream spur as a reserve. The only reason for the road request is to open the Southern Growth Area. A road for social access for enjoyment to a reserve is a totally different type of road, to that required for the high-density traffic volumes and related infrastructure required to access the Southern Growth Area. The objectives for each of these two roads are in conflict. This conflict will result in limited choices for a reserve road access and parking facilitation, should the proposal succeed. Traffic noise and vehicle exhaust would further impinge on the peaceful nature of a public bush reserve. Community needs must come before individual commercial imperatives.

Contentions that road access for a reserve must be considered now is false. When a development plan to turn the Spur into a reserve under Reserves and Parks legislation, all road access requirements can be considered then. That way the Public will know what it is supporting and have the opportunity to make its contribution to the design.

What is being proposed by the Variation 1 to Plan change 49 road request is an "open ticket" without any indication of its proposed location, or its impact on the environment and native life. In fact, indications are that such a road would have to pass through a SNA, which is unacceptable. Sever traffic congestion and parking inadequacy, resulting from such a road has been ignored. Such proposals are not acceptable.

- 3) SUPPORT the protection identified significant natural areas (SNA) on the Silverstream Spur from development.

**Reasons.** A significant feature of Upper Hutt is the beauty of native bush on the hills that surround it, and its native bird life as evidenced by its fan tail statue on State Highway 2 at the entrance to the city. Many of New Zealand native birds wellbeing is threatened due to their natural habitat being destroyed through land development of one form or another for commercial and or residential uses. We need to protect all native bird species who are stable in population and facilitate growth in those birds whose numbers are declining.

At times my home is surrounded by tuis, fantails, wood pigeons, tomtits, rifleman, wax eyes. and the occasional kingfisher. The SNA contains the insect life that these birds feed on for their life. and must not be violated in any way.

# Submission 24

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49 – SILVERSTREAM SPUR



File Number: 351/12-051  
Submission Number:  
(for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Nancy Bramley-Thompson		
Postal address of submitter	4 Moehau Grove, Trentham, Upper Hutt 5018		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / email	Telephone:027 2202319	Email: <a href="mailto:ndtj@xtra.co.nz">ndtj@xtra.co.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am</b> / <b>am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

## DETAILS OF SUBMISSION

The specific provisions of the Variation that my submission relates to are as follows:

### THE PC49 VARIATION PROPOSAL

- Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.
- Protect identified significant natural areas on the Silverstream Spur from development.
- Enable site-specific provisions for infrastructure, including a transport corridor.
- The proposed site-specific provisions would provide access to the Silverstream Spur for a range of recreation, conservation and customary purposes, as well as potential future access to the [\(External link\)Southern Growth Area](#).

*(Please use additional sheets if necessary)*

My submission is that:

1. I support the proposal to rezone Silverstream Spur from mix of Rural Hill and Residential Conservation zones to Natural Open Space.
2. I support the proposal to protect identified Significant Natural Areas on the Silverstream Spur from development.
3. Goal 2 of Upper Hutt City Council's current Sustainability Strategy states: "We will prioritise protecting and enhancing our natural environment. 2.1 Evaluate opportunities to protect and enhance existing biodiversity and focus on regeneration, reforestation and enhancement of soil health, native flora and fauna. 2.2 Invest in current and new opportunities to integrate biodiversity within the community and encourage it to be a prominent part of the social landscape." Therefore, I do not support the enablement of site-specific provisions for infrastructure, including a transport corridor, within Silverstream Spur.
4. I would like to see all the pine trees on Silverstream Spur removed and a program of regeneration commenced. Using local eco-sourced native plants will go a long way towards providing increased habitat for the wildlife community.
5. And finally, I encourage Upper Hutt City Council to work towards the creation of a Silverstream Spur Reserve. This could include walking and cycling tracks for humans to achieve customary, recreation, and conservation goals.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

As stated in my submission above

*(Please give precise details and use additional sheets if necessary)*



Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	✓
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	✓

**SIGNATURE AND DATE**

Nancy L. Bramley-Thompson

---

*Signature of person making submission or person authorised to sign on behalf of person making submission*  
Date: 31 October 2022  
(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 25

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Maurice just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Maurice Berrington

---

**Postal address of submitter:**

36 Aniseed Grove Timberlea Upper Hutt, 36 Aniseed Grove Timberlea Upper Hutt

---

**Address for service (if different from above)**

36 Aniseed Grove Timberlea Upper Hutt, 36 Aniseed Grove Timberlea Upper Hutt

---

**Email address:**

maurice.bg01@outlook.com

---

**Telephone number:**

02040207616

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Rezone the spur as natural open space

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**My submission is that:**

Hi I oppose to have the sliverstream spur as a delvopment for housing and I don't want to see a transport corridor through it and I will the sliverstream spur as a reserve

---

**I seek the following decision from the local authority:**

Hi seek to have the sliverstream spur as a reserve with cycle paths and walkways for the public to enjoy for future to come

---

**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

---

# Submission 26

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Classicmad just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Ian Price

---

**Postal address of submitter:**

2 Sylvan Way Silverstream

---

**Email address:**

classicmad@xtra.co.nz

---

**Telephone number:**

0274458007

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

1. Rezoning Silverstream Spur to natural open space. 2. Protect SNA Areas from development. 3. Disallow any provision for infrastructure anywhere on the southern growth area.

---

**My submission is that:**

1. I fully support rezoning 2. I support complete protection of the SNA. 3. I strongly object to any provision of rules to allow for any access to the SNA on any part of the Silverstream spur.

---

**I seek the following decision from the local authority:**

1. Rezone Silverstream Spur completely as SNA 2. Permanently protect all SNA areas on Silverstream spur. 3. Disallow any provision for any road or infrastructure corridor on any part of Silverstream Spur permanently.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

---



OFFICE USE ONLY Submission number **27**

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER DOUG JOHNSTON

POSTAL ADDRESS OF SUBMITTER 1166E MAYMORN ROAD, MAYMORN  
UPPER HUTT

AGENT ACTING FOR SUBMITTER (IF APPLICABLE) N/A

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE) N/A

CONTACT TELEPHONE 02102731533 CONTACT EMAIL doug.johnston101@gmail.com

I could gain an advantage in trade competition through this submission (please tick one  /  no

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

THE ONGOING ADVERSE EFFECTS FROM 'PLAN CHANGE 49'  
ON THE SILVER STREAM HERITAGE RAILWAY & THE  
NATURAL VEGETATION ON THE SPUR LAND.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

THE SILVER STREAM RAILWAY HAS BEEN AN IMPORTANT  
ASSET IN THE LOCAL COMMUNITY SINCE 1978. IT IS DRIVEN  
BY A DEDICATED VOLUNTARY WORK FORCE TO NOT ONLY PROVIDE  
AN ATTRACTIVE HERITAGE RAILWAY FACILITY FOR THE  
COMMUNITY BUT TO PROVIDE THE EXPERIENCE OF YESTER YEAR  
TO THE THOUSANDS OF PEOPLE WHO HAVE VISITED OVER THE  
YEARS.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

TO ABANDON ANY PLANS TO 'PLAN CHANGE 49'  
IMMEDIATELY FOR THE GREATER GOOD OF BOTH  
THE SILVER STREAM RAILWAY & THE NATURAL VEGETATION  
COVERING THE SPUR. I DO NOT BELIEVE THIS ONE OFF  
TRANSACTION FOR HOUSING DEVELOPMENT ACTS IN THE  
BEST INTERESTS OF THE LOCAL COMMUNITY

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

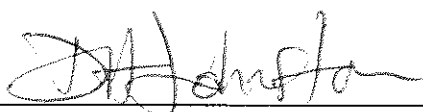
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

01/11/2022

# Submission 28

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



File Number: 351/12-051  
Submission Number: 28  
(for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Lance Hurly		
Postal address of submitter	24 Harewood Grove, Pinehaven, Upper Hutt		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / <b>email</b>	Telephone: 021 1699052	Email: <a href="mailto:hurlys@xtra.co.nz">hurlys@xtra.co.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	<b>No</b>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>		



**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

- Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.
- Protect identified significant natural areas on the Silverstream Spur from development.
- Enable site-specific provisions for infrastructure, including a transport corridor.

*(Please use additional sheets if necessary)*

My submission is that:

1. I support rezoning the Spur to Natural Open Space.
2. I support protecting the significant natural areas on the Spur from development.
3. I do not support site-specific provisions including a transport corridor.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

1. Rezoning the Spur to Natural Open Space.
2. Protecting the significant natural areas on the spur from development.
3. Withdraw any intention to establish a transport corridor.

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	<b>Yes</b>
	I <b>do not</b> wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	

**SIGNATURE AND DATE**

---

Signature of person making submission or person authorised to sign on behalf of person making submission

Date: \_\_\_1 November 2022\_\_\_\_\_

(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

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# Submission 29

---

Phroad just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Peter Zajac

---

**Postal address of submitter:**

155 Pinehaven Road, Pinehaven, Upper Hutt, 5019

---

**Email address:**

peteza48@hotmail.com

---

**Telephone number:**

0272373070

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. Enable site-specific provisions for infrastructure, including a transport corridor. Remove the provisions for a road and transport corridor over the entire Silverstream Spur.

---

**My submission is that:**

I am opposed to the provisions that allow for the construction of a road and infrastructure corridor through the Silverstream Spur. I request that UHCC remove the provisions for a road and transport corridor over the entire Silverstream Spur. I give the following reasons for my opposition and your consideration: The Spur is an important and irreplaceable ecological and environmental asset to Upper Hutt. It should be protected and allowed to regenerate for the benefit of wildlife, the environment, and the future inhabitants of Upper Hutt. A road and infrastructure corridor would be hugely detrimental to this. The purpose of the road is to unlock land in the hills above Silverstream to allow the 'Silverstream Forest' development to proceed. This development should be a red flag to the council for many reasons, including: - Proximity to Silverstream Landfill (smell, health risks) - Multiple significant fire risk factors: pine forest, uphill, ridgeline, single road access. As a

professional firefighter, these are highly concerning. Several homes were almost lost in Trentham last summer in similar topography where firefighters had the benefit of attacking the fire from the ground, plus water reservoirs. These tactics would not be available at the Silverstream Forest development, resulting in potentially far more dangerous fire conditions. - Distance from amenities and transport, meaning residents will be car-dependent. Up to 3,000 houses X NZ-average 2 cars per household = 6,000 extra vehicles to be accommodated per day. - Topography means slips will be likely - An isolated community provides lower economic benefit compared to urban intensification (housing in the city centre) - Release of mammalian predators into a recovering ecosystem. Up to 3,000 houses X NZ-average 1.5 cats per household = 4,500 additional predators Aside from all the points listed above, the Spur, and other land in the hills, deserves to be protected. This is an opportunity to consider a project similar to Zealandia which would have huge ecological benefits and, over time, would be a low-risk financial asset to the council. It would bring permanent jobs (100 at Zealandia) and economic input (\$29.5m per annum at Zealandia) to Upper Hutt. Regarding the Silverstream Forest development, there are clearly better options for housing in Upper Hutt. Main Street is becoming run-down and half empty. A residential/commercial re-development would put people in the city, increasing economic activity and reducing car-dependence.

---

**I seek the following decision from the local authority:**

Remove the provisions for a road and transport corridor over the entire Silverstream Spur.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

---

# Submission 30

---

Pynhabn just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Laura Johnston

---

**Postal address of submitter:**

155 Pinehaven Road, Pinehaven, Upper Hutt, 5019

---

**Email address:**

lauraanne\_johnston@hotmail.com

---

**Telephone number:**

0273600999

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. Enable site-specific provisions for infrastructure, including a transport corridor. Remove the provisions for a road and transport corridor over the entire Silverstream Spur.

---

**My submission is that:**

I am opposed to the construction of a transport and infrastructure corridor through the Silverstream Spur, as well as a housing development in the hills above Silverstream/Pinehaven. I request that UHCC removes the provisions for a road and transport corridor over the entire Silverstream Spur.

---

**I seek the following decision from the local authority:**

Remove the provisions for a road and transport corridor over the entire Silverstream Spur.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---



OFFICE USE ONLY

Submission number

31

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

W Gibson

POSTAL ADDRESS OF SUBMITTER

29 Somerby Mews  
Silverstream

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

0274682868

CONTACT EMAIL

wennyg593@gmail.com

I could gain an advantage in trade competition through this submission (please tick one  /  no

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

Zoning - Silverstream Spur

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

I strongly oppose provisions for infrastructure including a transport corridor on the Silverstream Spur. UHCC purchased the Spur as a Reserve in the 1990's and therefore the Spur should be zoned as a Natural Open Space.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

The Silverstream Spur to be a Natural Open space. To protect the native flora & fauna for future generations.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box 

I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

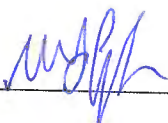
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box 

I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

2/11/22.



# Submission 32

---

Aveling just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Tom Halliburton

---

**Postal address of submitter:**

95 Wyndham Rd, Pinehaven

---

**Address for service (if different from above)**

95 Wyndham Rd, Pinehaven, Pinehaven

---

**Email address:**

halliburton.tom@gmail.com

---

**Telephone number:**

0211017360

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Silverstream Spur rezonig

---

**My submission is that:**

The Silverstream Spur is unsuitable for housing. This area has important natural environmental values and potential recreational value. The Southern Growth Area is no longer a desirable area for development. Such development would not be consistent with the need to transition housing to a more sustainable and more dense form. The SGA would become a car dependent area, especially due to the hilly nature of the area. Council should not be facilitating car dependent urban sprawl. A Climate Emergency exists. This is sufficient reason to cause a change to the planning designation of the SGA at some future date. Therefore planning for access to this area through the Silverstream Spur should not be carried out. Provision should be made only for active modes of access.

---

**I seek the following decision from the local authority:**

Rezone the Silverstream Spur as proposed, but do not provide provision for access to the privately owned Southern Growth Area. Immediately begin a process for Silverstream Spur to be classified as reserve.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---

# Submission 33

---

Kereru just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Calvin Berg

---

**Postal address of submitter:**

69/20 Racecourse Road

---

**Agent acting for submitter (if applicable):**

The spur was intended as a natural open space, and is part of the eco system of the valley. The Council must proceed to have the spur declared a natural open to stop private interests trying to chip into it for their own benefit.

---

**Email address:**

calvin\_helen@hotmail.com

---

**Telephone number:**

0212675083

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

The development of a corridor for infrastructure or any other development of the Spur

---

**My submission is that:**

That the Council take the appropriate action to have the spur declared as Natural Open Space

---

**I seek the following decision from the local authority:**

The Council take action to have the Spur as a Natural Open Space. Also the Council stop

supporting private interests trying to develop the spur as appears to be the case at present.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---



OFFICE USE ONLY

Submission number

34

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

JOHN DURRY.

POSTAL ADDRESS OF SUBMITTER

17 TITOKI CRES

NAPIER.

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

0226769401

CONTACT EMAIL

JANDJ.DURRY@GMAIL.COM.

I could gain an advantage in trade competition through this submission (please tick one ): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

- (1) REZONING THE SILVERSTREAM SPUR AS A NATURAL OPEN SPACE.
- (2) WE WANT NO ROAD OR INFRASTRUCTURE ON SPUR LAND
- (3) NO DEVELOPMENT ANY WHERE ON OR NEAR THE SPUR.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

WE WANT THE SPUR TO STAY AS IT WAS ORIGINALLY INTENDED (AS DECIDED BY PREVIOUS COUNCIL MEMBERS) AS A RESERVE WITH NO ROADS OR INFRASTRUCTURE AND STAY AS A NATURAL OPEN SPACE

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

TO SEEK THE DECISION TO REMAIN AS ORIGINALLY INTENDED AS A RESERVE AND REMOVE ANY PROVISIONS IN THE PLAN CHANGE ALLOWING THE BUILDING OF A ROAD OR ANY INFRASTRUCTURE ON THE WHOLE OF THE SPUR AND REZONE AS NATURAL OPEN SPACE

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

*J. M. Dunning*

DATE

2-11-22

# Submission 35

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49 – SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number:  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Gaham Bellamy		
Postal address of submitter	16 More[pork Close Riverglade Upper Hutt		
Agent acting for submitter (if applicable)	N/a		
Address for service (if different from above)	N/a		
Contact phone / email	Telephone: 04 527 3053 027 3533574	Email: <a href="mailto:gjbellamy@kinect.co.nz">gjbellamy@kinect.co.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I am / am not (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>	<input type="checkbox"/>	

## **DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

Upper Hut City Council has prepared documentation to review the open space topic of it's operative District Plan (2004). It is Plan Change 49 - Open Spaces (PC49) and is part of the rolling review of the District Plan. The current Variation 1 is to revisit a possible rezoning of the Silverstream Spur.

The variation is covered in the Section 32 Report,1.0.1 as being:

To facilitate appropriate zoning and provisions for the Silverstream Spur located at number 60 Kiln Street, Upper Hutt (Pt Sec 1 SO 34755, Parcel ID:3875189). This is to enable the use of the Silverstream Spur for passive recreation, conservation, and customary activities of an appropriate scale that is compatible with the natural character and amenity value of the site. Variation 1 also introduces site-specific provisions to enable infrastructure including a transport corridor to make the Silverstream Spur accessible for these activities as well as opening access to potential development of the Southern Growth Area (SGA)

It refers to the following Policies:

NOSZ-P6 Silverstream Spur Infrastructure and NOSZ-P7 Silverstream Spur Natural Area.

*(Please use additional sheets if necessary)*



My submission is that:

I agree that the Silverstream Spur should be rezoned as Natural Open Space, but with no site-specific provisions to enable infrastructure including a transport corridor. The provisions should ensure that the underlying zone and the natural character of the site is recognised and provide for the protection of identified indigenous vegetation.

The spur is an iconic feature of the southern end of Upper Hutt and should be rezoned as a Natural Open Space, and further developed by the removal of the pine trees and other scrub, such as gorse and broom and then replanted in native vegetation to become an attractive, ecological area for recreational, customary and conservation activities to occur in a natural setting. It will form the connectivity between the east and west sides of the valley at its narrowest point. It is an opportunity to add to the connectivity between the 2 sides of the valley. This will provide a native corridor for migration of wildlife and birds in the area. It will connect Keith George Memorial Park, Silverstream Spur, Ecclesfield Reserve, Wi Tako Ngatata Scenic Reserve and further south to Wainuiomata Mainland and north to Pukuratahi Forest. The revegetation of the Silverstream Spur would add to the biodiversity of the area and provide an opportunity to provide walking/biking tracks through the area for recreational use.

From the point of view of Climate Change, it will enhance the carbon absorption within Upper Hutt both with the vegetation and the ground litter from leaves, etc. With appropriate pest control measures this would add significant enhancement to the native flora and fauna and biodiversity in the area, adding to the areas already identified significant indigenous vegetation.

There is significant native regrowth on the spur, including many beech trees of a significant size. A walk through to identify what species are regenerating and using John Campbell's report for plan the replanting programme. We would like to see a significant planting of Rata within the spur. One comment made in the report refers to the northern end having had the pines removed and the area regenerating in gorse and scrub. Driving past a few days ago I noticed significant regrowth of healthy natives in this area.

I do not support the introduction of a site-specific provision including a transport corridor through the Spur. This is to enable the development of the Southern Growth Area, which is on private land and been identified as a future growth area. There needs to be identified another way to access this future growth area. A transport corridor through the spur would divide the Natural Open Space and significantly limit the migration of wildlife and birds in the area and their ability to set up viable colonies within the area. The spur has an area of 352 2m and if the proposed Significant Natural Area of lot 46, DP 90006, ID 3824934 bordering the spur on the south-eastern corner was added this would have a total area of 4502M, which is an ideal area for a continuous natural protected area.

The transport corridor plus associated services will cause considerable damage to the current flora and fauna on the spur and have adverse effects on the surrounding environment. It will also adversely impact on the surrounding wildlife in the area, with road noise, vehicle fumes and also light pollution during night-time. The corridor will also add to a runoff from the road and allow a corridor for pests, weeds and other rubbish which will impact on the ecology of the surrounding habitat. This will be a major divisional factor to the integrity of the Natural Open Space.

From the maps on the Upper Hutt City Council web site, it appears that the transport corridor will need to go through a proposed Significant Natural Area, which is contrary to the provisions of Significant Natural Areas.

The spur needs to have identified Significant Natural Areas protected from any type of development and be rezoned as Natural Open Space and the future potential as a public amenity be recognised for future generations. The only development that should be allowed is a public road and car park on the eastern side, below the spur, with easy walking access to several walking/cycling tracks on the spur and the pine trees removed and the whole area replanted in native vegetation.

The spur has been identified as a High Slope Hazard in PC47 Natural Hazards. Why would you put a road through a High Slope Hazard area, increasing the risk of subsidence, when the planting of native bush will decrease subsidence risk?

Below are comments made in a report regarding submission from Upper Hutt City Council to Hutt County District Scheme in 1976:

"The spur is the narrowest point in the gorge separating the Upper and Lower Hutt Valleys and at present is an important visual element in the green belt separating the two urban areas. The erection of houses on this spur would be a disruptive element in this vital buffer".

They went on to say that housing "would adversely affect the amenities of the area by allowing urban development in the Upper and Lower Valleys to merge. Further, development of the spur would be in conflict with the town belt policy for the Mangaroa hills as embodied in the Regional Planning Scheme"

UHCC wanted "the Spur zoned Town Belt "with a designation as recreation reserve if appropriate".

This is what we currently want for the spur. What has changed since this submission was made by UHCC in 1976?

(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)

I seek the following decision from the local authority:

I ask that the council rezones the spur to Natural Open Space and then pursues the whole Silverstream Spur and neighbouring Identified Significant Natural Areas being designated as a public reserve under the Reserves Act 1977, to provide protection against future rezoning of the area.


I ask that the site-specific provisions to enable infrastructure including a transport corridor to make the Silverstream Spur accessible for these activities as well as opening access to potential development of the Southern Growth Area (SGA) be excluded.

I ask that the identified Significant Natural Area on the spur be retained and no development be allowed in this area, except for the purpose of creation of a native bush natural open space.

(Please give precise details and use additional sheets if necessary)

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I do wish to be heard in support of my submission	X
	I do not wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I do wish to make a joint case	X
	I do not wish to make a joint case	

#### SIGNATURE AND DATE



Signature of person making submission or person authorised to sign on behalf of person making submission

Date: 2/11/22

(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): 1 it is frivolous or vexatious; 2 it discloses no reasonable or relevant case; 3 it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; 4 it contains offensive language; 5 it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



**SILVER STREAM RAILWAY**  
HERITAGE RAILWAY



**Forest & Bird**  
GIVING NATURE A VOICE

26/10/22

## Always a Reserve – Never a Road. Petition to Upper Hutt City Council

I ask that Upper Hutt City Council include the entire 35.5ha of the Silverstream Spur in Plan Change 49, zoned entirely as Natural Open Space, disallow any special zoning provisions, for any road or infrastructure/transport corridor on the Spur, both now and in the future, and commence the process to designate the entire Spur as a reserve in accordance with the Reserves Act 1977.

Name	Email Address	Signature
Simon Edmonds	simon.edmonds@beca.com	
Lisa Mashall	remutakabache@gmail.com	
Maurice Berrington	mauriceobgo@outlook.com	maurice
Lynne McLellan	lynne@letterlinks.co.nz	lynne McLellan
Pat van Berkel	P. R. van Berkel	← patvanberkel@gmail.com
Rozalie Brewd	rozab@slingshot.co.nz	
Suzanne McInly	suzanne@gmail.com	
Pam Hurly	hurlys@xtra.co.nz	
Lance Hurly	hurlyl@xtra.co.nz	
Erin Edmonds	erin.edmonds@silverstream.school.nz	Erin Edmonds
CAWA SCOR	hb-rotary@hotmail.co.nz	
STEPHEN GOODMAN	kiwigoodman@gmail.com	



**SILVER STREAM RAILWAY**  
HERITAGE RAILWAY



**Forest & Bird**  
GIVING NATURE A VOICE

26/10/22

## Always a Reserve - Never a Road. Petition to Upper Hutt City Council

I ask that Upper Hutt City Council include the entire 35.5ha of the Silverstream Spur in Plan Change 49, zoned entirely as Natural Open Space, disallow any special zoning provisions, for any road or infrastructure/transport corridor on the Spur, both now and in the future, and commence the process to designate the entire Spur as a reserve in accordance with the Reserves Act 1977.

Name	Email Address	Signature
Graham Bellamy	gibellamy@kined.co.nz	
Barry Wards	barryjohnwards@gmail.com	
Polly Forrest	polly.forrest@xtra.co.nz	
Derek Reeves	derek.reeves@xtra.co.nz	
Trevor Richardson	trevandy@outlook.com	
GERRY BEALING	gerrybealing.com	
Sue Rees	familyrees@xtra.co.nz	
Pete Rees	pete.rees@mito.co.nz	
Ian McCulloch	ian & max@qitlaw.co.nz	
Cathy Price	Cathy@contrelinc.co.nz	
Ian Price	ian@contrelinc.co.nz	
Colin Rickerby	col.rickerby@gmail.com	



**SILVER STREAM RAILWAY**  
HERITAGE RAILWAY



**Forest & Bird**  
GIVING NATURE A VOICE

26/10/22

## Always a Reserve – Never a Road. Petition to Upper Hutt City Council

I ask that Upper Hutt City Council include the entire 35.5ha of the Silverstream Spur in Plan Change 49, zoned entirely as Natural Open Space, disallow any special zoning provisions, for any road or infrastructure/transport corridor on the Spur, both now and in the future, and commence the process to designate the entire Spur as a reserve in accordance with the Reserves Act 1977.

Name	Email Address	Signature
Douglas Dunbar	greywolfcub47@gmail.com	
Shayne Fairbrother	shaynefairbrother@gmail.com	
Robyn Fairbrother	robynfairbrother2@gmail.com	
Stephen Bell	bellsjrv@gmail.com	
Alison Ruson	amruson3@hotmail.com	
Heather Blissett	outdoorblissupperhutt@gmail.com	
Wendy Gibson	wennyg593@gmail.com	
Christopher Manu	Chris.manu@winstoneaggregates.co.nz	
Nancy Bramley-Thompson	ndtj@xtra.co.nz	
Willy Telfer	willytelfer@gmail.com	
Carol Telfer	caroltelfer@gmail.com	
Carla Nickson	carlaandp@gmail.com	



**SILVER STREAM  
RAILWAY**  
HERITAGE RAILWAY



**Forest & Bird**  
GIVING NATURE A VOICE

26/10/22

## Always a Reserve – Never a Road. Petition to Upper Hutt City Council

I ask that Upper Hutt City Council include the entire 35.5ha of the Silverstream Spur in Plan Change 49, zoned entirely as Natural Open Space, disallow any special zoning provisions, for any road or infrastructure/transport corridor on the Spur, both now and in the future, and commence the process to designate the entire Spur as a reserve in accordance with the Reserves Act 1977.

Name	Email Address	Signature
PAUL NICKSON	PAULGNICKSON@OUTLOOK.COM	
Peter Cooper	petercooper@xtra.co.nz	
Keith Bitchener	keithb@outlook.co.nz	
Chris Williams	gcwilliams@xtra.co.nz	
Mary Beth Taylor	mbtaylor.tierra@gmail.com	
Tony Chad	tonygchad@gmail.com	
Lindsay Forbes	cosbeu@xtra.co.nz	
LEO SMITH	leandlp.smith@outlook.com	
Lynne Smith	" "	L. E. Smith
Glenis Sheppard	owllet + extra .co.nz	
Allan Sheppard	owllet@xtra.co.nz	
David Grant-Taylor	davidfentongt@outlook.com	



**SILVER STREAM  
RAILWAY**  
HERITAGE RAILWAY


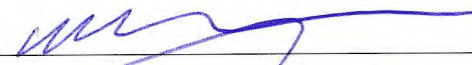



**Forest & Bird**  
GIVING NATURE A VOICE

26/10/22

## Always a Reserve – Never a Road. Petition to Upper Hutt City Council

I ask that Upper Hutt City Council include the entire 35.5ha of the Silverstream Spur in Plan Change 49, zoned entirely as Natural Open Space, disallow any special zoning provisions, for any road or infrastructure/transport corridor on the Spur, both now and in the future, and commence the process to designate the entire Spur as a reserve in accordance with the Reserves Act 1977.

Name	Email Address	Signature
Rhys Lloyd	rhys.lloyd160@gmail.com	
Michael Hurle	mhurle@yahoo.com	
Jason Durn	jason@durn.nz	

## Submission 36

---

Chris & Julie Manu just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Chris & Julie Manu

---

**Postal address of submitter:**

7 Sylvan Way, Silverstream

---

**Email address:**

juliemanu7@gmail.com

---

**Telephone number:**

0272463213

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

OPPOSE : "Enable site-specific provisions for infrastructure, including a transport corridor."

---

**My submission is that:**

A road or infrastructure corridor placed ANYWHERE through the proposed rezoning of the Silverstream Spur (including developing the paper road from Kiln Street to above Sylvan Way); would have SIGNIFICANT IMPACT on: - the ecological corridor for our native birds (linkage between Spur, Wainuiomata with Akatarawa - also with Keith George reserve) - re-generation of native fauna and wildlife would be greatly disadvantaged (impact of roading construction; machinery; possible diesel spills that could leach into the natural waterways (there is a known waterfall on the Spur); removal of fauna and soil could lead to instability of land under heavy rainfall; roading would split the natural Spur and create "communities" of wildlife (which may have an impact on their breeding and safety) - land allocated for public reserve (proposed rezoning as natural open space) should not be utilised for the benefit of a private developer when there are other feasible options for access A road or infrastructure corridor is NOT required for the harvesting of pines currently located on the Spur.



---

**I seek the following decision from the local authority:**

DENY the enablement of site-specific provisions for infrastructure, including a transport corridor.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

---

# Submission 37

---

Cathy just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Cathy Price

---

**Postal address of submitter:**

2 Sylvan Way Silverstream Upper Hutt

---

**Agent acting for submitter (if applicable):**

N/A

---

**Address for service (if different from above)**

As above

---

**Email address:**

cathyandmatty@hotmail.com

---

**Telephone number:**

0211066074

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

1- rezoning of Silverstream Spur to a natural open space. 2- SNA areas to be protected against future development of any kind. 3- Disallow any provision for any infrastructure corridor relating to the southern grown area.

---

**My submission is that:**

1- I support the rezoning in full. 2- I support protection of the SNA. 3- I strongly object to the provision of rules allowing any form of access to the southern growth area on any part

of the Silverstream Spur.

---

**I seek the following decision from the local authority:**

1- Rezone the Silverstream Spur as a natural open space completely. 2- Protect all SNA areas on the Silverstream Spur. 3- Disallow any provision for a road, infrastructure corridor on any part of the Silverstream Spur.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---

# Submission 38

---

GerryB just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Gerald and Carleen Bealing

---

**Postal address of submitter:**

90/20 Racecourse Road Trentham Upper Hutt 5018

---

**Agent acting for submitter (if applicable):**

N/A

---

**Email address:**

gerry@bealing.com

---

**Telephone number:**

049709659

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

My submission relates to the proposed change of zoning of the Silverstream Spur to Natural Open Space

---

**My submission is that:**

We support the proposed plan change to rezone the Silverstream Spur to Natural Open Space. This is consistent with Council's reason for purchasing this land in 1990 using funds intended to be used for purchase of land to be held as public reserve. We oppose the proposal to include in the variation provision for a "transport corridor". A road is not necessary to enable public participation in passive recreation and conservation. Walking and cycling tracks will enable these activities with far less impact than a road allowing access to the SGA. Such a road would have to provide multiple lanes and services for development of the SGA such as water supply, drainage, sewage removal, power and IT

services. This road would have a major impact on the natural environment which the Natural Open Space zoning is intended to encourage. We support the proposal to protect identified significant natural areas on the Silverstream Spur from development. This is consistent with our support for the proposed rezoning as natural open space and with our opposition to the inclusion of provision for a transport corridor.

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**I seek the following decision from the local authority:**

We seek Council's approval of the variation subject to removal of provision of a "transport corridor"

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

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# Submission 39

SUBMISSION FORM (FORM 5)

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT  
PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM  
SPUR



Te Kaunihera o  
**Te Awa Kairangi ki Uta**  
Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 39  
(for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

The closing date for submissions is Friday 4 November 2022 at 5pm

PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC

## DETAILS OF SUBMITTER

Name of submitter	Jennifer Durry		
Postal address of submitter	17 Titoki Crescent, Pirimai, Napier 4112		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / <b>email</b>	Telephone: 02102550309		Email <a href="mailto:jx3@xtra.co.nz">jx3@xtra.co.nz</a>
I could gain an advantage in trade competition through this submission (Please tick one)	<input type="checkbox"/> NO	<input type="checkbox"/> NO	<b>Only answer this question if you ticked YES:</b> I am / am not (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<input type="checkbox"/> YES	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

1. Rezone the Silverstream Spur as a natural open space.
2. Do not allow any road or infrastructures on the spur land.
3. Protect identified Significant Natural Areas on the Spur from development.

*(Please use additional sheets if necessary)*

My submission is that:

No to the road and any potential development of housing as it would cause considerable storm water run off to Silver Stream Railway's historic infrastructure.

It is a natural open space zone and needs to stay at that.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

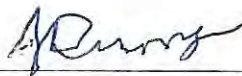
I seek the following decision from the local authority:

To remain as originally intended as a reserve and remove any provision in the plan change allowing the building of any type of road or any infrastructure on the whole of the spur and rezone as Natural Open Space

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I do wish to be heard in support of my submission	
	I do not wish to be heard in support of my submission	X
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I do wish to make a joint case	
	I do not wish to make a joint case	X

**SIGNATURE AND DATE**



Signature of person making submission or person authorised to sign on behalf of person making submission

Date: 3rd November 2022

*(Note: A signature is not required if you are making your submission by electronic means)*

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 40

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Thagomiser just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Stephen Bell

---

**Postal address of submitter:**

11 Milton Street, Trentham

---

**Address for service (if different from above)**

No Answer

---

**Email address:**

bellsjnv@gmail.com

---

**Telephone number:**

0273398513

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

PC49 Variation 1 proposed rezoning of the Silverstream Spur.

---

**My submission is that:**

1) I support the Council proposal to change the status of the Silverstream Spur to "Natural Open Space" to protect the natural areas from development. When we moved to Upper Hutt in the late 1980's from Dunedin we were attracted by the surrounding bush, parks and reserves, and green spaces that for many years have gradually been opened for development. The Spur is one side of the gateway to Upper Hutt and should remain a green-space. It would be better if it was designated a Reserve. 2) I DO NOT support the proposal to enable site-specific provisions for infrastructure, including a transport corridor. With no details as to the route, or extent of the infrastructure proposed it is difficult to accurately assess possible impacts. However in general, roads impact noise in the area, air



pollution, and water run-off, which may contain combustion by-products and other pollutants adversely impacting the adjacent area. In addition there is considerable disruption caused by construction of such corridors which is likely to adversely impact the on-going regeneration. The running of a road through the bush will separate the whole area into smaller and less dynamic and resilient blocks.

---

**I seek the following decision from the local authority:**

1) To Rezone the Spur as a Natural Open Space. 2) Remove the provision providing for an Infrastructure and Transportation Corridor from the proposal.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 41

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: **41**  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Bob McLellan		
Postal address of submitter	7 Paton St, Upper Hutt		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / <b>email</b>	Telephone:5267775	Email: <a href="mailto:bobsnotes@letterlinks.co.nz">bobsnotes@letterlinks.co.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:  
 Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.  
 Protect identified significant natural areas on the Silverstream Spur from development.  
 Enable site-specific provisions for infrastructure, including a transport corridor.  
*(Please use additional sheets if necessary)*

My submission is that:  
 The Spur is part of the gateway to Upper Hutt, or if you like, the gateway to the gateway to the great outdoors. As such, the more it presents a natural view the better it supports Upper Hutt's ethos. There is no analysis of the effect of road and infrastructure on the amenity and image values of the gateway effect .

\* Re Point 1 of the proposed NOSZ-P6, there is no requirement for this infrastructure to 'Provide for a range of passive recreation opportunities' so this Point should be deleted.

\* Re Point 2 of the proposed NOSZ-P6:

a. The provision for infrastructure has got the cart before the horse. There is no proposal before the Council to develop the SGA so there is no way to judge what it would require. This provision should be part of a Private Plan Change to enable the development of the SGA, It would then be part of an integrated plan where decisions could be made on specific requirements.

b. There is no geological report to identify whether the Spur is suitable for any development. Given the recent major slip at nearby Stokes Valley this lack of information affects sound decision making.

c. Page 29 of the S32 report offers two options. Critically it does not include the third option to 'Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space' without 'Enable site-specific provisions for infrastructure, including a transport corridor'. That of course is what this is all about so option 3 should be included in the S32 report.

\* Re proposed NOSZ-P7, what does this mean in practice?

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

1. Approve the provision to rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.
2. Approve the provision to protect identified significant natural areas on the Silverstream Spur from development
3. Decline (not approve) the provision to enable site-specific provisions for infrastructure, including a transport corridor

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	x
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	x

**SIGNATURE AND DATE**

Bob McLellan

---

Signature of person making submission or person authorised to sign on behalf of person making submission

Date: 03-11-2022

(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 42

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051

Submission Number: 42

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Pat van Berkel		
Postal address of submitter	95 Elmslie Rd, Pinehaven, Upper Hutt		
Agent acting for submitter (if applicable)	-		
Address for service (if different from above)	-		
Contact phone / email	Telephone: -		Email: <a href="mailto:pat.vanberkel@gmail.com">pat.vanberkel@gmail.com</a>
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

## DETAILS OF SUBMISSION

The specific provisions of the Variation that my submission relates to are as follows:

**See attached**

My submission is that:

**See attached**

I seek the following decision from the local authority:

**See attached**

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)

I **do** wish to be heard in support of my submission

√

I **do not** wish to be heard in support of my submission

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)

I **do** wish to make a joint case

√

I **do not** wish to make a joint case

## SIGNATURE AND DATE

\_\_\_\_\_  
*Signature of person making submission or person authorised to sign on behalf of person making submission*

Date: 3 Nov 2022

*(Note: A signature is not required if you are making your submission by electronic means)*

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

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**SUBMISSION regarding PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN:  
VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR**

from Pat van Berkel, 3 November 2022

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

NOSZ-P6, NOSZ-P7, NOSZ-R15 to NOSZ-R25, NOSZ-S4, Map

**My submission is that:**

1. I support rezoning the (extended) Silverstream Spur (hereinafter referred to as the “Spur” ) to Natural Open Space,
2. I oppose enabling a transport corridor or network utility infrastructure corridor through the Spur,
3. I support protecting the (extended) significant natural areas on the Spur from development and support the Spur being classified as a Significant Amenity Landscape

**Comments regarding submission 1:**

4. The Spur has significant amenity value as the natural entrance/exit way to Upper Hutt. This has been recognised in numerous UHCC documents and, in particular, was recognised in 2021 when UHCC abandoned the MOU with the Guildford Timber Company and furthermore declared that no housing would occur on the Spur. There is therefore no sense in continuing to zone it for housing.
5. The Spur should eventually become a Scenic Reserve, for the benefit of future citizens of Upper Hutt. Numerous UHCC documents refer to the Spur as a “reserve”. This “reserve” will become ever more important as housing occurs on the St Pats land and the Southern Growth Area, and intensification occurs in Silverstream, Trentham and the rest of Upper Hutt. The most appropriate zoning for land that is to become a reserve is Natural Open Space.
6. The Silverstream Spur is defined in Variation 1 as being Pt Sec 1 SO 34755, Parcel Id 3875189. There is no discussion in the Variation of including UHCC land that is adjacent to the Spur. The definition of Silverstream Spur should be extended (see Map 1) to include the portion of unformed Kiln St that is adjacent to Parcel 3875189 PLUS the UHCC owned parcel 3824934 that is adjacent to the unformed Kiln St.
7. This enables a management plan to be developed for the extended Silverstream Spur.



Map 1: Extended area of Silverstream Spur

8. Nature does not care about artificial property boundaries. Wildlife will naturally move between these 3 parcels of land and the land should be managed as a coherent whole. The larger a natural area of forest is, the much more effective it is as a natural haven.

**Comments regarding submission 2:**

9. The inclusion of an allowance for infrastructure including a transport corridor to the SGA is inappropriate for a zoning change relating to Open Space. Infrastructure for the Southern Growth Area will be a major planning exercise that will be conducted at some time in the future. At that time options for the location of that infrastructure will be recommended and decided. It does not make sense to make an arbitrary planning decision without all the facts and all the options before us. There are many options for a transport corridor to the SGA but, inappropriately, only one is considered here and even this option is only described in general terms. Hence the infrastructure provision should be removed.
10. As with other small hill natural open spaces it is appropriate to put in walking/cycling/mobility tracks for access to the Spur itself as they have minimal ecological impact - but not vehicle roads.
11. A road would have a large impact on the ecology of the Spur. Its impact is far greater than just the width of the road itself. It will have a footpath and trimming. Birds and wildlife will stay away from the road. There will be a significant wind tunnel effect. Crawling creatures will risk death when crossing a road with thousands of vehicle movements each day. To connect the road to the SGA, it would need to go through the middle of the Spur causing maximum negative impact. A road is not compatible with a reserve nor this key part of the wildlife corridor.
12. The Spur is increasingly a haven (as it gets restored) and is a wildlife corridor that connects the forests on the western side of the Hutt Valley with the eastern side of the Hutt Valley and ultimately through to the Wainuiomata Mainland Island and Orongorongo forest. Forest & Bird is planting the corridor as much as is possible across the narrow neck of land between the Spur and Keith George Memorial Park. There are already enough barriers to wildlife across this part of the corridor and we do not need yet another road barrier to be knowingly placed across the corridor, on the Spur. We should be doing all we can to ensure this significant bird/wildlife corridor thrives in future.
13. Section 12.4.4 asserts that *"The importance of the SGA in terms of potentially delivering development for future housing needs in Upper Hutt, something which is recognised within local and regional strategies and plans, cannot be disregarded."* The importance of the SGA is not at all clear since the changes to the *National Policy Statement – Urban Development* were promulgated by the Government earlier this year. The updated NPS-UD now has an emphasis on urban intensification rather than urban sprawl as there is recognition of the loss of land to housing that is needed for farming and for forestry for carbon storage. This change in emphasis is not analysed in the Section 32 report. Section 12.4.4 doesn't discuss the importance of the move to intensification (despite referencing the Intensification Planning Instrument).
14. Section 12.4.5 of the Section 32 report on Variation 1 notes the fundamental incompatibility of the infrastructure, including a transport corridor, with the Spur zoned as Natural open space. I agree. The report identifies that once zoned as Natural open space it would be difficult to find a consenting



pathway for a transport corridor through the Spur. I agree. Indeed it would be difficult to find a consenting pathway because a transport corridor is necessarily incompatible with the aims and values of the Spur as a Natural open space. It is disingenuous to bypass the consenting process.

### Comments regarding Submission 3:

15. The map in Appendix 1 of the Section 32 report on the Variation delineates a Significant Natural Area on, and adjacent to, the Spur. This delineated area is incomplete. Map 2 shows further areas that should be part of the SNA. The 3 orange areas have dense manuka. The 3 blue areas have regenerating bush that are havens for birds. These 6 areas are naturally restoring themselves via seed dispersal by kereru, other birds, and the wind.

16. Whilst they are small areas (about 0.5 ha) they should not be considered in isolation but parts of connected areas that within a short time will be one whole native bush area. Already the gorse areas identified in the Ecological Assessment are being outgrown by native plants. The SNA should be extended to include these 6 areas which collectively add over 50% to the SNA size inside the Spur.



Map 2: Extended SNA

17. It is vital for the ecological values of the natural open space that the SNA be free from development. Development will have a detrimental effect on the wildlife corridor function that the Spur provides.

18. The Section 32 report delineates a significant natural area but the report (and Variation) omit the Significant amenity value of the Spur. The Spur is one of the key visual amenity landscapes of Upper Hutt as it frames the entranceway to Upper Hutt and exit from Upper Hutt. This amenity will become increasingly noticeable as the Spur restores including rata blooming in red in December. Note that rata were a part of the hills of Pinehaven and Silverstream and large rata still exist at the back of Pinehaven, Blue Mountains and Whitemans Valley, with some rata over a meter in diameter. The Spur should be recognised as a Significant Amenity Landscape.

19. The Section 32 report is incomplete as it does not look at the strategic importance of the Spur as part of a significant bird/wildlife corridor. Under the Regional Policy Statement policy 47, the Council is required to consider corridors between indigenous flora and fauna, and is required to consider enhancing the connectivity between separate habitats.

20. The Section 32 report states that “Silverstream Spur is critical to enable infrastructure including a transport corridor to access the SGA” yet gives no analysis of road corridor options (other than one sentence in section 10.4.4). It is also incomplete because there is no acknowledgement of the updated NPS-UD (National policy statement on urban development) changing the emphasis on urban development from urban sprawl to urban intensification and the consequent reduction in urgency for the SGA.

**I seek the following Decisions from the local authority:**

21. Zone the entire Silverstream Spur Pt Sec 1 SO 34755 as Natural Open Space.
22. Stop (in the legal sense) the unformed road Kiln St (from Sylvan Way to the westernmost extent of Kiln St).
23. Extend the area of Silverstream Spur to include the stopped road.
24. Extend the area of Silverstream Spur to include Sylvan Heights reserve (Parcel 3824934. Lot 46 DP 90006).
25. Additionally, zone the extended Silverstream Spur [described in 3) and 4) above] as Natural Open Space.
26. Remove provision for infrastructure and/or transport corridor on any part of the Silverstream Spur Pt Sec 1 SO 34755.
27. Protect the Significant Natural Area delineated on the Map in the Variation from development.
28. Extend the Significant Natural Area (delineated on the Map in the Variation) to include the 6 recovering areas of native bush (described above and shown in Map 2 above).
29. Additionally, protect the extended Significant Natural Area from development.
30. Recognise the whole Silverstream Spur Pt Sec 1 SO 34755 as a Significant Amenity Landscape.
31. Acknowledge the strategic importance of the Silverstream Spur as part of the bird/wildlife corridor from the Wainuiomata Mainland Island to Keith George Memorial Park (which links to Zealandia and Akatarawa).
32. Acknowledge that the Section 32 report on the Variation is incomplete because:
  - a. It does not include analysis on road corridor options (despite the stated “critical” importance of a road corridor).
  - b. It does not include analysis on the changed emphasis in the updated NPS-UD that means Upper Hutt can meet urban growth in the foreseeable future through intensification rather than greenfields development (and hence no road corridor is needed) such as the SGA.
  - c. It does not identify the strategic importance of the Spur as part of a significant wildlife/bird corridor.
  - d. The Ecological Values Assessment is a point-in-time assessment that is inappropriate for the discussion about the Spur’s future. The assessment should cover its potential for the next 50 years.
  - e. The Ecological Values Assessment needs to be updated, as nature has expanded the areas of significant native bush (see Clause 28, above).
33. Complete the Section 32 report in the 5 incomplete areas (described in para 32, above).

--- END ---

# Submission 43

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



File Number: 351/12-051  
Submission Number: 43  
(for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Heather Frances Beckman		
Postal address of submitter	Unit 11, 31 Verbena Road, Birkdale, Auckland 0626		
Agent acting for submitter (if applicable)	N/A		
Address for service (if different from above)	N/A		
Contact phone / email	Telephone: 021 0549459	Email: Waimea14@icloud.com	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>		<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

## **DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

1. The rezoning of the Silverstream Spur as Open Natural Space
2. Site specific provisions for infrastructure including a transport corridor
3. Protect identified Significant Natural Areas on the Spur from development

*(Please use additional sheets if necessary)*

My submission is that:

**1. That the Silverstream Spur be rezoned as a Natural Open Space.**

As the Spur was originally purchased using funds held by UHCC under its Reserve Fund and I believe it should be rezoned as a Natural Open Space and consequently put forward for designation as a Reserve under the Reserves Act 1977. I believe that historically this was UHCC intent and that this should have been done many years ago.

I strongly believe that the Spur needs to be protected from development now and into the future. We have destroyed so many of our natural open spaces and we must save and protect the Spur now. This land should be rezoned as a Natural Open Space and ultimately given Reserve status so that the community can enjoy the outdoors and the indigenous vegetation can regenerate. This would hopefully encourage more bird and wildlife to the area.

This taonga needs to be preserved for current future generations. Once it's gone, it gone forever. Let's not look back with remorse for the missed opportunity.

**2. Enable Site specific provisions for infrastructure including a transport corridor.**

I strongly disagree with this. No part of the Spur should be used for an infrastructure/transport corridor.

This variation does not fit with the stated purpose of the Zone, which is to allow activity and development to an appropriate scale, whilst conserving the natural character and associated ecological and landscape values and providing a valuable contribution to the wellbeing of the Upper Hutt Community. I do not think an infrastructure/transport corridor fits within the purpose of a Natural Open Zone, in fact I think it is contradictory to the purpose. I also don't think that a road is required for public recreational access to the Spur, other local reserves do not have roads or infrastructure corridors through them and are still fully accessible. The less disruption to the natural landscape the better.

The entire spur is an important ecological corridor, and an infrastructure/transport corridor would severely limit the ecological function of the Spur and destroy the natural environment of the Natural Open Space. The significance of the Spur must be considered in the broader regional context, being the only remaining corridor link south of Kaitoke to the western side of the valley.

With the increase of mental health problems, we need to be getting back to nature, not putting more infrastructure into our precious open spaces. A road through the spur would be detrimental to the wellbeing benefits of the Natural Open Space.

The developers of the Southern Growth Area (SGA) must use other access options for their proposed development and Public Land should not be used for this purpose. Why is the use of this land being considered? What is more important than saving our precious outdoor spaces. I do not see how an infrastructure/transport corridor can be a natural corridor in a natural open space. The SGA is identified as a key growth area for Upper Hutt city, with an estimate of 1600 houses to be built. That is a significant amount of traffic travelling through the spur, let alone the infrastructure that will be required for that many houses. This will most certainly have a detrimental impact on the Natural Open Space.

To enable site specific provisions for infrastructure including a transport corridor makes a mockery of rezoning the area to a Natural Open Space. The recreational, environmental and conservation opportunities will be compromised by allowing this provision.

How does this variation fit the UHCC Sustainability Plan?

**3. Protect identified Significant Natural Areas on the Spur from development.**

I support the protection of Significant Natural Areas (SNA). However, I suggest that the whole Spur is a SNA and should be given this higher level of protection.

**4. Summary**

In this time of increasing mental health issues, population growth, higher density housing and climate change, UHCC and the community should be doing everything possible to protect the diminishing natural outdoor spaces that are still available. The Spur must be rezoned to a Natural Open Space however the variation to enable site specific provisions for infrastructure including a transport corridor is abhorrent. So many of our open spaces have already been developed and the Spur is one area that we can save so that it can be developed into a thriving ecological recreation area that can be enjoyed by all, today and tomorrow for future generations.

(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)

I seek the following decision from the local authority:

1. **APPROVE** the rezoning of the entire Spur as Natural Open Space.
2. **NOT APPROVE** the provision for a road/infrastructure corridor to the neighbouring privately owned land.
3. **APPROVE** the protection of Significant Natural Areas

(Please give precise details and use additional sheets if necessary)

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)		
	I <b>do not</b> wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)		
	I <b>do not</b> wish to make a joint case	

**SIGNATURE AND DATE**

HF BECKMAN

\_\_\_\_\_  
*Signature of person making submission or person authorised to sign on behalf of person making submission*

Date: 3 November 2022

(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 44

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 44  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Lynne McLellan		
Postal address of submitter	7 Paton St Maymorn Upper Hutt 5018		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / <b>email</b>	Telephone: 04-5267775	Email: <a href="mailto:lynne@letterlinks.co.nz">lynne@letterlinks.co.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:  
 Rezone the Silverstream Spur from a mix of Rural Hill Zone and General Residential Zone to Natural Open Space.  
 Protect identified Significant Natural Areas on the Silverstream Spur from development.  
 Enable site-specific provisions for infrastructure, including a transport corridor.  
*(Please use additional sheets if necessary)*

My submission is that:

1. Upper Hutt is very special, a community surrounded by bush clad hills, the 'Gateway to the Great Outdoors'. The Silverstream Spur is integral to the Upper Valley's iconic and much loved landscape. The rezoning of the Spur as Natural Open Space will enhance and preserve it for future generations.
2. The Silverstream Spur has proposed Significant Natural Areas identified within it. These are mostly gully areas and contain trees that were probably tiny saplings 100 years ago. There is a photo showing a steam train from the early 1920s with the very bare Spur as a background in the Silverstream Steam Railway collection. Upper Hutt's proposed SNAs have been on the radar for Plan Change for a very long time, longer than many other Local Authorities. They should have been in place before the proposed PC 49 and PC 49 Variation 1 occurred.  
  
 The extra layer of protection provided by the SNA designation will preserve a vital seed source for the regeneration of the Spur. Beech, kamahi, rata and manuka all have wind blown seed. In addition the Spur is an almost ideal shape to become a Reserve in the future where biodiversity can flourish in a vital link across the narrowest part of the Hutt Valley.
3. A road through the Silverstream Spur in the future (to where, for what,) would negate any value from creating the Natural Open Space and the Significant Natural Area designations. The edge effects from cutting the Spur in two, storm water and erosion possibilities together with the increased pests, cats, dogs, mustelids gaining access mean yet more fragmentation of our iconic landscape.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

1. Approve the provision to rezone the Silverstream Spur from a mix of Rural Hill Zone and General Residential Zone to Natural Open Space.
2. Approve the provision to protect identified Significant Natural Areas on the Silverstream Spur from development.
3. Decline (not approve) the provision to enable site-specific provisions for infrastructure, including a transport corridor

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	x
	I <b>do not</b> wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	x

**SIGNATURE AND DATE**

Lynne McLellan

---

*Signature of person making submission or person authorised to sign on behalf of person making submission*

Date:   04/11/22  

*(Note: A signature is not required if you are making your submission by electronic means)*



**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 45

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JP HERETAUNGA just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

John Pepper

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**Postal address of submitter:**

24 Courtenay Road, Heretaunga, Upper Hutt 5018

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**Agent acting for submitter (if applicable):**

N/A

---

**Address for service (if different from above)**

N/A

---

**Email address:**

john.pepper.jp59@gmail.com

---

**Telephone number:**

0273177138

---

**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Rezone the Silverstream Spur as Natural Open Space

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**My submission is that:**

I support the rezoning of the land known as the Silverstream Spur as a Natural Open Space. I request that Council proceed with designating the area as a Reserve under the Reserves Act 1977. I strongly oppose construction of a road/infrastructure within ANY part of the Spur. The construction of such a road would be detrimental to the natural open

space and ecological function of the Spur. In addition, construction of a road on the Spur would seriously affect natural drainage, and stability of the soil structures, leading to excessive scarring of the Reserve. I believe the use of this land should remain SOLELY for recreational, conservation but above all else, should be preserved for the future generations of Upper Hutt and the greater Wellington Region. This should be the priority of Council in the proposed rezoning of the Spur. I support retaining and protecting the Significant Natural Areas of the Spur and any 'development' should NOT include road/infrastructure that could jeopardize these areas.

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**I seek the following decision from the local authority:**

I request that Council proceed with rezoning of the land known as the Silverstream Spur as a Natural Open Space, designating the area as a Reserve under the Reserves Act 1977. I request Council decline any proposal to construct a road/infrastructure corridor within the boundaries of the Silverstream Spur. I request that Council give full protection to identified areas of Significant Natural Areas on the Silverstream Spur.

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

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# Submission 46

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49 – SILVERSTREAM SPUR



File Number: 351/12-051  
Submission Number: 46  
(for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Chris Cosslett		
Postal address of submitter	54 Elmslie Road, Pinehaven, Upper Hutt 5019		
Agent acting for submitter (if applicable)	N/A		
Address for service (if different from above)	N/A		
Contact phone / email	Telephone: 021 136 0934	Email: <a href="mailto:cosslett.hunter@pinehaven.net.nz">cosslett.hunter@pinehaven.net.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:  
 NOSZ-P6, NOSZ-P7, NOSZ-R15 to NOSZ-R25, NOSZ-S4

*(Please use additional sheets if necessary)*

My submission is that:

1. I support the rezoning of Silverstream Spur (referred to hereafter as “the Spur”) to Natural Open Space
2. I oppose enabling a transport corridor through Silverstream Spur

Please see attached sheets for supporting arguments.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

1. Adopt the Natural Open Space Zoning for Silverstream Spur
2. Delete provision for a road corridor through Silverstream Spur

Please see attached sheets for supporting arguments.

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	✓
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	✓

**SIGNATURE AND DATE**

\_\_\_\_\_

*Signature of person making submission or person authorised to sign on behalf of person making submission*

Date: \_\_\_\_\_

*(Note: A signature is not required if you are making your submission by electronic means)*

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

## Supporting comments

My qualifications and background are in outdoor recreation and open space planning, and ecological restoration including pest animal and pest plant control. In addition to my professional work I am a member of the Upper Hutt branch of Forest and Bird, Pest-free Upper Hutt, and the Upper Hutt Busters of Old Man's Beard. My arguments fall into two categories: amenity/recreation and ecological. I address each of these in turn.

## Comments supporting the Rezoning of Silverstream Spur to Natural Open Space

Amenity/recreation:

1. Travelling north, by road or rail, the entrance to Upper Hutt is defined by a natural pinch point or gateway formed by Silverstream Spur projecting across the valley floor to almost meet the northern escarpment at Keith George Memorial Park. After 40 years protection as a scenic reserve, Keith George Memorial Park (gazetted 1982) is a stunning example of the native forest that once occupied the Hutt Valley. It is highly valued by the community as a natural backdrop to the river, the transport corridors and the urbanised valley floor. With careful management, the Silverstream Spur could look just as magnificent, eventually creating a natural gateway at the southern entrance to Upper Hutt that would be one of the city's finest natural assets.
2. The Spur has great potential for public recreation. Currently the only natural open spaces in the southern part of the city where public recreation is provided for are Ecclesfield/Witako and Keith George Memorial Park. While both areas offer high quality forest environments, quiet, peaceful settings and a sense of isolation within easy reach of residential areas, both are steep and accessible only to fit people. The Spur, in contrast, is characterised by easy contours on the upper slopes and therefore offers opportunities to develop recreational trails accessible to all.
3. The Spur can be easily reached on bike or foot from nearby residential areas and the Silverstream railway station.
4. As urban density increases, including in existing residential areas and on the St Pats Silverstream site, the value of natural open spaces will increase, both as a visual backdrop for urban areas and as places for recreation and the quiet enjoyment of nature. Future generations will be grateful to those who take action now to preserve the Silverstream Spur.
5. I would strongly support not only the zoning of the Spur as Natural Open Space but also its gazetting as a Scenic Reserve.

Ecology:

6. The Spur is at the crux of a network of increasingly well-managed forest corridors that link Zealandia, the Akatarawa/Tararua forests and the Remutaka forests – including the proposed Gondwana eco-sanctuary (see point 15 below).
7. To the south of the Spur is an unbroken corridor of forest that extends to the forested hills on the southern side of the Hutt Valley (connecting to the Witako/Ecclesfield reserves) and from there all the way back to the Wainuiomata/Orongorongo water collection area. The water collection area includes the 1,200 hectare Wainuiomata Mainland Island which has been intensively managed for wildlife conservation by GWRC for 20 years and is home to a number of threatened native birds including pōpokotea/whitehead, korimako/bellbird, karearea/NZ falcon, miromiro/tomtit and tītīpounamu/rifleman.
8. To the north of the Spur, across the narrowest pinch-point on the Hutt Valley floor, is Keith George Memorial Park (KGMP), a Key Native Ecosystem managed by GWRC for wildlife conservation and home to the same mix of species as are present in the Wainuiomata Mainland Island.
9. In turn, KGMP is part of a continuous corridor of forest between Zealandia eco-sanctuary in Wellington and Moonshine Hill Road, which is subject to possum and predator control for the purpose of wildlife conservation. Beyond Moonshine it is a short hop to Akatarawa Forest and then to the Tararua Forest Park.
10. The narrow gap between the Spur and KGMP is the only place in the Hutt Valley where forest, which once occupied the entire valley, comes close to crossing the valley floor.
11. Volunteer planting of native forest species, led by the Hutt Valley branches of Forest and Bird, has created a series of native vegetation islands between the northern tip of the Spur and KGMP (these fill in the gaps between the Spur, Eastern Hutt Road, the Hutt River, the railway, and SH2). These "islands" already provide stepping stones for birds to cross the valley at the pinch point. They will be of increasing value as they mature.
12. The cross-valley bird connection created by the Spur and the community planting is the most direct link between the proposed Gondwana sanctuary and the Zealandia sanctuary.
13. Large parts of the network of forest corridors linking the key wildlife havens of the Wainuiomata/Orongorongo water collection area, Zealandia and the Akatarawa/Tararua forests are managed for wildlife protection by a combination of OSPRI, GWRC, Pest-free Upper Hutt and other community groups. Support is building to treat

it all for this purpose. The efforts going into Predator-free 2050 mean it is likely that, in future, mammalian predators will be eliminated from these forests, or at least controlled to very low levels. This will result in a burgeoning of threatened bird populations in these forests.

14. As has been demonstrated by Zealandia, a predator-proofed sanctuary that adjoins other forests will result in the migration of native birds over the fence and throughout those forests. For example, kākā are known to commute between Zealandia to Mt Bruce in Wairarapa via the continuous strip of protected forest running along the north-western escarpment (which includes KGMP) to Akatarawa Forest, and then through the Tararua Forest Park. Threatened species such as the tieke/saddleback are successfully breeding in WCC reserves outside the predator-proof fence thanks to predator control in those forests (the first time that this has occurred since tieke went extinct on the mainland). Even the tiny tītīpounamu/rifleman (New Zealand's smallest bird) has migrated from Zealandia (where it was released two years ago) to colonise Tinakori Hill. In doing so it had to cross many significant gaps in forest cover – mainly roads.
15. The Gondwana Eco-sanctuary proposal, gaining support, would see a predator-proof fence built around 3,500 hectares of the Wainuiomata/Orongorongo water collection area (including the existing mainland island), all introduced mammals eliminated from within it, and all North Island threatened forest bird species not already present liberated there. This would result in the dispersal of threatened species from the Wainuiomata catchment through the forest corridors connected to it. See: <https://www.stuff.co.nz/environment/123481909/huge-ecosanctuary-on-the-cards-for-wainuiomata-a-game-changer-for-threatened-species>
16. The successful expansion of threatened species into new habitat relies on corridors of safe habitat for them to live in and move through. The welfare of native wildlife species will be enhanced by the ability to move around the landscape in response to seasonal changes such as fluctuations in food abundance, and by the ability to mix and interbreed with neighbouring populations. The significance of the Spur as a key part of the cross-valley bird link will increase in future as pest control efforts and technologies improve and native wildlife numbers increase.
17. While the forest on the Spur is currently dominated by pines, the site includes some high quality remnant broadleaf/podocarp/beechn forest in gullies and significant native regeneration is already present under the pine canopies. With careful management the pine forest could be transitioned to high quality native forest.

## Comments opposing the provision for a road corridor through the Spur

### Amenity/recreation:

18. The presence of a busy, noisy road through an area of otherwise quiet forest would impact negatively on the enjoyment of the forest by recreational users.
19. The road would necessarily occupy the easier ground on top of the Spur, thereby reducing the space available for accessible recreation opportunities.
20. The visual impact of the road, with its cutting and filling and a wide swathe cut through the forest would detract from the amenity value of the Spur as viewed from surrounding communities, including those travelling through the transport corridors.

### Ecology:

21. The presence of a road through the Spur would detract from its ecological value. A road would effectively divide the forest into two smaller blocks and provide an invasion pathway into the forest for pest animals and pest plants. The edges of most bush areas in Upper Hutt are badly affected by a wide range of pest plants which pose threats to the long-term survival of those forests and which are difficult and expensive to control. This is especially so in the case of road edges next to bush areas because in addition to natural seeding by wind and bird-borne weed seeds which affect all forest edges, garden waste dumping takes place in such areas.
22. A major limitation to the ecological integrity of small areas of forest results from edge effects. Threats in the form of pest animals, pest plants and climatic exposure affect forests disproportionately at the edges. A smaller block of forest has more edge relative to internal area than a larger one, and therefore is more significantly impacted by edge effects.
23. A study of edge effects in a lowland New Zealand forest concluded that climatic effects extended about 20m inside the forest edge, that vegetation mix was influenced up to 70m in from the edge, and that predator abundance was heightened for at least 100m in from the edge. (Source: Norton, D A (2002): *Edge effects in a lowland temperate New Zealand rainforest*. DOC Science Internal Series 27. Department of Conservation, Wellington.) Based on these figures, a road can be expected to have a deleterious impact on a strip of forest up to 100m wide on either side of the road, or 200m wide in total. In the context of the Spur this would represent a serious reduction in its ecological potential, particularly its value to native wildlife.

# Submission 47

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ADS just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Allan Sheppard

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**Postal address of submitter:**

64 Plateau Road, Te Marua, Upper Hutt 5018

---

**Agent acting for submitter (if applicable):**

N/A

---

**Address for service (if different from above)**

N/A

---

**Email address:**

owlet@xtra.co.nz

---

**Telephone number:**

0276010538

---

**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

To Rezone the Silverstream Spur as Natural Open Space.

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**My submission is that:**

\*\* The land was originally acquired by the UHCC in 1990 for use as a public reserve and should continue to have this or similar status. \*\* The Silverstream Spur should be rezoned to Natural Open Space to conserve the natural character and associated ecological and landscape values of the site. \*\* The indigenous vegetation should be further enhanced to



encourage the movement of native animals and plants to form a bush corridor linking the Silverstream Spur to Keith George Memorial Park and the Western Escarpment to the west and the Orongorongo valley and the proposed Wainui Ecosanctuary – Puketaha - to the east. \*\* The advantage at this location is the narrowing of the Hutt River 400m downstream of the road and rail bridges. This is the only suitable site in the 30km between Petone and Te Marua.

---

**I seek the following decision from the local authority:**

That the Silverstream Spur be rezoned to natural Open Space.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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OFFICE USE ONLY

Submission number

48

## PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

### Proposed Plan Change 49—Open Spaces—Variation 1

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

#### To Upper Hutt City Council

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

### Details of submitter

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

Donald Keith Skerman

POSTAL ADDRESS OF SUBMITTER

31 Blue Mountains Rd, Pinehaven 5019

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE 0277122425

CONTACT EMAIL [donskerman@xtra.co.nz](mailto:donskerman@xtra.co.nz)

I could gain an advantage in trade competition through this submission (please tick one ):  yes  no

Only answer this question if you ticked 'yes' above:

I  am  am not (tick one ) directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

(b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

NOSZ-P6 Silverstream Spur Infrastructure

NOSZ-P7 Silverstream Spur Natural Area

NOSZ-R15, 16, 17 Controlled Activity Rules

NOSZ-R22 New Discretionary Activity rule for Natural Open Space

NOSZ-S4 New Standard for the Natural Open Space Zone Chapter

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

I support the rezoning of Silverstream Spur to Natural Open Space however I am opposed to the building of any infrastructure on this land apart from walking and cycling tracks. The building of a road is not necessary for Upper Hutt residents to be able to enjoy this land for recreation and would greatly detract from the visual appeal of this prominent landmark and its ability to act as an important wildlife refuge and corridor. A road would also significantly increase the runoff into the watercourses on and leading from this land. My reasons are further explained in Attachment 1.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

Proceed with rezoning of the Silverstream Spur to Natural Open Space but ensure that the land is protected from the construction of any infrastructure on this land apart from walking and cycling tracks. Ensure that any walking or cycling tracks are built in a way that ensures that they will function in a sustainable manner and not increase erosion or other environmental degradation.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE 3 Nov 2022

# Attachment 1

## NOSZ-P6 Silverstream Spur Infrastructure

I fully support the rezoning of Silverstream Spur to Natural Open Space. This land forms a very prominent landmark which is very noticeable when driving up or down SH2, the Eastern Hutt, Fergusson Drive or riding the river cycle trail. It forms one side of the narrowest section of the valley and compliments the forested Keith George Memorial Park and other reserves on the other side. Over recent years extensive planting of native species has been carried out on the banks of the river and along Hulls Creek by Forest and Bird groups and is becoming well established. The Silverstream Spur continues this important corridor for birdlife across the valley and will become more effective as regeneration of native forest continues. This regeneration is already occurring but could be accelerated by removal of some of the pine trees and replanting of appropriate native species. While sections of gorse on the Spur may not look attractive they act as a nursery for native species which eventually grow up through it and shade it out as I have noticed in Wi Tako reserve over the 35 years that I've been walking there and other reserves and farmland that I've visited.

I would also support Upper Hutt City Council further enhancing the protection for the land by taking action to gain Reserve status.

Provision of a major infrastructure corridor through the land to service the Southern Growth Area would be a major disruption to the amenity of the reserve. The width of the road with footpath or shared path and parallel parking would effectively cut the land in two and prevent migration of smaller birds and invertebrates across it. The large gap in the canopy would allow infiltration of weeds and would be an eyesore from a distance. Due to the elevation that must be gained and the gradient necessary for a road of this type it would also consume a significant portion of the area. Very few people enjoy walking or cycling along the side of a busy thoroughfare with its vegetation compromised by the wide gap in the canopy and the inevitable rubbish which builds up along roads. Food scraps thrown from cars would attract predators which would also have an adverse affect on the native wildlife. A sealed road of the proposed width would cause significant addition runoff which could adversely affect the watercourses on the land and those downstream.

Other reserves such as Keith George memorial park, Eccelsfield reserve and Wi Tako reserve are popular places for people to walk, away from cars and buses, where they can hear the birds and enjoy the serene beauty of the forest. The tracks are only wide enough for people to walk so that there is still a closed canopy and wildlife can freely cross over. In other reserves, separate cycle paths are provided, ideally signed for one way traffic for safety and to minimise the width of track required. Again these can be constructed sustainably with little effect on the environment.

There are other options for connecting the Southern Growth Area to the road network which don't require the compromising of this important publicly owned land. The concept of extensive development of houses sprawling over the top of the hills, far from the closest railway station, seems to be at odds with the need for reducing the greenhouse gas emissions from transport, building construction and services.

Documents gained by Freedom of Information requests and collated on the Silverstream Railway website indicate that this land was purchased by Upper Hutt City Council for the purposes of a Reserve, not for a transportation corridor or residential development. The land should be preserved for future generations as a nature reserve.

**NOSZ-P7 Silverstream Spur Natural Area**

Only walking and cycle paths should be permitted on any part of the land, not just areas that are judged to already be Significant Natural Areas.

**NOSZ-R15, 16, 17 Controlled Activity Rules**

Only walking and cycle paths should be permitted on any part of the land, not just areas that are judged to already be Significant Natural Areas. Transmission lines need extensive clearance of vegetation and maintenance of a wide gap in the tree canopy and would also compromise the reserve.

**NOSZ-R22 New Discretionary Activity rule for Natural Open Space**

I support the removal of indigenous vegetation being disallowed on the land

**NOSZ-S4 New Standard for the Natural Open Space Zone Chapter**

Only walking and cycle paths should be permitted on any part of the land for the reasons stated above.

## Submission 49

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Rick16 just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Rick Wheeler

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**Postal address of submitter:**

16 Sylvan way

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**Email address:**

Rick.wheeler@xtra.co.nz

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**Telephone number:**

0274401641

---

**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

PLAN CHNAGE 49 (PC49) Silverstream Spur

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**My submission is that:**

I strongly oppose any road or infrastructure access to or onto the Silverstream Spur that may or may not lead to future land developments. The Pristine native bush in the residential conservation land adjacent to Sylvan way has been heavily trapped personally for pests and is now home to many native birds such as Morepork ( ruru ) , NZ falcon ( karearea ) , Tui , Silvereeye ( tauhou ), NZ pigeon ( kereru ) and Faintail ( piwakawaka ) , and also skinks. This environment is too special to lose must remain protected residential conservation land. Infrastructure access from Kiln street , will present a choke point for Silverstream / Pinehaven / Wallaceville estate traffic who already endure heavy traffic congestion at the Kiln/Feild st roundabout. Silverstream station (rail) already forces commuters to park as far away as Kiln St as parking capacity the Silverstream rail station has overflowed into neighbouring streets- this has been pronounced since the construction of and population of the growing Wallaceville Eatate. This southern city entrance / exit of Kiln / field street and Fergusson drive already suffers from poor peak traffic flows as it they link with State highway 2 and Eastern Hutt road. Formation of any access corridors is pointless.

---

**I seek the following decision from the local authority:**

To Stop all planning changes that may be proposed now and in the future to initially implement the construction of an access road onto the Spur

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---

# Submission 50

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Abbie just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Abbie Spiers

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**Postal address of submitter:**

148 Pinehaven Road, Pinehaven

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**Email address:**

ramblers.song@gmail.com

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**Telephone number:**

0276150352

---

**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Plan Change 49 - Variation 1 THE PC49 VARIATION PROPOSAL 1. Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. 2. Protect identified significant natural areas on the Silverstream Spur from development. 3. Enable site-specific provisions for infrastructure, including a transport corridor.

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**My submission is that:**

My answers below address each of the three components of the Variation Proposal in turn. I support the PC 49 Variation's Proposal 1 - regarding rezoning of the Silverstream Spur to Natural Open Space. The Spur is our natural 'Green Gateway' to Upper Hutt and should be the 'Jewel in the Crown' of our local parks and reserves. I believe the Spur has excellent regenerative potential (it is already over 50% regenerating native bush) and will serve Upper Hutt well in the future as a native bush reserve - also with potential for recreational walking tracks, public boardwalk viewing areas, and other low impact activities for public education, wellbeing, and interest. (This was the original intention of the UHCC-equivalent and Upper Hutt public in purchasing the Spur with Reserve funds, to preserve it as an 'aesthetic green gateway', many years ago.) The Spur is also a vital



noise/disturbance/fire buffer for our much-loved Silver Stream Railway, running along the base of the Spur, and any significant development on the Spur could threaten this heritage organisation's existence. For these reasons, I believe strongly that the Silverstream Spur should be rezoned in its entirety by UHCC to Natural Open Space - and so fully support this component of the proposal. I also support, WITH AMENDMENTS, PC 49 Variation Proposal 2 - regarding protection of identified significant natural areas (SNA's) on the Silverstream Spur from development. I believe this proposal should be amended to include the protection of SNA's on the Spur from ALL forms of development including infrastructure for development, transport corridors and roads. Such activities and installations are incompatible with adequate protection of our valuable, significant natural areas, and become corridors also for pests, weeds, erosion, habitat loss and other disturbance of the native species we want to protect in the first place. As it currently stands, according to Reserve Management Theory, the Silverstream Spur is an excellent size (almost 50 hectares) and an excellent shape to comfortably protect the high value habitat of the SNA's, and in time provide a buffer of native habitat around these areas. The Spur is also in an excellent location, being a key linkage between native bush reserves on the western side of the Hutt Valley and existing reserves on the eastern hills, Orongorongo ranges and Wainuiomata area. This ecosystem continuity will in time further increase the value of the Spur SNA's, both to the Upper Hutt public and to our local/regional ecology and birdlife. Therefore I wish UHCC to amend this component of the Proposal to better protect the SNA's, and then I can support it. I do NOT support the PC 49 Variation Proposal 3 - regarding site-specific provisions on the Spur for infrastructure, including a transport corridor. I want UHCC to reject this component of the PC 49 Variation and amend to protect the Spur as Natural Open Space with NO site-specific provision for infrastructure or a transport corridor. I believe there are other viable options for access to the Southern Growth Area, should that particular development proposal ever go ahead. Roads have no place in reserves, or regenerating bush, or passing through the Spur's significant natural areas! Roads, pipelines, powerlines etc are particularly destructive if they pass through the middle of natural areas - which, in this case, road access/other to the proposed Southern Growth Area is highly likely to have to do, given the steep undulating terrain of the Spur. Development-related infrastructure (power, three waters, communications, etc) and roads will threaten the ecological integrity of the SNA's on the Spur, and will act as corridors to bring 'edge effects' (pests, weeds, vehicles, erosion, fire, etc) into the SNA's - and into the Spur land parcel which we propose to rezone as Natural Open Space, and would ultimately like to regenerate as native bush. The ecological integrity of the Spur relies on us maintaining the linkages with other reserves to the east and west - we cannot do this if it is dissected by infrastructure/transport corridors. Passive and low impact, 'eco' recreational activities such as walking, mountain biking, educational signage, tree planting and birdwatching are much better suited to a natural area such as the Silverstream Spur than roading/transport and infrastructure corridors. Also, we do not need a road onto the Spur for recreational/educational activities - there is suitable road access and parking at the base of the Spur already, from which recreational walking tracks etc can proceed. The primary role of the Spur is as an aesthetic and ecological Green Gateway to Upper Hutt. Therefore, I urge UHCC to support the rezoning of the Spur, support the protection of the Spur SNA's from ALL forms of development, infrastructure or roading, and reject the proposed site-specific provisions - thereby protecting the Spur (and SNA's) in its entirety as Natural Open Space with no caveats. In time, and with due process, I would like to see the Spur protected further as a Reserve, so it can remain our natural 'Green Gateway' to Upper Hutt in perpetuity and for future generations.

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**I seek the following decision from the local authority:**

I support the UHCC proposal to rezone the Spur from its existing designation to Natural

Open Space (Proposal no. 1). I do not support Proposal no. 2 as it stands. Rather, I want UHCC to amend Proposal no. 2 to protect the Spur SNA's from ALL forms of development, infrastructure or roading, and not just from the vaguely worded 'development'. I do NOT agree with Proposal no. 3 regarding site-specific provisions for infrastructure or transport corridor/s, and urge UHCC to reject any such site-specific provisions. In all, I want UHCC to rezone the Spur to Natural Open Space, and protect the Spur and its SNA's in their entirety as Natural Open Space with no caveats. Thankyou for your time and attention.

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---

# Submission 51

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Derek Reeves just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Derek Reeves

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**Postal address of submitter:**

32 Field Street Silverstream

---

**Email address:**

derek.reeves@xtra.co.nz

---

**Telephone number:**

0275635886

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

THE PC49 VARIATION PROPOSAL Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. Protect identified significant natural areas on the Silverstream Spur from development. Enable site-specific provisions for infrastructure, including a transport corridor.

---

**My submission is that:**

The Silverstream Spur was purchased by the council as a reserve and it should be maintained as a reserve without infrastructure development. It should be managed to allow native trees and bush to regenerate and become a sanctuary for native and endangered species. This spur reserve is an essential green zone in the Hutt Valley and form an important linking green flight path and habitat for native birds moving through the valley. At this time of global warming it makes sense to preserve areas such as this for future generations. Once gone, they are lost forever. As a protected native reserve, this area would bring significant recreational and ecological benefits to residents of Upper Hutt and the wider the Hutt Valley. In future it could be developed as a predictor free zone and a green refuge to off-set the increasing high density development occurring on the Valley floor. That would bring visitors to the area and boost Upper Hutt's appeal as a green city.

The spur area has significant regenerating native bush and waterways and I understand that an earlier ecological report failed to correctly identify these. I oppose any type of infrastructure development on the spur. The site is steep. Any development would divide up the area into small patches greatly reducing the ability to support native birds and endangered species. In summary, I Support the proposal to rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. I Support the proposal to Protect identified significant natural areas on the Silverstream Spur from development. I Strongly oppose the proposal to Enable site-specific provisions for infrastructure, including a transport corridor.

---

**I seek the following decision from the local authority:**

To rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. To Protect identified significant natural areas on the Silverstream Spur from development. To Prohibit site-specific provisions for infrastructure, including a transport corridor.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---

## Submission 52

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PhilH just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Phil Hancock

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**Postal address of submitter:**

19 Jocelyn Cres, Pinehaven

---

**Email address:**

philhelen@icloud.com

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**Telephone number:**

0272771670

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Silverstream Spur PC49 Variation Proposal Section 32

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**My submission is that:**

I support the proposed in zoning to have a contiguous uninterrupted Natural Open Space covering the spur. The spur has been an open space for the 20 years I've lived in the area and clearly forms a significant linkage with the primary Hutt valley vegetation corridor. In addition, it is the green view you receive every time you drive south along Ferguson Drive. I oppose the draft proposal's wording to enable access to the Southern Growth Area through the natural open space area. If the southern Growth area is to be developed it needs to be developed in an environmentally sound manner and provisioning for a road of the size required to provide access to 1,500+ houses, plus the infrastructure required for 1,500+ houses is inconsistent with the value proposed in creating a natural open space the size of the spur. The consideration of allowing the volume of earthworks required to build such a road and infrastructure is totally at odds with the purpose of creating this natural open space. There are numerous other access points to the southern growth area so suggesting that either a roading or infrastructure corridor are required through the proposed natural open space of the spur are ill founded. In addition, the current paper road extending

Kiln St and the adjoining area north of the Sylvan Way development should also be included in the Natural Open space. It is also worth noting that the Guildfords portion of the Southern Growth Area is inconsistent with the regionally stated intent that developments have good access to transport corridors. The minimum elevation change from Kiln St to the Guildfords block is approximately 150m which is significantly more than the elevation change along Ngauranga Gorge road or going over the Wainuiomata Hill.

---

**I seek the following decision from the local authority:**

Amend the proposal to "Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space. Protect identified significant natural areas on the Silverstream Spur from development. Public access will be provided for a range of recreation, conservation and customary purposes."

---

**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---

# Submission 53

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stever just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

steven robertson

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**Postal address of submitter:**

6a chatsworth road silverstream

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**Address for service (if different from above)**

No Answer

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**Email address:**

strob1968@aol.com

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**Telephone number:**

045285019

---

**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

A possible road through the Silverstream Spur after the rezoning of the land.

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**My submission is that:**

I agree with the rezoning to Open Space and the SNA provisions but categorically oppose any attempt to enable to a road/infrastructure corridor through the spur. This is green belt land that serves as a gateway to Upper Hutt and the land should be a reserve. I believe that documentation shows that it was purchased in 1990 under the Reserve Fund Policy so legally that limits its use to public reserve. Therefore any attempt to do otherwise is illegal and any money spent on trying to do so is improper use of council funds and ought to be highlighted to the Office of the Auditor General and those responsible censured. A road would destroy natural habitat as it would likely be wide and windy given the gradient of the slope. It would create thus create a blockage point for land based native fauna. It would

also increase storm water runoff. This submission closes the same day as the Natural Hazards one which is ironic as the spur is within the high slope zone. The only purpose for even suggesting a road here would be allow developers access to build significant housing at the top (logs could be removed through an existing route). The placement of such housing would be contrary to current climate change plans as it would not be near any public transport and everyone would need cars - surely the Climate Change Minister would not be impressed. It would be being built in a high slope environment which again is contrary to current climate change plans (just look what has happened in recent months around the region). If the council passed the Scenic Amenity Landscape Plan Change as required any development would likely should fall foul of that too. Nothing about this road provision makes sense - the only obvious beneficiary of this proposal is the Guildford Timber Company ... the ratepayers of Upper Hutt don't benefit from the council's proposed largesse.

---

**I seek the following decision from the local authority:**

Rezone the spur to Open Space. Remove the provision to allow a road/infrastructure corridor through the spur. Approve the SNA designation. Then as soon as the Spur is rezoned to Open Space an application should be made (and followed through on this time) to make it a reserve under the Reserves Act 1977.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do wish to make a joint case.

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OFFICE USE ONLY

Submission number

54

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

Suilva Fay McIntyre

POSTAL ADDRESS OF SUBMITTER

18 Harewood Grove,  
Pinehaven, U. Hutt

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

04-9767639

CONTACT EMAIL

suilvamcintyre@gmail.com

I could gain an advantage in trade competition through this submission (please tick one ☉): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ☉) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

The enabling of site specific provisions for a road/infrastructure corridor in a Natural Open Space zone.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

The entire Spur is a very important part of the ecological corridor linking birds & other wildlife across the Valley. The area is a Natural Open Space zone & the proposed development would set a precedent enabling similar development. We would lose forever the 1990 intention to set aside money for reserves as ecological corridors & greatly increase flooding risks.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION, CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

To retain the Natural Open Space in perpetuity,

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

Signature and date



2/10/22

Signature of person making submission or person authorised to sign on behalf of person making submission:



OFFICE USE ONLY

Submission number

55

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

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**Details of submitter**

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NAME OF SUBMITTER

Jason Durr

POSTAL ADDRESS OF SUBMITTER

21 Rosina Street Clouston Park,  
Upper Hutt

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

0221560814

CONTACT EMAIL

jason@durr.nz

I could gain an advantage in trade competition through this submission (please tick one ):  yes  no

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

All provisions regarding the Silverstream Spur.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

The spur was purchased using funds held by council for the purchase of reserve land. Numerous reports and memos confirm this and the intention to keep the land free from development and to allow public access without any need for a road/infrastructure corridor.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

\* Rezone all of the Spur PT sec 1 SO34755 to natural open space. \* Remove/Dissallow any provisions that allow for the construction or to enable construction of a road/infrastructure corridor on any part of the spur PT sec 1 SO34755, correct the erroneous SNA maps and include all areas with native vegetation based on detailed site analysis.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

4/11/22



OFFICE USE ONLY

Submission number

56

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER QUINTIN TOWLER

POSTAL ADDRESS OF SUBMITTER 1 PETHERICK STREET, TAITA, LOWER HUTT

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE 0220237226 CONTACT EMAIL -

I could gain an advantage in trade competition through this submission (please tick one ☉): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ☉) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

NOSZ-P6, NOSZ-P7, NOSZ-R15TOR25, NOSZ-S4, MAP

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

- I SUPPORT ZONING THE SPUR TO NATURAL OPEN SPACE
- I OPPOSE ~~AN~~ ENABLING A ROAD/INFRASTRUCTURE CORRIDOR ON ANY PART OF THE SPUR.
- I SUPPORT PROTECTION OF THE S.N.A'S

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

- ZONE THE ENTIRE SPUR AS N.O.S
- REMOVE ALL PROVISIONS ALLOWING A ROAD/INFRASTRUCTURE CORRIDOR ANY ON THE SPUR
- ENSURE PROTECTION OF ALL S.N.A'S

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

3/11/22



OFFICE USE ONLY

Submission number

57

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER CHRISTINA WOODS

POSTAL ADDRESS OF SUBMITTER 4 TITOKI ROAD, RAHWATI BEACH, PARAPARAUMU,  
WELLINGTON, 5032

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE 021460548 CONTACT EMAIL christina.woods110@gmail.com

I could gain an advantage in trade competition through this submission (please tick one ):  yes  no

Only answer this question if you ticked 'yes' above:

- I am  am not (tick one ) directly affected by an effect of the subject matter of the submission that:
- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

Rezone Silverstream Spur as Natural Open Space.  
Protection of Identified SNA.  
Allowance of Infrastructure Corridor and Road on the Spur

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

The Spur was purchased by WCC using reserved funds, meaning that should only be used as natural open space. As council documents show, the backing of the Spur to allow access to the GTC (and Golf) against the principles of a natural open space zone.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

Remove any provisions for a road or/and infrastructure corridor anywhere on the Silverstream Spur and rezone this whole Spur as natural open space.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

Signature and date



Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

DATE 01 11 2022





OFFICE USE ONLY

Submission number

58

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER

Marie Harris

POSTAL ADDRESS OF SUBMITTER

121 Major Dr Kelson, Lower Hutt

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

027 2776308

CONTACT EMAIL

[gumbootgal@hotmail.com](mailto:gumbootgal@hotmail.com)

I could gain an advantage in trade competition through this submission (please tick one ): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

To protect the SNA areas on the spur  
Building of a road & network utilities on the spur  
rezoning the spur

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

the SNA areas as shown on the PC 49 website are  
inadequate & needs to be corrected to include  
all native vegetation.

Building a road & utilities on the spur would be  
detrimental to the ecology of the area.

the spur should be zoned entirely as natural open  
space.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

to correct inadequate SNA areas  
remove provisions for building a road & utilities  
zone the entire spur as natural space

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish  
to be heard in support of your  
submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make  
a joint case at the hearing if others make a  
similar submission (tick appropriate box ☑):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

1/11/22



OFFICE USE ONLY

Submission number

59

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER Nadine Ebbett

POSTAL ADDRESS OF SUBMITTER 21 Rosina Street  
Clouster Park Upperhutt

AGENT ACTING FOR SUBMITTER (IF APPLICABLE) N/A

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE) N/A

CONTACT TELEPHONE 0212970576 CONTACT EMAIL ebbett1980@gmail.com

I could gain an advantage in trade competition through this submission (please tick one ☉): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

- I am  /  am not (tick one ☉) directly affected by an effect of the subject matter of the submission that:
- (a) adversely affects the environment; and
  - (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

Any provisions that enable a road or infrastructure corridor

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

Protecting SNA from the building / construction of a road.

Protect the ecology of the spur from development. a road - infrastructure corridor is not necessary to enable recreational access to the spur.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

To remove any provisions for the building of a road or infrastructure anywhere on the spur  
To rezone the spur as a reserve.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

4/11/22.



OFFICE USE ONLY

Submission number

60

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER

Ben Jones

POSTAL ADDRESS OF SUBMITTER

122c Martin St Wallaceville

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

0275210585

CONTACT EMAIL

flowin246@yahoo.co.nz

I could gain an advantage in trade competition through this submission (please tick one ☐): **yes** ☐ /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ☐) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

Allowing the construction of a road/infrastructure corridor on the Silverstream spur

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

The land was intended as a nature reserve when purchased and in later discussions by VACC  
A road/infrastructure corridor would not be in keeping with the principals of the reserve and natural open space zone

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

Disallow any provision of a road/infrastructure corridor on any part of Silverstream spur

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

R Jones

DATE

31/10/2022



OFFICE USE ONLY

Submission number

61

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

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**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER

SCOTT FITZGERALD

POSTAL ADDRESS OF SUBMITTER

229 RIVERVIEW RD WAIKATO

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

027 271 6728

CONTACT EMAIL

SCOTT.ROBERT.FITZGERALD@GMAIL.COM

I could gain an advantage in trade competition through this submission (please tick one ): **yes** /  **no**

Only answer this question if you ticked 'yes' above:

I  **am**  **am not** (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

ENABLES THE SPECIFIC FOR INFRASTRUCTURE, INCLUDING  
CORE TRANSPORT CORRIDOR.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

THE SITE IS AN IMPORTANT PART OF THE ECOLOGICAL  
ENVIRONMENT IN THE REGION. REMOVING WILDLIFE  
BARRIERS TO WILDLIFE PRESERVES THE DISTRIBUTION  
OF A ROAD IN THIS AREA WOULD BE DESTRUCTIVE  
DAMAGE TO THE WILDLIFE & BIRD POPULATION. A  
ROAD IS NOT REQUIRED TO ACCESS THIS AREA.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

TO REMOVE ANY PROVISION, FOR ANY ROAD,  
OR INFRASTRUCTURE CORRIDOR, ON ANY PART  
OF THE SILVERSTREAM STOP.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

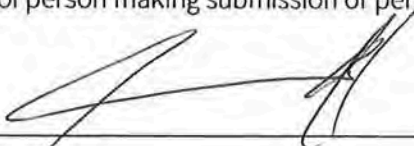
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

31.10.2022





OFFICE USE ONLY

Submission number

62

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879–881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

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**Details of submitter**

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NAME OF SUBMITTER

MARTIN E. McHUE

POSTAL ADDRESS OF SUBMITTER

76/BTAUVAIST Trentham

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

N/A

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

N/A

CONTACT TELEPHONE

045287890

CONTACT EMAIL

N/A

I could gain an advantage in trade competition through this submission (please tick one ): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

- 1 \* Rezoning Silverstream Spur to Natural open space
- 2 \* Protect SNA Areas From development
- 3 \* Disallow provisions for infrastructure relating to the southern growth area

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

- 1) I support rezoning in full
- 2) ~~to~~ I support protection of the SNA's
- 3) I strongly object to provision of Rules to allow for access to the SNA on any part of spur

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

- 1) Rezone spur as Natural open space in full
- 2) Protect all SNA areas on spur
- 3) Disallow any provisions for road/infrastructure corridor on any part of spur land

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

memcthu

DATE

29/11/2022



OFFICE USE ONLY

Submission number **63**

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

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**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER

Trevor Richardson

POSTAL ADDRESS OF SUBMITTER

62 Ava Street,

Petone

Lower Hutt

5012

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE 0273582496

CONTACT EMAIL [trevandy@outlook.com](mailto:trevandy@outlook.com)

I could gain an advantage in trade competition through this submission (please tick one ): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ) directly affected by an effect of the subject matter of the submission that:

(a) adversely affects the environment; and

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

That the Silverstream Spur remains as a natural open space as a reserve. To be enjoyed by all,

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

The road/infrastructure corridor with future housing on the Silverstream Spur would threaten the Silver Stream Heritage Railway with the extra storm water run off, and disturbance to the land. Also there would be loss of the natural open space for birds, other wildlife and native vegetation, which is needed in this time of climate changes.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

That the Silverstream Spur remains as is and not become an housing area with road, and associated utilities with housing and roading.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

Signature and date

J. Richardson

30/10/22

Signature of person making submission or person authorised to sign on behalf of person making submission:



OFFICE USE ONLY Submission number **64**

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**  
Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019  
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**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER ELIZABETH MARIA CHRISTENSEN

POSTAL ADDRESS OF SUBMITTER 62 ELMSLIE ROAD, PINEHAVEN  
UPPER HUTT 5019

AGENT ACTING FOR SUBMITTER (IF APPLICABLE) \_\_\_\_\_

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE) \_\_\_\_\_

CONTACT TELEPHONE 049707630 CONTACT EMAIL whatford62@gmail.com

I could gain an advantage in trade competition through this submission (please tick one ☑): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ☑) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition,

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

1. Rezone the Silverstream Spur as a Natural Open Space
2. Enable site specific provisions for infrastructure including transport corridor.
3. Protect identified significant natural Areas on the Silverstream Spur from development.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

1. Zoning it Natural open space provides current and future potential for this area as a native eco system and ecological corridor across the valley linking Keith George Memorial Park.
2. A transport corridor through the Silverstream Spur would severely compromise the rezoning of it as Natural Open Space.
3. SNA's on Silverstream Spur be protected from development avoiding fragmentation loss of buffering or connectivity within the SNA's and between other indigenous habitats.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

1. I seek a decision to rezone the Silverstream Spur as a Natural open space.
2. I seek a decision to remove the site specific provisions for infrastructure including transport corridor from the proposed Plan Change 49 - Open Spaces - Variation 1.
3. I seek a decision to protect identified natural areas on the Silverstream Spur from development, but only development as native planting.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

1/11/2022



OFFICE USE ONLY

Submission number

65

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

Proposed Plan Change <sup>49</sup> - OPEN SPACES - VARIATION 1  
<sub>jc</sub> <sub>jc</sub> <sub>jc</sub>

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

To Upper Hutt City Council

Submission on Proposed Plan Change <sup>49</sup> to the Upper Hutt City Council District Plan  
<sub>jc</sub>

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

Details of submitter

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

Janice Nancy CAREY

POSTAL ADDRESS OF SUBMITTER

22 Harewood Grove

Pinehaven, Upper Hutt

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

5284301

CONTACT EMAIL

I could gain an advantage in trade competition through this submission (please tick one ☐): yes ☐ /  no

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ☐) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

**Details of submission**

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

Variation 1 to PC 49

Proposed Plan Change. Silverstream Spur.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

we need to keep the Silverstream Spur as a natural open space, safe for children and all others who will have the chance to visit and enjoy that area, always. Once it's gone its too late. Be lovely to develop it with our native trees & even water features. Please keep it for the future - natural.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

Make the Silverstream Spur a natural open space for always, for us all.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.
- only if you need me to speak.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.
- I do not wish to make a joint case.

**Signature and date**

J. N. Carey

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

J. N. Carey

DATE

2nd Nov. 2022





OFFICE USE ONLY

Submission number

66

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879–881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER

ANTHONY CAREY

POSTAL ADDRESS OF SUBMITTER

22 HAREWOOD GROVE

PINEHAVEN - UPPER HUTT

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

5284301

CONTACT EMAIL

I could gain an advantage in trade competition through this submission (please tick one ☐): **yes** ☐ /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ☐) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

VARIATION 1 TO PROPOSED PLAN CHANGE 49  
SILVERSTREAM SPUR

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

KEEP THE SPUR AS IS FOR THE FUTURE OF  
SILVERSTREAM AND CHILDREN TO DEVELOPE INTO  
A NATURAL RESERVE THAT WILL LAST FOR EVER.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

TO REZONE THE SILVERSTREAM SPUR AS NATURAL OPEN SPACE  
FOR THE ENTIRE UPPER HITT COMMUNITY.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

1st Nov 2012



OFFICE USE ONLY

Submission number

67

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER LYNETTE ELIZABETH SMITH

POSTAL ADDRESS OF SUBMITTER 33 SUNBRAE DRIVE, SILVERSTREAM  
UPPER HUTT 5019

AGENT ACTING FOR SUBMITTER (IF APPLICABLE) —

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE) —

CONTACT TELEPHONE 0210759323 CONTACT EMAIL leandlpsmith@outlook.com

I could gain an advantage in trade competition through this submission (please tick one ☑): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ☑) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

### VARIATION 1 PC 49

- ENABLE SITE-SPECIFIC PROVISIONS, INCLUDING A TRANSPORT CORRIDOR

I DEFINITELY OPPOSE THE CONSTRUCTION OF A ROAD THROUGH THE 47 HECTARES OF THE SILVERSTREAM SPUR

My submission is that:

THE PROVISION OF A TRANSPORT CORRIDOR THROUGH THE SILVERSTREAM SPUR BE DELETED FROM PC 49

- A NATURAL ECOLOGICAL CORRIDOR AT THE NARROWEST PART OF THE GORGE WILL BE PERMANENTLY DESTROYED FOREVER. THE WILDING PINES THAT COUNCIL PLANTED ON THE SPUR NEED REMOVAL AND REPLANTED WITH NATIVES.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

- CONFIRM THE PUBLIC OWNERSHIP OF THE SILVERSTREAM SPUR AND CLASS IT AS AN ECOLOGICAL CORRIDOR
- DELETE VARIATION 1, INCLUDING A TRANSPORT CORRIDOR FROM PC 49
- ESTABLISH THE SILVERSTREAM SPUR AS A REAFFORESTATION PROJECT AND ACROSS VALLEY ECOLOGICAL LINK FOR OUR BIRDLIFE.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

L. E. Smith

DATE

3/11/22



OFFICE USE ONLY

Submission number

68

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

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NAME OF SUBMITTER LEO PARNELL SMITH

POSTAL ADDRESS OF SUBMITTER 33 SUNBRAE DRIVE SILVERSTREAM  
UPPER HUTT 5019

AGENT ACTING FOR SUBMITTER (IF APPLICABLE) /

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE) /

CONTACT TELEPHONE 045283171 CONTACT EMAIL leandlp.smith@outlook.com

I could gain an advantage in trade competition through this submission (please tick one ☉): yes  /  no

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ☉) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

VARIATION 1 PC49

o ENABLE SITE-SPECIFIC PROVISIONS, INCLUDING A TRANSPORT CORRIDOR,

I ABSOLUTELY OPPOSE THE CONSTRUCTION OF A ROAD THROUGH THE 47 HECTARES OF THE SILVERSTREAM SPUR,

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

THE PROVISION OF A TRANSPORT CORRIDOR THROUGH THE SILVERSTREAM SPUR BE DELETED FROM PC49,

- A NATURAL ECOLOGICAL CORRIDOR ACROSS THE UPPER VALLEY WILL BE DESTROYED FOREVER, AND ALSO A LARGE CLIMATE CHANGE MITIGATION FOREST WILL BE LOST. COUNCIL NEEDS TO BE INVOLVED IN ENCOURAGING AND SUPPORTING THE REMOVAL OF THE WILDING PINES THAT THEY PLANTED ON THE SPUR AND REPLACING WITH NATIVE TREES.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

- o CONFIRM THE PUBLIC OWNERSHIP OF THE SILVERSTREAM SPUR AND CLASS IT AS AN ECOLOGICAL CORRIDOR,
- o DELETE VARIATION 1 (INCLUDING A TRANSPORT CORRIDOR FROM PC49,
- o BECOME ACTIVELY INVOLVED IN ESTABLISHING THE SILVERSTREAM SPUR AS A REAFFORESTATION PROJECT AND ACROSS VALLEY ECOLOGICAL LINK FOR OUR BIRDLIFE etc.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

*L.P. Smith*

DATE

*1/11/22*

## Submission 69

---

Known as Heather just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Heather Blissett

---

**Postal address of submitter:**

c/- 2 Gybe Place, Whitby

---

**Address for service (if different from above)**

No fixed abode

---

**Email address:**

outdoorblissupperhutt@gmail.com

---

**Telephone number:**

0273515211

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Zoning and the proposed transport corridor

---

**My submission is that:**

Quite simply and emphatically. Yes to being rezoned a Natural Open Space. NO to a transport corridor or any major human disturbance on the spur except to remove exotic trees in favour of indigenous trees. Again. Definite NO to a transport corridor or similar.

---

**I seek the following decision from the local authority:**

Protection of the spur in favour of her ecological and recreational and healing value.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

---



# Submission 70

## SUBMISSION FORM (FORM 5)

**PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL  
DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49-  
SILVERSTREAM SPUR**



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 70  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 - Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 - Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: planning@uhcc.govt.nz

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

### DETAILS OF SUBMITTER

Name of submitter	Katelin Hardgrave		
Postal address of submitter	14 Gribble Grove Stokes Valley		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / email	Telephone:	Email:	
	027 3004606	Katelinhardgrave@gmail.com	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b> I am / <u>am not</u> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

The re-zoning of SilverStream Spur To be zoned as open space, & for the spur to be left without the construction of a road + any other infrastructure

(Please use additional sheets if necessary)

My submission is that:

The SilverStream Spur is to remain as intended originally as a reserve without a road + infrastructure

(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)

I seek the following decision from the local authority:

I seek the decision for the silverstream spur to remain as its original intention without any roads or infrastructure.

(Please give precise details and use additional sheets if necessary)

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	<input checked="" type="checkbox"/>
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	<input checked="" type="checkbox"/>

**SIGNATURE AND DATE**

Rachelin Hardgrave

Signature of person making submission or person authorised to sign on behalf of person making submission

Date: 3-11-22

(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 71

---

Mary Beth just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Mary Beth Taylor

---

**Postal address of submitter:**

165A Katherine Mansfield Drive, Whitemans Valley, Upper Hutt 5371

---

**Address for service (if different from above)**

165A Katherine Mansfield Drive,

---

**Email address:**

mbtaylor.tierra@gmail.com

---

**Telephone number:**

045283884

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

NOSZ-O1 - Purpose of the Natural Open Space Zone • The Natural Open Space Zone enables a range of passive recreation, customary and conservation activities with ancillary structures which occur within the natural environment and have a high degree of interaction with natural features. NOSZ-O2 - Character and Amenity Values of the Natural Open Space Zone • Activities and development within the Natural Open Space Zone maintain the amenity values and natural character of the Natural Open Space Zone by ensuring that they are of an appropriate scale, including: 1. A low scale and level of development and built form which is purposed to support appropriate activities; 2. Indigenous vegetation is retained with associated natural and ecological value; and 3. Spaces are accessible and positively contribute to health and wellbeing of communities. ECO-O1 - The protection and enhancement of significant indigenous ecosystems and biological diversity. • ECO-O1 seeks the protection and enhancement of significant indigenous ecosystems and biodiversity. This meets the purpose of the Variation to protect the natural character and amenity value of the site from inappropriate use and development

in particular the protection of indigenous vegetation through the identification of Significant Natural Areas. NOSZ-P6 and NOSZ-P7 - Silverstream Spur Infrastructure • NOSZ-P6 focuses on the provision of infrastructure including a transport corridor which would provide access to the Silverstream Spur and to the SGA. This policy would enable development at an appropriate size and scale and focuses on compliance to be met with conditions imposed ensuring that the activity is suitably controlled. This is further reinforced through NOSZ-P7 which focuses on protecting areas on the Silverstream Spur that have been identified as Significant Natural Areas. It considers activities and development unsuitable within the zone based on their effects and potential loss of identified areas. NOSZ-R15, R22 and NOSZ-S4 - Silverstream Spur Natural Area • The general permitted activity rules and standards for the NOSZ will apply to the Silverstream Spur alongside the additional rules proposed by this Variation. Therefore, these are considered to have been covered under PC49 s32 report. 10.4.3 NOSZ-R15 relates to NOSZ-P6 allowing for the transport corridor and associated network utility infrastructure to be a Controlled Activity taking into consideration matters identified in NOSZ-S4 through the resource consent process. Where compliance is not met with these standards the activity status is Discretionary allowing conditions to be imposed or consent not granted. NOSZ-S4 standards 1 to 4 relate to specific requirements for the transport corridor while NOSZ-S5 standard 5 relates to the transport corridor and earthworks not being located within any identified Significant Natural Areas on the Silverstream Spur. 10.4.4 NOSZ-R22 relates to NOSZ-P7 with the removal of indigenous vegetation and adverse effects from development. The activity is considered a Discretionary activity through the resource consent process allowing for conditions to be imposed or consent not being granted. This is likely to be triggered with development of infrastructure including a transport corridor from Kiln Street as recent mapping provided indicates areas of indigenous vegetation to cross the width of the Silverstream Spur in an East to West direction (see attached Ecological report in Appendix 3). This suggests that it may be more appropriate to access the Silverstream Spur and SGA from Reynolds Bach Drive to avoid these areas of identified indigenous vegetation.

---

### **My submission is that:**

I DO support these provisions: NOSZ-O1, NOSZ-O2, and ECO-O1. In supporting these three provisions I wish to make it abundantly clear that I wish the entirety of the Silverstream Spur to be permanently • zoned Natural Open Space only in its entirety • free of any roads, infrastructure corridors • free of any housing • remain in community ownership In addition, I wish the following actions: • protect and enhance the draft SNA areas • protect and enhance the draft SAL areas (the entire Spur) • add the Sylvan Way public reserve land to the Silverstream Spur • stop the Kiln Street paper road and add this to the Silverstream Spur • create public access via Sylvan Way similar to Ecclesfield Reserve in Pinehaven. • create tracks designed for good accessibility for a range of ages and abilities • create basic amenities (toilets, water, benches) • once Natural Open Space zone status is secured, to begin the process of designating the Silverstream Spur a Reserve under the Reserves Act 1977. This process was begun in 1992 and 2001 but not yet followed through. I DO NOT support NOSZ-P6 and NOSZ-P7 and NOSZ-R15, R22 and NOSZ-S4 for these reasons: • Silverstream Spur was purchased as reserve for the community and this historical intention should be honoured. • a transport/infrastructure corridor as described is incompatible with the highly protective conditions around Natural Open Space Zone. • contrary to what is stated in Section 32 Variation 1, Silverstream Spur is NOT critical to enable infrastructure including a transport corridor to access the SGA. There are several alternative access points. • Silverstream Spur has had no public access for so long because the land was caught up in closed door negotiations between council and GTC which did not include the public voice. The community did not have the full

benefit of this area as public land for that reason. This is the first time the community can participate in future plans for the Spur which of course includes public access and amenities. • There is risk to council in enabling a road/infrastructure corridor through the Silverstream Spur because: o to date council have not received from GTC or any other developer a feasibility study for a road; o to date council have not received from GTC or any other developer a proposal or application for subdivision; o the persistent uncertainty around the GTC plans spans many years and creates a risk to enabling access to a 'mythical' development that may never happen, eg 'road to nowhere'. • There is risk to the environment in enabling a road/infrastructure corridor through the Silverstream Spur because: o the Spur forms part of a very important ecological corridor for birds and other wildlife to connect with Wainuiomata and Akatarawa where substantial restoration work is also taking place. A permanent road would destroy the continuity and integrity of the area and efforts to restore the indigenous biodiversity. o the Spur forms part of the Upper Hutt Green Belt and is signalled as a draft SAL (Special Amenity Landscape). A permanent road through the Spur would not be an appropriate development for this protected area. o the Silverstream Spur is affected by PC47, PC48, and PC49 the last two of which represent natural and logical barriers to inappropriate human development on this land. The best use of the Spur is to turn it back to the environment, protect it and enhance its ecological values and beauty for the community to appreciate and enjoy as a Reserve for future generations. NOTE: I am a member of the PC48 SAL reference group set up by council in 2021. As a result of our work, the Silverstream Spur has been recently designated as a draft SAL. See notes below: Eastern Hills SAL 3. Eastern Hills SAL Boundary extension Members of the reference group have requested that Silverstream Spur area be included in the Eastern Hills SAL - as it forms part of this landscape in terms of landform and contributes important amenity values to the district. A range of values was highlighted including that the area provides a landform gateway between Upper and Lower Hutt, Te Awakairangi ki uta and Te Awakairangi ki tai, and largely vegetated backdrop to more intensive residential areas and the open spaces along the river, as do other parts of the Eastern Hills. The area would form an extension of the Eastern Hills SAL – South (#8) which provides a regenerating bush area forming a backdrop to the developed urban and suburban areas. The Silverstream Spur extends this backdrop west towards the state highway and river and includes regenerating areas of bush identified as significant natural areas. Accordingly, the area comprising the Spur landform and land cover can be included in the Eastern Hills SAL. Recommendation That the Silverstream Spur area be included in the Eastern Hills SAL (see figure below). The process to confirm this would involve confirmation of the boundary with the council GIS team and amendment of the detailed assessment record sheet, if relevant. Pgs 4 - 5 and pg 8 graphic 220901\_SAL Reference Group review\_draft\_ Lisa Rimmer Consultant Isthmus Group <https://isthmus.co.nz/> September 2022

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**I seek the following decision from the local authority:**

That the Silverstream Spur be: • zoned Natural Open Space only in its entirety • free of any roads, infrastructure corridors • free of any housing • remain in community ownership In addition, I wish the following actions for the Silverstream Spur: • protect and enhance the draft SNA areas. • protect and enhance the draft SAL areas (the entire Spur). • add the Sylvan Way public reserve land to the Silverstream Spur. • stop the Kiln Street paper road. Add this land to the Silverstream Spur. • create public access via Sylvan Way similar to Ecclesfield Reserve in Pinehaven. • create tracks designed for good accessibility for a range of ages and abilities. • create basic amenities (toilets, water, benches). • once Natural Open Space zone status is secured, to begin the process of designating the Silverstream Spur a Reserve under the Reserves Act 1977. This process was begun in 1992 and 2001 but not yet followed through.

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 72

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Bob the Builder just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Peter Ross

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**Postal address of submitter:**

11 Birch Grove, Pinehaven, Upper Hutt 5019

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**Email address:**

pdross@warp9.co.nz

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**Telephone number:**

0272862258

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

The PC49 Variation Proposal concerning the Silverstream Spur

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**My submission is that:**

The land was purchased with funds set aside for the purchase of reserves for the public of UH City. Previous councils agreed to the land being a reserve. Previous councils have declared to the public, via notices in the UH Leader, that the land was to be a reserve for public use. Previous councils, recognising the need for the land to be part of a green corridor, fought against any proposed development of the land. The spur is needed to maintain a 'bird corridor' across the valley. Any roading will create barriers to birds who need to cross the spur. Water courses and regenerating Native bush will be permanently damaged by road works or other developments on the Silverstream Spur. During previous PC49 submissions many people asked for the spur to be a reserve but just one organisation (Guildford Timber Company - GTC) asked for a road to be built across the spur. Thus to include one person's request against the wishes of many is not democratic and shows a strong bias by Council towards its dealings with the GTC. There has not been a public consultation about changing the status of part of the spur land from 'Rural Hill' to 'General Residential' – the CEO is unable to provide any proof of public consultation for

this change - which is a requirement of the RMA. A public plan change, paid for by ratepayers, should not be used to benefit any developer to access their land. If the developer(s) need a plan change then they should put up a private plan change request to UHCC.

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**I seek the following decision from the local authority:**

A. To amend the current UHCC proposed PC49 variation such as to remove all reference to having “site-specific provisions for infrastructure including a transport corridor” on or over or through the Silverstream Spur; B. To declare the Silverstream Spur, in its entirety, as a public open space; and C. To declare the Silverstream Spur land in its entirety to be a Reserve within the meaning of the Reserves Act 1977 section 14 - where a ‘Local authority may declare land vested in it to be a reserve’.

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 73

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



File Number: 351/12-051  
Submission Number: 73  
(for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Shayne Fairbrother		
Postal address of submitter	12 Sylvan Way, Sylvan Mews, Silverstream 5019		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / <b>email</b>	Telephone: 049341386	Email:	shaynefairbr
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	X	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>		

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

- My opposition to the creation of a transport corridor being built through the Silverstream Spur area outlined in PC49
- My support for this same area to be protected as a Significant Natural Area and in the future reclassified as a reserve under appropriate legislation.

*(Please use additional sheets if necessary)*

My submission is that:

I do support this land area – Silverstream Spur (outlined in Variation 1 to PC49) being rezoned Natural Open Space with the future intention by Council to make this area a reserve, protecting it forever.

I **oppose** the building of the intended transport corridor through the land outlined in this variation/proposal (The Silverstream Spur) for the following reasons:

- will take a large amount of time to construct causing disruption to surrounding living environment of the Kiln Street/Sylvan Way residential areas),
- will destroy natural habitats for a wide variety of native animals and plant life, negating the enormous levels of new native vegetation and birdlife currently available due to this iconic landscape,
- create a huge nuisance factor with an isolated road that could be used for all sorts of illicit activities (until population of Southern Growth Area is established – estimated 20yrs? to complete),
- would remove open space for recreational purposes,
- increase CO2 emissions and reduce ability for carbon credits – environmentally unfriendly,
- eliminate vital green space which is a valuable asset to the character of the Upper Hutt region.

Putting in this transport corridor from a future Southern Growth Area (SGA) with an exit point of Kiln Street would simply overwhelm the already overused/congestive Silverstream roundabout and shopping area. This, with the intended development behind St Pats College will cause unsurmountable problems to the infrastructure around Silverstream (e.g. parking for railway station, traffic congestion along Fergusson Drive to SH2) and excessive costs and rates increases for Upper Hutt ratepayers for decades to come.

There have been no factual/evidential estimates to forecast population growth to justify the construction of this transport corridor or a feasibility study showing the need to meet population growth with these excessive building developments.

If a transport corridor is to be introduced, council need to look at a holistic solution/s which would future-proof the gateway to the Upper Hutt region. The southern entry point to the Upper Hutt region is already extremely congestion are certain times of the day (and night) which exacerbate an already negative impression of the city. Rather than quick fix misguided solutions, time should be invested in proposed a 30 year plan to the ratepayers which protects our current green spaces, future proofs the infrastructure of the city and creates a welcoming experience to all that visit and live in Upper Hutt.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

Silverstream Spur to be rezoned as a Natural Open Space and protected against developmental incursion that negatively impacts on the natural environment.

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	X
	I <b>do</b> wish to make a joint case	

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do not</b> wish to make a joint case	X
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**SIGNATURE AND DATE**

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Signature of person making submission or person authorised to sign on behalf of person making submission

Date: \_\_\_\_\_

(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 74

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 74  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Royal Forest & Bird Protection Society Inc (Forest & Bird)		
Postal address of submitter	205 Victoria Street, Wellington 6011		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / email	Telephone: 022 039 9363	Email: <a href="mailto:a.geary@forestandbird.org.nz">a.geary@forestandbird.org.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

## DETAILS OF SUBMISSION

<p>The specific provisions of the Variation that my submission relates to are as follows:</p> <p>See attachment.</p> <p><i>(Please use additional sheets if necessary)</i></p>		
<p>My submission is that:</p> <p>See attachment.</p> <p><i>(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)</i></p>		
<p>I seek the following decision from the local authority:</p> <p>See attachment.</p> <p><i>(Please give precise details and use additional sheets if necessary)</i></p>		
Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	<input checked="" type="checkbox"/>
	I <b>do not</b> wish to be heard in support of my submission	<input type="checkbox"/>
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	<input checked="" type="checkbox"/>
	I <b>do not</b> wish to make a joint case	<input type="checkbox"/>

## SIGNATURE AND DATE

<p>Amelia Geary</p> <p>_____</p> <p><i>Signature of person making submission or person authorised to sign on behalf of person making submission</i></p> <p>Date: <u>4 November 2022</u></p> <p><i>(Note: A signature is not required if you are making your submission by electronic means)</i></p> <p><b>Terms of making a submission</b> - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.</p> <p><b>PLEASE NOTE</b> Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): <b>1</b> it is frivolous or vexatious; <b>2</b> it discloses no reasonable or relevant case; <b>3</b> it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; <b>4</b> it contains offensive language; <b>5</b> it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.</p>
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# Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

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## Proposed Plan Change 49 – Open Spaces – Variation 1 Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

4 November 2022

To: Planning Policy Team, Upper Hutt City Council  
[planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

From: Royal Forest and Bird Protection Society of New Zealand Inc.  
(Forest & Bird)  
205 Victoria Street, Wellington 6011

Contact for service: Amelia Geary – Regional Conservation Manager  
[a.geary@forestandbird.org.nz](mailto:a.geary@forestandbird.org.nz)

Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird wishes to be heard in support of this submission. If others make a similar submission, Forest & Bird will consider presenting a joint case with them at any hearings.

### INTRODUCTION

1. Forest & Bird is New Zealand's largest non-governmental conservation organisation. Forest & Bird's mission is to protect New Zealand's unique flora and fauna and its habitat. Key matters of concern therefore relate to the protection of ecological values, particularly the sustainable management of New Zealand's indigenous biodiversity, natural landscapes, coastal environment and freshwater resources including wetlands, rivers, and lakes.
2. Forest & Bird submitted on proposed Plan Change 49 – Open Spaces. We welcome this Variation to include Silverstream Spur as Natural Open Space. We would ultimately like to see Silverstream Spur and adjacent land owned by UHCC further protected by applying for it to be gazetted as a Reserve under the Reserves Act 1977.
3. However, we have a number of concerns about Variation 1 which we outline below.

### SUBMISSION

4. Forest & Bird's supports the zoning of Silverstream Spur as Natural Open Space for the reasons set out in our original submission on proposed Plan Change 49. The key reasons were as follows:
  - a. It is appropriate to zone Silverstream Spur according to the natural values that occur on the land, including its value as a bird corridor.

- b. The Spur was once habitat to the now At Risk<sup>1</sup> endemic forest ringlet butterfly.<sup>2</sup>
  - c. The Spur has potential to be a very accessible Natural Open Space Zone for the benefit and enjoyment of residents of Pinehaven and Silverstream.
  - d. Natural Open Space Zone is appropriate for areas where people undertake predominantly passive recreational activities, or specialised active recreational activities which have a high degree of nature interaction. As such, using the Natural Open Space Zone allows for a rule framework which focuses on more passive recreation with a strong focus on nature interaction. Silverstream Spur not only ticks all the boxes, it also provides access to nature that is closer and more accessible than the regional parks in the district.
5. However, Forest & Bird has a number of concerns about Variation 1 as the policies and rules fail to align with PC49 and the purpose of the Natural Open Space Zone. They also fail to protect the biodiversity values of the site and therefore don't give effect to s6(c) of the RMA, furthermore they don't give effect to policies 24 and 47 of the Regional Policy Statement for Wellington.
  6. The provision for a road corridor in NOSZ-P6, as proposed in Variation 1, is inconsistent with the NOSZ – Natural Open Space Zone in Part 3 – Open Space and Recreation Zones as set out in proposed PC49. In particular, the background in that section sets out that:
 

“The purpose of the Natural Open Space Zone is to allow for activities and development of an appropriate scale to occur in spaces where there is a strong natural character with associated ecological and landscape values. The Natural Open Space Zone is predominantly located within the rural environment due to the three large Regional Parks, however within the zone are also several nature and recreation reserves within the urban area, and river corridor and esplanade reserves distributed throughout the district.

These spaces provide a valuable contribution to the wellbeing of the Upper Hutt community, allowing them to undertake recreation, customary and conservation activities in a natural setting. These activities can include walking, cycling, tramping, dog walking, picnicking and gathering mahinga kai.

Overall, the natural character of the zone is to be maintained through a low level of development, with structures and development focused on enabling and facilitating the use of these spaces for appropriate activities.”
  7. The PC49 Objectives set outcomes with respect to the purpose and character of NOSZ which is for “passive recreation, customary and conservation activities” and for activities to “maintain the amenity values and natural character of the Natural Open Space”.
  8. Roding to provide access for the Southern Growth Area beyond the zone is not an appropriate activity for the NOSZ as it will have a detrimental effect on the natural character of the Spur. There is no functional need for a transport corridor within Silverstream Spur because there is already access to the Southern Growth Area via Avro Road. Further, such access would cut through and divide the Significant Natural Area within that zone.
  9. The s32 report failed to conduct an options analysis to consider any alternative transport corridor scenarios available to the Southern Growth Area. Variation 1 assumes Silverstream Spur is the only viable access. Given the purpose of NOSZ, the presence of an SNA and the national direction of s6(c) of the RMA, an options analysis is necessary to determine how a transport corridor could be avoided and where alternative locations a transport corridor could go.
  10. Furthermore, we recognise that the 'effects management hierarchy' provided in Policy NOSZ-P7 for the protection of Silverstream Spur Significant Natural Areas reflects the latest evolution of the 'avoid-remedy-mitigate' approach enshrined in the RMA. However, this hierarchy does not protect biodiversity values. Rather, it allows for effects on SNAs from any activity so long as the hierarchy is worked through. As a result, this policy is not based on the effects of the activity, rather simply that

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<sup>1</sup> <https://www.doc.govt.nz/globalassets/documents/science-and-technical/nztcs20entire.pdf>

<sup>2</sup> Dr. George Gibbs, *pers comm*.

there is supposedly not a more practicable option. Forest & Bird submits that avoidance of adverse effects will be the only way to protect the biodiversity values of Silverstream Spur Significant Natural Areas.

11. In PC49, NOSZ – P2 specifically identifies appropriate development with the purpose to support informal sports and recreation activities, conservation and customary activities. Similarly, NOSZ – P3 sets out that inappropriate activities and development are those that are incompatible with the natural character and amenity values and that these are to be avoided. Forest & Bird reiterates that a transport corridor is incompatible with and contrary to the proposed policies of PC49 and therefore Upper Hutt’s own District Plan.
12. Although Upper Hutt City Council has yet to progress a plan change to provide specific protection for Significant Natural Areas. The RPS sets out relevant provisions for s6(c):
13. Policy 24 of the Regional Policy Statement is for:

District and regional plans shall include policies, rules and methods to protect indigenous ecosystems and habitats with significant indigenous biodiversity values from inappropriate subdivision, use and development.
14. It is clear that providing for a road is not an appropriate activity in terms of the NOSZ and given the scale of activity, loss of indigenous vegetation and division effects on the SNA would also be inappropriate from an effects basis when seeking to protect indigenous ecosystems, as per the direction of Policy 24 of the RPS. Variation 1 NOSZ – P6 would be inconsistent with Policy 24.
15. Policy 47 of the RPS provides an interim assessment framework for councils prior to the identification of significant natural areas in plans. Of relevance, this includes that in determining whether the proposed activity is appropriate, particular regard shall be given to:
  - maintaining connections within, or corridors between, habitats of indigenous flora and fauna and/or enhancing the connectivity between fragmented indigenous habitats;
  - providing adequate buffering around areas of significant indigenous ecosystems and habitats from other land uses;
  - avoiding the cumulative adverse effects of the incremental loss of indigenous ecosystems and habitats;
  - the need for a precautionary approach when assessing the potential for adverse effects on indigenous ecosystems and habitats;
16. Variation 1 as currently proposed would not maintain or enhance connections with the Significant Natural Area. There may also be adverse impacts on the functioning of the SNA as a corridor between significant natural area of Keith George Memorial Park to the north and reserves to the south and southeast of the site including Forest & Bird’s Ecclesfield Reserve.
17. Variation 1 does not provide adequate buffering as the road corridor would introduce other land use (a public road) through the zone and bisect the significant natural area(s). The cumulative effects of loss of habitat from construction and operation of the road as well as ongoing impacts from pests and weeds as a result of the road add to incremental loss of indigenous ecosystems and habitats in Upper Hutt. Specifically providing for road access and water storage as a controlled activity precludes the application of a precautionary approach. Therefore, Variation 1 and specifically provision for a transport corridor would be deemed an inappropriate activity under Policy 47 of the RPS.
18. In addition to Forest & Bird’s view that specific provision for road access through the Silverstream Spur NOSZ and associated Significant Natural Area is inappropriate, there are a number of uncertainties with the approach set out Variation 1. This includes:
  - a. NOSZ-P6 is very broad regarding the infrastructure that is to be enabled. This could be any infrastructure that would support the Southern Growth Area. We note that the Southern Growth area is not identified on the map associated with the Silverstream Spur NOSZ, nor can



the development in that growth area and the support it may need in the future necessarily be assumed as appropriate for to the NOSZ. Provision for passive recreation is already provided for in the PC49 NOSZ provisions, the more “enabling” provision in P6 is not necessary and could be inappropriate for the SNA within Silverstream Spur.

- b. NOSZ-P7 uses the terms “Silverstream Spur Natural Area” and “Silverstream Spur Significant Natural Area”. The former is also used in R15, R22 and NOSZ-S4(5). This difference in terminology creates uncertainty. P7 also refers to the area as “identified” however it is not clear where this is identified.
  - c. NOSZ-P7 sets out a specific effects management approach for the Silverstream Spur Natural Area. This is quite different to the PC49 NOSZ provisions and potentially pre-empts future provisions for Significant Natural Areas. For example, the PC49 NOSZ provisions provide direction with respect to the appropriateness of activities to the zone whereas P7 is for adverse effects on the significant natural area. Such effects are only to be avoided where practicable. Given that the natural area contributes to the character of the Zone it is not clear how these provisions would be reconciled.
  - d. NOSZ- R15 If the road is a controlled activity in the NOSZ then consent must be granted. This could mean that the controlled activity status indicated the appropriateness of the activity to the NOSZ, effectively making the discretionary status for vegetation removal in the SNA to provide for the road connection a token gesture with a presumption that consent will be granted. In the alternative it could mean that upon bundling consents the overall activity status is discretionary in which case the controlled activity status has little relevance. The meaning of a controlled activity in this context is confusing and should be deleted.
  - e. NOSZ-S4 does not provide any certainty as to the total scale of works or width or earthworks and vegetation clearance that could occur. For example, it sets out lane width but does not limit the number of lanes or the width of works. Nor is there any indication of the location to which works would be confined. The standard does not address storage tanks or reservoirs and it remains unclear what the purpose, scale or location of these would be.
19. There are parts of the NOSZ which include regenerating native bush which will, if it is not already, provide important habitat and improving connectivity with Keith George Memorial Park and the wider Hutt Valley. However, NOSZ-R15 in Variation 1 would enable roading and other development over the natural values and ecological benefits, including carbon sequestration, that regenerating vegetation would provide. The provisions in PC49 and amendments sought in Forest & Bird’s original submission on PC49 are appropriate in this case and NOSZ-R15 should be deleted.

#### Decision sought

20. Retain the NOSZ zoning proposed by Variation 1 for Silverstream Spur.
21. We seek either that policy NOSZ-P6 is deleted, or, provided that the effects management hierarchy in policy 7 is amended in line with our submission, retain policy 6, with the below amendments:
- NOSZ-P6 Silverstream Spur Infrastructure  
Only consider enabling infrastructure including a transport corridor within the Silverstream Spur (Pt Sec 1 SO 34755, Parcel ID: 3875189) at an appropriate scale, design, and location to  
1. Provide for a range of passive recreation opportunities; and  
2. Support for the development of the Southern Growth Area;  
where the effects of such development are managed in accordance with NOSZ-P7
22. Amend policy NOSZ-P7 to clarify that this is an additional consideration not an alternative to other NOSZ policy.
- NOSZ-P7 Silverstream Spur Natural Area  
Protect the biodiversity values of Silverstream Spur Significant Natural Areas identified on Map XX by requiring Adverse effects from development to: ~~on the identified Silverstream Spur Significant Natural Areas shall be:~~

~~(a) avoided where practicable; and~~ Avoid the following adverse effects on indigenous biodiversity:  
(i) Loss of ecosystem representation and extent;  
(ii) Disruption to sequences, mosaics or ecosystem function;  
(iii) Fragmentation or loss of buffering or connectivity within the SNAs and between other indigenous habitats and ecosystems; and  
(iv) A reduction in population size or occupancy of threatened species using the SNAs for any part of their life cycle.

~~(b) where adverse effects cannot be demonstrably avoided, they are mitigated where practicable; and~~ Avoid other adverse effects as far as possible; and  
~~(c) where adverse effects cannot be demonstrably mitigated, they are remedied where practicable; and~~ Minimise adverse effects on the identified biodiversity values where avoidance under (b) is not possible;  
~~(d) where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and~~ Remedy adverse effects where they cannot be avoided or minimised under (b) and (c); and  
~~(e) if biodiversity offsetting is not appropriate, the development itself is avoided.~~

23. The Variation needs to include a definition of biodiversity offsetting, which includes a requirement that an offset proposed meets the principles of offsetting. These should be included in an appendix to the Plan, and should be mandatory (rather than guidance). It is particularly important to include limits to offsetting, otherwise, offsetting risks being used as a management approach without any rigour, or certainty that it will appropriately deal with adverse effects on significant biodiversity. Without a clear framework for offsetting, including offsetting as an option in policy NOSZ-P7 risks allowing for adverse effects that will not be adequately managed.
24. Seek deletion of Controlled Activity Rule R15.
25. Retain NOSZ-R22.
26. As a consequence of deleting NOSZ-R15, delete NOSZ- S4.
27. Identify on the map the Significant Natural Area within the Natural Open Space Zone for Silverstream Spur. Include labelling or a key to the map.

**Submission ends.**

# Submission 75

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polly.forrest just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Polly Forrest

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**Postal address of submitter:**

7 Dunrobin Grove

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**Agent acting for submitter (if applicable):**

NA

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**Address for service (if different from above)**

7 Dunrobin Grove

---

**Email address:**

polly.forrest@xtra.co.nz

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**Telephone number:**

0272856329

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

The Silverstream Spur must remain a Natural Open Space & in future become A RESERVE. That NO road be created to give a transport corridor

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**My submission is that:**

I OPPOSE any move by Council or interested parties to enable site-specific provisions for infrastructure including a transport corridor. NO ROAD I FULLY SUPPORT the Silverstream Spur becoming a Natural Open Space & in the future being a Reserve & the

guardianship that we have of this area is so important. This will provide a range of recreation activities & more importantly Conservation of the land & protect the Native birds & diversity of this area in both the bird & ecological corridors to connect the green belt land on both sides of the river The Council MUST protect this area for future generations to come & MUST NOT put PROFIT before PEOPLE. NO RESIDENTIAL DEVELOPMENT The ROAD MUST NOT HAPPEN

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**I seek the following decision from the local authority:**

To declare the Silverstream Spur a NATURAL OPEN SPACE & become a PROTECTED RESERVE

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 76

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Resident54E just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Kate Hunter

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**Postal address of submitter:**

54 Elmslie Rd, Pinehaven

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**Email address:**

kate.hunter@vuw.ac.nz

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**Telephone number:**

0210635267

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

NOSZ-01, NOSZ-02, OSRZ-01, OSRZ-02

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**My submission is that:**

I strongly support the re-zoning of Silverstream Spur to Natural Open Space. (NOSZ-01) I strongly support protection of identification of the ecological value of the Spur in order to have a benchmark for protection of its values (NOSZ-02). Beyond significant natural areas already identified I encourage understanding the Spur's ecological values in the context of the lower North Island conservation network from Zealandia and Wainuiomata Mainland Island in the south to Mt Bruce and Tararua Forest Park in the north. In order to protect the Spur's ecological value, I oppose provision for a transport corridor through the Spur (OSRZ-01). A road is not the only way to make the Spur accessible to recreational users and indeed would be detrimental to its ecology and indeed could be considered contrary to OSRZ-02. A study by Sullivan et al shows that 'reserves adjacent to roads had significantly higher weed richness than reserves further from roads, although the causal mechanisms are unclear'. (Sullivan, Williams, Timmins, Smale, 'Distribution and spread of environmental weeds along New Zealand roadsides', New Zealand Journal of Ecology 33 (2), 2009: 190-204). International literature also concludes that roads create suitable

environments for noxious weeds. Some studies identify human behaviours as contributing to the spread of noxious weeds (eg garden waste dumping made much easier by road access) and also 'edge effects' that exacerbate the invasive potential of weeds through greater availability of light and through storm water. (see for example Hu & Ren, 'Movement of garden plants from market to bushland', Geographical Research 2015)

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**I seek the following decision from the local authority:**

That Silverstream Spur is rezoned as Natural Open Space. That the ecological values of the Spur are investigated as part of the larger conservation mosaic of the lower North Island and is given sufficient protection. That a transport corridor is not approved, rather a decision is made to explore alternative access mechanisms.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 77

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Tony's LTP Feedback 21 just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Tony Chad

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**Postal address of submitter:**

165A Katherine Mansfield Drive, Whiteman's Valley

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**Address for service (if different from above)**

165A Katherine Mansfield Drive,, Whiteman's Valley

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**Email address:**

tonygchad@gmail.com

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**Telephone number:**

045288968

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Submission PC 49-Variation 1 Tony Chad Details of submitter 1. Name of submitter: Tony Chad 2. Postal address of submitter: 165A Katherine Mansfield Drive, Whitemans Valley, Upper Hutt 5371 5. Email address: tonygchad@gmail.com 6. Telephone number: 04 528 8968 021 1155651 7. Could you gain an advantage in trade competition through this submission? No Details of submission 9. The specific provisions of the proposed Plan Change that my submission relates to are as follows: NOSZ-O1 - Purpose of the Natural Open Space Zone • The Natural Open Space Zone enables a range of passive recreation, customary and conservation activities with ancillary structures which occur within the natural environment and have a high degree of interaction with natural features. NOSZ-O2 - Character and Amenity Values of the Natural Open Space Zone • Activities and development within the Natural Open Space Zone maintain the amenity values and natural character of the Natural Open Space Zone by ensuring that they are of an appropriate scale, including: 1. A low scale and level of development and built form which is purposed to support appropriate activities; 2. Indigenous vegetation is retained with associated natural

and ecological value; and 3. Spaces are accessible and positively contribute to health and wellbeing of communities. ECO-O1 - The protection and enhancement of significant indigenous ecosystems and biological diversity. • ECO-O1 seeks the protection and enhancement of significant indigenous ecosystems and biodiversity. This meets the purpose of the Variation to protect the natural character and amenity value of the site from inappropriate use and development in particular the protection of indigenous vegetation through the identification of Significant Natural Areas. NOSZ-P6 and NOSZ-P7 - Silverstream Spur Infrastructure • NOSZ-P6 focuses on the provision of infrastructure including a transport corridor which would provide access to the Silverstream Spur and to the SGA. This policy would enable development at an appropriate size and scale and focuses on compliance to be met with conditions imposed ensuring that the activity is suitably controlled. This is further reinforced through NOSZ-P7 which focuses on protecting areas on the Silverstream Spur that have been identified as Significant Natural Areas. It considers activities and development unsuitable within the zone based on their effects and potential loss of identified areas NOSZ-R15, R22 and NOSZ-S4 - Silverstream Spur Natural Area • The general permitted activity rules and standards for the NOSZ will apply to the Silverstream Spur alongside the additional rules proposed by this Variation. Therefore, these are considered to have covered under PC49 s32 report. 10.4.3 NOSZ-R15 relates to NOSZ-P6 allowing for the transport corridor and associated network utility infrastructure to be a Controlled Activity taking into consideration matters identified in NOSZ-S4 through the resource consent process. Where compliance is not met with these standards the activity status is Discretionary allowing conditions to be imposed or consent not granted. NOSZ-S4 standards 1 to 4 relate to specific requirements for the transport corridor while NOSZ-S5 standard 5 relates to the transport corridor and earthworks not being located within any identified Significant Natural Areas on the Silverstream Spur. 10.4.4 NOSZ-R22 relates to NOSZ-P7 with the removal of indigenous vegetation and adverse effects from development. The activity is considered a Discretionary activity through the resource consent process allowing for conditions to be imposed or consent not being granted. This is likely to be triggered with development of infrastructure including a transport corridor from Kiln Street as recent mapping provided indicates areas of indigenous vegetation to cross the width of the Silverstream Spur in an East to West direction (see attached Ecological report in Appendix 3). This suggests that it may be more appropriate to access the Silverstream Spur and SGA from Reynolds Bach Drive to avoid these areas of identified indigenous vegetation. 10. My submission is that: PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. I DO support these provisions: NOSZ-O1, NOSZ-O2, and ECO-O1. In supporting these three provisions I wish to reiterate the content of my previous submissions to Plan Change 49 in November 2021 and to the Annual Plan in May 2022. (See Appendix to this submission). I wish to make it absolutely clear yet again that I wish the entirety of the Silverstream Spur to be permanently • zoned Natural Open Space only in its entirety • free of any roads, infrastructure corridors • free of any housing • remain in community ownership In addition, I wish the following actions: • protect and enhance the draft SNA areas • protect and enhance the draft SAL areas (the entire Spur) • add the Sylvan Way public reserve land to the Silverstream Spur • stop the Kiln Street paper road and add this to the Silverstream Spur • create public access via Sylvan Way similar to Ecclesfield Reserve in Pinehaven. • create tracks designed for good accessibility for a range of ages and abilities • create basic amenities (toilets, water, benches) • once Natural Open Space zone status is secured, to begin the process of designating the Silverstream Spur a Reserve under the Reserves Act 1977. This process was begun in 1992 and 2001 but not yet followed through. I DO NOT support NOSZ-P6 and NOSZ-P7 and NOSZ-R15, R22 and NOSZ-S4 for these reasons: • Silverstream Spur was purchased as reserve for the community and this historical intention should be honoured. • a transport/infrastructure corridor as described is



incompatible with the highly protective conditions around Natural Open Space Zone. • contrary to what is stated in Section 32 Variation 1, Silverstream Spur is NOT critical to enable infrastructure including a transport corridor to access the SGA. There are several alternative access points. • In response to various statements in Section 32, I submit :The proposed infrastructure Corridor is completely excessive for providing access to the Spur. It is clearly proposed for the sole purpose of accessing the land belonging to a private developer. At the same time, this developer GTC has not made public any plan for how they want to develop their land, how they would access their development, what scale of “infrastructure corridor” would be required to access their land through the Spur and exactly how much of the Spur would be destroyed by establishing such a road “snaking around” with a gradient not exceeding 1:8 (NOSZ-S4). In the absence of any such public plan the UHCC should not be trying to read their minds and leave their options open. GTC have no options in relation to the Silverstream Spur - it is public, not private land. They have other access points to their property. • Silverstream Spur has had no public access for so long because the land was caught up in closed door negotiations between council and GTC which did not include the public voice. The community did not have the full benefit of this area as public land for that reason. This is the first time the community can participate in future plans for the Spur which of course includes public access and amenities. • There is risk to council in enabling a road/infrastructure corridor through the Silverstream Spur because: o to date council have not received from GTC or any other developer a feasibility study for a road; o to date council have not received from GTC or any other developer a proposal or application for subdivision; o the persistent uncertainty around the GTC plans creates a risk to enabling access to a ‘mythical’ development that may never happen, eg ‘road to nowhere’. • There is risk to the environment in enabling a road/infrastructure corridor through the Silverstream Spur because: o the Spur forms part of a very important ecological corridor for birds and other wildlife to connect with Wainuiomata and Akatarawa where substantial restoration work is also taking place. A permanent road would destroy the continuity and integrity of the area and efforts to restore the indigenous biodiversity. o the Spur forms part of the Upper Hutt Green Belt and is signalled as a draft SAL (Special Amenity Landscape). A permanent road through the Spur would not be an appropriate development for this protected area. o the Silverstream Spur is affected by PC47, PC48, and PC49. The best use of the Spur is to turn it back to the environment, protect it and enhance its ecological values for the community to appreciate and enjoy as a Reserve for future generations. NOTE: the Silverstream Spur has been recently designated as a draft SAL. See notes below: Eastern Hills SAL 3. Eastern Hills SAL Boundary extension Members of the reference group have requested that Silverstream Spur area be included in the Eastern Hills SAL - as it forms part of this landscape in terms of landform and contributes important amenity values to the district. A range of values was highlighted including that the area provides a landform gateway between Upper and Lower Hutt, Te Awakairangi ki uta and Te Awakairangi ki tai, and largely vegetated backdrop to more intensive residential areas and the open spaces along the river, as do other parts of the Eastern Hills. The area would form an extension of the Eastern Hills SAL – South (#8) which provides a regenerating bush area forming a backdrop to the developed urban and suburban areas. The Silverstream Spur extends this backdrop west towards the state highway and river and includes regenerating areas of bush identified as significant natural areas. Accordingly, the area comprising the Spur landform and land cover can be included in the Eastern Hills SAL. Recommendation That the Silverstream Spur area be included in the Eastern Hills SAL (see figure below). The process to confirm this would involve confirmation of the boundary with the council GIS team and amendment of the detailed assessment record sheet, if relevant. Pgs 4 - 5 and pg 8 graphic 220901\_SAL Reference Group review\_draft\_ Lisa Rimmer Consultant Isthmus Group <https://isthmus.co.nz/> September 2022 11. I seek the following decision from the local authority: PLEASE GIVE PRECISE DETAILS That the Silverstream Spur be: • zoned Natural Open Space only in its entirety • free of any roads, infrastructure corridors •

free of any housing • remain in community ownership In addition, I wish the following actions for the Silverstream Spur: • protect and enhance the draft SNA areas. • protect and enhance the draft SAL areas (the entire Spur). • add the Sylvan Way public reserve land to the Silverstream Spur. • stop the Kiln Street paper road. Add this land to the Silverstream Spur. • create public access via Sylvan Way similar to Ecclesfield Reserve in Pinehaven, Wi Tako Ngatata Scenic Reserve, Keith George Memorial Park. • create tracks designed for good accessibility for a range of ages and abilities. • create basic amenities (toilets, water, benches). • once Natural Open Space zone status is secured, to begin the process of designating the Silverstream Spur a Reserve under the Reserves Act 1977. This process was begun in 1992 and 2001 but not yet followed through. 12. Please indicate whether you wish to be heard in support of your submission: I do not wish to be heard. 13. Please indicate whether you wish to make a joint case at the hearing if others make a similar submission: I do not wish to make a joint case. APPENDIX (Previous submission content by Tony Chad) Submission to Plan Change 49, November 2021 - Extracts) The specific provisions of the proposed Plan Change that my submission relates to are as follows: The Silverstream Spur My submission is that: The Silverstream Spur should be included in PC49 and should be designated "Natural Open Space." This land was originally purchased for Reserve purposes by UHCC around 1998. UHCC has been underhand in its dealings with this community-owned asset - from changes to its zoning from the original "Reserve" to its secretive dealings with the Guildford Timber Company resulting in a Memorandum of Understanding (2016) and various dealings behind closed doors. There has been no public consultation nor agreement to go down this path with Guildford. The Silverstream Spur should be enhanced by removing the exotic pines and continuing with the natural regeneration of native bush. It occupies a natural ecological corridor between the Western and Eastern Hills and links reserve land and open space between Keith George Memorial Park, Trentham Scenic Reserve and other forested areas on both sides of the Hutt River, North and South. For many years Forest & Bird has been extensively planting native trees in this area of the Valley, enhancing an aesthetic entranceway to Upper Hutt and restoring degraded habitats. We need to continue with this good work on the Spur, strengthen the trapping of pests and retain it for future generations. The Spur will be a sorely needed oasis in future, when the tops of the Pinehaven Hills are in housing, the St Pats land is in housing, and there are multi-storey residential buildings near transport hubs such as Silverstream Station and Heretaunga Station. This Council should stick with the original plan for the Spur and keep it as Reserve / Natural Open Space. Their consideration of roading and/or houses on this land is a betrayal of the stewardship to which they were entrusted. I seek the following decision from the local authority: To declare the Silverstream Spur a protected "Natural Open Space", included in PC49; there must never be public roading nor houses on the Spur. Please indicate whether you wish to be heard in support of your submission: I do not wish to be heard in support of my submission. Please indicate whether you wish to make a joint case at the hearing if others make a similar submission: I do not wish to make a joint case. Extract from my submission on Annual Plan, 10 May 2022 1. Silverstream Spur - this is an issue that is highly important to many people in Upper Hutt. It is an issue that Council has been organising "behind closed doors" and continues to want to plan in conjunction with Guildfords with public excluded and the developer given special status not given to others. Here's what should be happening: Firstly, the Silverstream Spur is reserve land that belongs to the people of the city. It should remain reserve in total, No Land Swap, and have its status upgraded to ensure it remains as a protected reserve. Absolutely NO ROAD and NO HOUSES. Steps should then be taken to enhance the reserve, to support and enlarge the areas of regenerating bush and the potential bird corridor connecting Keith George memorial park with Pinehaven, Blue mountains, Whitemans Valley and sanctuaries being established in Wainuiomata. Allow people to enjoy it as a reserve. The reserve should not feature in Guildford's plans at all - it is not their land and never should be. Secondly if Guildford's want to put forward a proposal for developing their own land, then they should put together a Private Plan

Change or Structure Plan just like Malcolm Gillies, Phil Kidd or any other developer has to do. No exceptions, no special treatment for Guildfords.

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# Submission 78

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 78  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Caleb Scott		
Postal address of submitter	3 Adventure Drive, Whitby Porirua		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / email	Telephone:0277105616	Email:hb-rotary@hotmail.com	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**


The specific provisions of the Variation that my submission relates to are as follows:  
 -Rezone the Silverstream Spur as Natural Open Space.  
 -Enable site specific provisions for infrastructure including a transport corridor.  
 -Protect identified Significant Natural Areas on the Spur from development.  
*(Please use additional sheets if necessary)*

My submission is that:  
 I fully support that rezoning the Silverstream Spur as Natural Open Space  
 I oppose enable site specific provisions for infrastructure including a transport corridor on the Silverstream Spur  
 I support protecting identified Significant Natural Areas on the Spur from development, but the this must include that no area of the spur is used for other thing such as utilities (Power and water infrastructure etc )  
*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:  
 The Silverstream Spur be rezoned as Natural Open Space for future reserve status, Have NO development and be protect from future development of any sort including roads and any kind of utilities infrastructure.  
 Disallow any provisions allowing construction of a road/infrastructure corridor.  
*Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	✓
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	✓

**SIGNATURE AND DATE**




---

Signature of person making submission or person authorised to sign on behalf of person making submission

Date: 4/11/2022  
 (Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

# Submission 79

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 79  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
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Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Upper Hutt Branch of the Royal Forest and Bird Society of New Zealand Incorporated (aka Forest & Bird)		
Postal address of submitter	c/o 14 Cruickshank Rd, Clouston Park, UPPER HUTT 5018		
Agent acting for submitter (if applicable)	Barry Wards (Chair)		
Address for service (if different from above)			
Contact phone / email	Telephone: 022 470 4266	Email: <a href="mailto:barryjohnwards@gmail.com">barryjohnwards@gmail.com</a> <a href="mailto:upperhutt.branch@forestandbird.org.nz">upperhutt.branch@forestandbird.org.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>	<input type="checkbox"/>	

## DETAILS OF SUBMISSION



# Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

The specific provisions of the Variation that my submission relates to are as follows:

- a) NOSZ-P6;
- b) NOSZ-P7;
- c) NOSZ-R15;
- d) NOSZ-R22;
- e) NOSZ-S4;
- f) Identification of Significant Natural Area(s) on the map in Variation 1; and
- g) The validity and completeness of statements made in the Section 32 Report that provide relevant background and supporting information to Variation 1.

*(Please use additional sheets if necessary)*

### Submission

1. Forest & Bird's submission is that:
  - (a) Forest & Bird **supports** the proposal to rezone the Silverstream Spur as Natural Open Space
  - (b) Forest & Bird **does not support** the proposal to enable site specific provisions for infrastructure including a transport corridor.
  - (c) Forest & Bird **supports** the proposal to protect identified significant natural areas on the Silverstream Spur from development.

### Forest & Bird – who we are

2. Forest & Bird is Aotearoa New Zealand's leading independent conservation organisation. For nearly a century, we have been protecting and restoring Aotearoa's wildlife and wild places, on land and in the sea. In increasing times of biodiversity loss, loss of open space, the adverse effects of climate change, loss of ecological values and habitats, and the effects of these and environmental degradation on people, communities and general wellbeing, Forest & Bird advocates for environmental protection, restoration and enhancement of that wildlife and wild places for their intrinsic values, for current and future generations.
3. For over 45 years, the Upper Hutt Branch of Forest & Bird has worked tirelessly to protect and restore indigenous wildlife, natural spaces and threatened habitats in the Upper Hutt district. Areas of activity include:
  - (a) Animal pest control in Keith George Memorial Park, Maidstone Park, Harcourt Park, Wi Tako Ngatata Scenic Reserve, Trentham Memorial Park, and through establishment of Predator-Free Upper Hutt;
  - (b) Plant pest control, especially extensive control operations of *Clematis vitalba* (Old Man's Beard) along the Western Hills, and wilding pine control;
  - (c) Regeneration of native habitat following fire damage in Maidstone Park;
  - (d) Ecosystem regeneration through native replanting in multiple areas around the City and District, including Trentham Memorial Park, Timberlea, Te Awa Kairangi / Hutt River banks, Silverstream Straight, Kaitoke Regional Park, and Grants Bush;
  - (e) Protection and restoration of Barton's and Domain Bush in Trentham Memorial Park, the last remaining areas of original lowland podocarp forest in the Hutt Valley;
  - (f) Establishment of a native plant nursery and provision of ~ 5000 plants annually to restoration sites

around Upper Hutt; and

- (g) Advocacy for environmental and biodiversity restoration and protection, open space, environmental sustainability, and clean water etc, through submissions on District and Regional Plans.
4. Of direct relevance to this submission is the extensive work undertaken by the Branch over more than 15 years to restore the riparian habitat of Hulls Creek, which courses below the Silverstream Spur before emptying into Te Awa Kairangi / Hutt River. This is supported by the complementary planting undertaken on the western side of Te Awa Kairangi / Hutt River to increase the size of the ecological corridor between the Eastern and Western hillsides of the Hutt Valley at its narrowest point.
  5. We engage and collaborate with other organisations to achieve our objectives, including Upper Hutt City Council (UHCC), Greater Wellington Regional Council (GWRC), and the Department of Conservation (DOC), as well as a range of non-governmental organisations (NGOs) and the general public.

### Zoning of Silverstream Spur as Natural Open Space

6. Forest & Bird **supports** the proposal to rezone the Silverstream Spur as Natural Open Space for the following reasons:
  - (a) While the Spur has been planted in exotic pine trees, it contains extensive tracts of native regenerating forest. These regenerating areas form the basis of a fully regenerating natural area, especially if the pines are eventually removed and additional native planting is done over a period of years.
  - (b) As the city grows and its population expands, the need for open space is even more important. As noted in the strategic goals of the [Upper Hutt Open Space Strategy 2018-2028](#):
    - *Open spaces need to meet the needs of the community in order for people to benefit from them.*
    - *Open spaces need to be accessible and well-connected, making it easier for people to exercise, play, socialise and relax outdoors.*
    - *Open spaces need to be enhanced to provide benefits for the environment and recreational experience.*
    - *Open spaces contribute to community identity, vibrancy and sense of place.*
  - (c) As Natural Open Space, the Silverstream Spur is important to wellbeing and the interdependence of people and their surroundings. As noted in the [Upper Hutt Open Space Strategy 2018-2028](#), 'Open space protects and conserves features that make Upper Hutt special. We should understand the ecological, social, natural, heritage, and cultural values of our place. It contributes significantly to character, identity, and lifestyle'.
  - (d) Legacy and the connection to what we have lost, especially in terms of biodiversity and thriving natural habitat, is critical to communities and people's sense of 'place'. The presence and closeness of open space, particularly Natural Open Space, reinforces that legacy component and helps connect people with it, further reinforcing the need to cherish, enhance and protect them for their intrinsic values.
  - (e) The Silverstream Spur forms a critical ecological link between the Eastern and Western Hills of the Hutt Valley, contributing to the rebuilding of the ecological corridor network that once encompassed the entire Wellington region. Development within the Valley basin has restricted functioning of that ecological corridor and the Silverstream Spur forms the nexus of it at the Valleys' narrowest point. It connects the Eastern and Western Hills north to Wi Tako Ngatata Scenic Reserve, the Southern Hills, Rimutaka Range, Keith George Memorial Park, Trentham Scenic Reserve through to the Akatarawa Valley, Kaitoke Regional Park and the Tararua Range, south to Belmont Regional Park through to Porirua, and east and south to Wainuiomata and the southern Regional Parks.
  - (f) Upper Hutt has few Natural Open Spaces that exist primarily for their intrinsic environmental and biodiversity values and which provide opportunities to be further valued as such. The Silverstream Spur has the potential to be such a space, especially through combined community effort to restore and enhance it. This is further supported through recognition of the significant biodiversity protection and restoration work undertaken by Forest & Bird and other organisations over decades within Wellington and the Hutt Valley, resulting in reduction in mammalian predators and the concomitant increase in native birdlife.



- (g) Rezoning the Silverstream Spur as Natural Open Space would add weight to future proposals to seek classification of the land as a reserve under the Reserves Act 1977. Forest & Bird would be strongly supportive of this, particularly with a focus towards reclassification as a recreation reserve for the benefit of future generations.
- (h) The protection of Open Space, especially Natural Open Space, is critical as the city grows. As noted in various Upper Hutt City Council plans and documents, the population of the city is expected to grow over the next 30 years. While we need to plan for that growth, we also need to plan for areas that fulfill community and social needs and wellbeing, connect us to heritage, and (critically) enable us to restore and enhance the natural heritage we have lost. Already we are seeing extensive development on the Wallaceville estate, ongoing development on Riverstone Terraces and in various subdivision land parcels around the city. Raising of land at the St Patricks, Silverstream site will likely see future development of residential properties. If proposed development of the Guildford land on the Southern Growth Area does go ahead, this may result in doubling the number of residential properties in Silverstream and Pinehaven. In addition, proposed building intensification regulatory reform will place more pressure on available land, thereby further increasing the need for Open Space.

### Enable site-specific provisions for infrastructure including a transport corridor

7. Forest & Bird **does not support** the proposal to enable site specific provisions for infrastructure, including a transport corridor, for the following reasons:
  - (a) Such infrastructure would significantly compromise the values of the Silverstream Spur, and the associated proposed Significant Natural Areas (SNAs), the opportunities these provide for environmental, conservation and biodiversity sustainability and protection, and recreation, through future provision of walking, cycling and other passive activities.
  - (b) By their very definition, the value of SNAs would be compromised by the presence of infrastructure, especially a transport corridor. Such areas are 'significant' for good reason – let's not even attempt to compromise that by allowing for further destructive human-attributed activities to take place.
  - (c) Successful conservation of biodiversity is enhanced with increasing size of forest fragments.<sup>1</sup> While the Silverstream Spur is 35 ha, the larger the size of protected areas and the less those areas are broken up (e.g., by putting a road through them), the more effective they are as areas for conserving avian diversity. This is even more important through noting the backdrop to the Silverstream Spur itself by virtue of the (currently undeveloped) Southern Growth Area and proximity to the Southern Hills and access to the Southern ecological corridors and protected lands.
  - (d) Kiwi have recently been heard in Wi Tako Ngatata Scenic Reserve and the Blue Mountains. Forest & Bird has received two reports of kiwi being heard in Oct/Nov 2022. In addition, a juvenile make kiwi was killed by a dog in the Blue Mountains ~5 years ago. It is most likely that such reports are the result of kiwi overflowing from the Mainland Island Restoration Operation (MIRO) site in Eastbourne. If this is the case, the inclusion of a transport corridor on the Silverstream Spur, plus the prospect of extensive residential development in the SGA, would further jeopardise the possibility that we would once again see kiwi living in the upper valley.
  - (e) As has been scientifically demonstrated, the ability of Natural Open Spaces, such as the Silverstream Spur, to optimally function as Natural Open Space to achieve biodiversity and environmental outcomes is highly dependent on spatial attributes, such as size and connectivity.<sup>2</sup> Disruption of these adversely affects this function, a phenomenon frequently referred to as 'habitat fragmentation'. The core area shrinks by a much greater area than the actual land taken by the corridor. In addition, the microclimate is changed and disturbance more likely; the connectivity of animal life is compromised. The Section 32 Report notes that '*There may be some small effect to the environment based on activities occurring and potential development.*' Forest & Bird considers that these effects will not be small at all.
  - (f) The inclusion of a transport corridor on the Silverstream Spur will adversely impact the ability to achieve the goals of the [Land Use Strategy Upper Hutt 2016 – 2043](#). Such goals include, '*Preserve and enhance the quality of our natural environment*' and '*Maintain and enhance our open space network.*'

<sup>1</sup> Timmers, R. et al (2022). Conservation of birds in fragmented landscapes requires protected areas. *Front. Ecol. Environ.* 20(6): 361-369. (<https://esajournals.onlinelibrary.wiley.com/doi/epdf/10.1002/fee.2485>)

<sup>2</sup> Williams, JC, CS ReVelle & SA Levin (2005). Spatial attributes and reserve design models: a review. *Environ. Modelling Assess.* 10: 163-181. ([https://faculty.washington.edu/toths/Presentations/Lecture%209/Williams\\_ReVelle\\_Review\\_ENMO2005.pdf](https://faculty.washington.edu/toths/Presentations/Lecture%209/Williams_ReVelle_Review_ENMO2005.pdf))

Enhancing the quality of open space should include robust analysis of options to avoid/mitigate adverse effects. As that Strategy notes:

- *We want to make sure there is appropriate protection for the qualities of the environment that contribute to the city's image, identity and biodiversity.*
  - *We also want to make sure that connections between areas that have environmental value are identified and improved.*
- (g) Placement of a road through the Silverstream Spur is likely to affect not only the persistence of species but also the general ecological functioning and the ability to effectively manage these. Inclusion of a transport corridor through such a space would effectively cut the space in half. This would make it difficult, if not impossible, for some species to access the entire open space and exercise natural behaviours. It would also limit the ability of the open space to function effectively as an ecological corridor.
- (h) The installation of infrastructure, including a transport corridor, on the Silverstream Spur will create extensive disruption beyond the corridor itself. This will include the extensive excavation of earthworks, laying of pipes, concrete and sealing, removal of indigenous vegetation, and the destructive impacts of numerous large vehicles.
- (i) The potential size of the proposed transport corridor and associated infrastructure could have significant adverse effects on the potential ecological, conservation and environmental opportunities and functioning of the Silverstream Spur.
- (j) In acquiring the Silverstream Spur, historical Upper Hutt City Council documents<sup>3</sup> support the intention of purchase for reserve purposes. These documents indicate that there was never an intention to put a road through the Spur. We should be honouring that intention, especially because of New Zealanders increased focus on the need to preserve open space and protect and enhance biodiversity and environmental values.
- (k) While a transport corridor *'would allow accessibility to the Silverstream Spur for passive recreation, conservation and customary activities, as well as opening access to potential development in the Southern Growth Area,*<sup>4</sup> it is not essential or critical to do so. The Section 32 Report inaccurately indicates that a transport corridor is needed with respect to the values raised by the 49 submitters to PC49 and the strength of feeling for protection of the Spur held by the community. It should be noted, and as stated in the Report, none of the 49 other submissions to PC49 advocated the inclusion of a transport corridor. As noted in the Report, one of the reasons provided by the submitters was that *'The Silverstream Spur should not be developed for any residential purposes and should be used for conservation and recreation purposes exclusively.'* Consequently, the Report 'sugar-coats' the only reason why a transport corridor is included in the Variation – that is to gain access to potential development in the SGA.
- (l) The likely consequential impacts of a transport corridor will significantly affect the opportunities provided by the Silverstream Spur being rezoned as Natural Open Space. The purpose of the proposed transport corridor is for vehicular access to the SGA, Consequently, reasons for not supporting this proposal must necessarily include the consequential impacts on the Silverstream Spur, especially if it is rezoned as Natural Open Space. Forest & Birds position related to this is outlined below:
- Council is already aware that up to 1000 residential properties are proposed to be constructed in the SGA. Consequently, the amount of traffic anticipated on the transport corridor is likely to be considerable and continuous. This will further compromise the ecological and conservation values of the Spur.
  - Continuous traffic on the transport corridor is likely to increase the amount of human-generated rubbish along the road. This will eventually find its way into the Spur and proposed SNAs, thereby adversely impacting biodiversity and ecological values, and passive recreation activities.
  - The Section 32 Report notes that *'The Southern Growth Area (SGA) is identified with the Upper Hutt Land Use Strategy, 2016 (LUS) as a main location for new growth within the next 10-30*

<sup>3</sup> UHCC records. Refer Silverstream Railway submission to PC49(1) and presentation at the link: <https://mail.google.com/mail/u/0?ui=2&ik=391cd49b4f&attid=0.6&permmsgid=msg-f:1747781711266178504&th=18415e34ccf1e5c8&view=att&disp=inline>

<sup>4</sup> Variation 1 to Proposed Plan Change 49 – Silverstream Spur, Section 32 Report

years. The LUS also highlights the Spur as key to providing access to the SGA.’ This is incorrect. All the LUS actually says is, ‘Access to the potential development is proposed via Council-owned land on Silverstream Spur.’ In addition, the Section 32 Report frequently refers to the Spur as providing a ‘critical link’ to enabling the development of the SGA and that the Variation can ensure this access is enabled and states that ‘The delivery of development on the SGA is still intrinsically linked with the access through the Silverstream Spur site.’ The use of the word’s ‘key’, ‘critical’ and ‘intrinsic’ bias the Report towards painting the picture that the transport corridor is the only option available to access the potential development in the SGA.

- However, based on the likelihood of removal of indigenous vegetation and adverse effects from development, the Report also includes the suggestion that ‘it may be more appropriate to access the Silverstream Spur and SGA from Reynolds Bach Drive to avoid these areas of identified indigenous vegetation.’ This begs the question of criticality of the Spur to enable infrastructure to access the SGA and opens the options for alternative means to access it.
  - The Section 32 Report chooses to totally ignore exploration of such options, thereby weakening the validity of the proposal to allow a provision for infrastructure through the Spur itself. Forest & Bird notes that, given the purpose of NOSZ, proposed in PC49, the presence of proposed SNAs, and the requirements and obligations of sections 6(c)<sup>5</sup> and 7(c)(d) and (d)<sup>6</sup> of the Resource Management Act 1991, consideration of such options is necessary to fully explore, analyse and assess how the provision of infrastructure, including a transport corridor, could be avoided and the risks and benefits of alternative options. As has already been noted above, the Section 32 Report inaccurately states that the Spur is key to providing access to the SGA and that delivery of development of the SGA is intrinsically linked to this access yet considers that it may be more appropriate to for access to be gained from Reynolds Bach Drive.
- (m) The provision of a transport corridor is inconsistent with proposals in PC49. The background to **NOSZ - Natural Open Space Zone in Part 3 - Open Space and Recreation Zones** states the following:

*‘The purpose of the Natural Open Space Zone is to allow for **activities** and development of an appropriate scale to occur in spaces where there is a strong natural character with associated ecological and landscape values. The Natural Open Space Zone is predominantly located within the rural environment due to the three large **Regional Parks**, however within the zone are also several nature and recreation reserves within the urban area, and river corridor and esplanade reserves distributed throughout the district.*

*These spaces provide a valuable contribution to the wellbeing of the Upper Hutt community, allowing them to undertake recreation, customary and conservation activities in a natural setting. These activities can include walking, cycling, tramping, dog walking, picnicking and gathering mahinga kai.*

*Overall, the natural character of the zone is to be maintained through a low level of development, with structures and development focused on enabling and facilitating the use of these spaces for appropriate **activities**.’*

NOSZ-01 to 03 set out the objectives to be achieved in Natural Open Space Zones. These include ‘a range of passive recreation, customary and conservation activities’ and for activities to ‘maintain the amenity values and natural character of the Natural Open Space by ensuring that they are of an appropriate scale, including:

1. A low scale and level of development and built form which is purposed to support appropriate activities;
2. Indigenous vegetation is retained with associated natural and ecological value; and
3. Spaces are accessible and positively contribute to health and wellbeing of communities.’

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<sup>5</sup> Section 6(c) of the RMA states that ‘In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance: the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.’

<sup>6</sup> Sections 7(c)(d) and (f) of the RMA state that: ‘In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to (c) the maintenance and enhancement of amenity values, (d) intrinsic values of ecosystems, and (f) maintenance and enhancement of the quality of the environment.’

Forest & Bird maintains that:

- A transport corridor would not be considered a '*low scale and level of development*'. While there is no detailed description of how long a transport corridor would be or where it would be located, the Section 32 Report and proposed policy NOSZ-S4 notes that the gradient shall not exceed 1:8 and approximately 10% of the Spur *would* be required, equating to approximately 3.5ha. Taking into account the maximum width of carriageways per lane (3.5m), the provision for a footpath or shared path on one side of the road, and the extra provision of parallel parking (on one side of the road), at minimum, a road through the Silverstream Spur would be approximately 3.5km long. This is long stretch from the statement publicly made by the Chief Executive of Upper Hutt City Council<sup>7</sup> that a transport corridor would not exceed 1km. Furthermore, neither the Report or NOSZ-S4 place certainty on the scale of a transport corridor, including the extent of vegetation clearance and earthworks, how many lanes can be built or how the scale of earthworks is to be managed to limit adverse effects.
- A transport corridor is not needed to support '*appropriate activities*'. The Silverstream Spur is within walking and cycling distance of residential areas in Upper Hutt and can easily be accessed by future walking and cycling tracks from the end of Kiln St. This is supported by the [Upper Hutt City Council Rautaki Whakauka / Sustainability Strategy – 2020](#), the goals of which include:

- Goal 2: Prioritise protecting and enhancing our natural environment, and
- Goal 8: encourage low carbon transport

Actions to achieve the above goals include:

- Evaluate opportunities to protect and enhance existing biodiversity, and focus on regeneration, reforestation and enhancement of soil health, native flora and fauna;
  - Invest in current and new opportunities to integrate biodiversity within the community and encourage it to be a prominent part of the social landscape;
  - Expand and maintain safe walking, cycling and other low carbon transport mode networks; and
  - Explore options for reducing vehicle use in the city centre and promotion of foot traffic.
- Consequently, Forest & Bird maintains that infrastructure, particularly including a transport corridor, to provide access to the SGA is not an appropriate activity for the NOSZ, noting again that that the Section 32 Report stating that the transport corridor is needed with respect to the values raised by those 49 submitters is incorrect and not consistent with those values at all.

### Protection of identified significant natural areas on the Silverstream Spur from development

8. Forest & Bird **supports** the proposal to protect significant natural areas on the Silverstream Spur from development for the following reasons:

- (a) Sections 6(c)<sup>5</sup> and 7(c)(d) and (d)<sup>6</sup> of the Resource Management Act 1991 (the RMA) require these areas to be protected.
- (b) Silverstream Spur is a prominent part of the Upper Hutt landscape, considered to be distinctive, widely recognised and highly valued, especially as part of the welcoming entrance to Upper Hutt. The presence of SNAs within the Spur and the potential opportunities to enhance their natural value needs to be retained.
- (c) Development and the inclusion of infrastructure, including a transport corridor, through the identified SNAs is inconsistent with the legal requirement and Upper Hutt City Council strategies to protect them.
- (d) Any development within the SNAs will compromise the values which merit that designation.
- (e) Development of the SNAs is likely to adversely affect ecological functioning and biodiversity values of the wider Silverstream Spur and environs. The identified SNAs cannot be considered as isolated units in themselves and naturally connect to neighbouring forest, waterways and ecological units. Any development will likely disrupt these connections, not only adversely impacting the SNAs themselves but the surrounding areas.

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<sup>7</sup> Upper Hutt City Council Policy Committee meeting held 27 July 2022.

- (f) Development of the SNAs, especially through residential development, will increase the presence, spread and impacts of exotic plants and animals, including animal predators. This will compromise the biodiversity values of the SNAs, the Silverstream Spur, and the wider environs, particularly the ability of these areas to effectively function as part of an ecological corridor network.
- (g) The identified SNAs form a substantial part of the Silverstream Spur and are likely to increase in size through further enhancement of biodiversity values. Forest & Bird notes that there is considerable uncertainty about where SNAs are in relation to the Silverstream Spur itself and the size of them. The map of the current and proposed zoning of the Silverstream Spur, included in the Section 32 Report, showing the identified SNAs, is inconsistent with the identified SNAs on the Spur shown on the [webmap](#) on the Upper Hutt City Council website. This uncertainty impacts on the proposed provision for infrastructure, including a transport corridor, because it raises considerable uncertainty about where that transport corridor may go and how extensive to may be. While it is not satisfactory to submit on the knowledge that this uncertainty exists, in-principle and for the reasons above, Forest & Bird is not support of any development in SNAs.
- (h) Forest & Bird also maintains that the proposed provisions in NOSZ-P7 do not adequately protect biodiversity values of SNAs. While NOSZ-PZ is titled to address the management of adverse effects on the proposed Silverstream Spur Natural Area as a whole, the management of adverse effects only addresses those pertaining to the '*identified Silverstream Spur Significant Natural Areas*'. Furthermore, this management is insufficient when applied to the biodiversity values of SNAs. By their very nature, Forest & Bird submits the only way to adequately protect these values is to avoid them. Necessarily, because of their proximity in and to the Silverstream Spur and wider environs. Avoidance should be extended to the whole Silverstream Natural Area, not just the SNAs. In addition, NOSZ policies need to provide for the management of effects in the Silverstream Spur Natural Area, as well as the SNAs.

#### **Additional matters related to Variation 1 and the Section 32 Report as a whole**

**NB:** *While parts of the points below are not directly relevant to the submission itself and the relief sought, they nevertheless constitute important points that have bearing on the amount and accuracy of information providing to enable the public to form a fully informed viewpoint on the matters in the Variation and, therefore, their position on the proposals.*

9. Clause 1.0.1 of the Section 32 Report (the Report) states that the introduction of site-specific provisions in Variation 1, including a transport corridor, is needed to make the Silverstream Spur accessible for passive recreation, conservation and customary activities. While the Report also states that those provisions open access to potential development of the SGA, it is inaccurate to say that they are needed to enable access to the aforementioned activities, especially since vehicular access is not necessarily required and is inconsistent with sustainability objectives. While such provisions can open access to potential development in the SGA, as the Report also indicates, there are other access options that enable this.
10. As the Report backgrounds, there was strong support among submitters to PC49 to zone the Silverstream Spur as Natural Open Space. None of these submissions made mention of the provision for infrastructure, including a transport corridor. It seems ironic that such a provision is entirely based on one submission seeking the provision of a road corridor.
11. Clause 1.1.4 of the Report states that because the MoU with GTC was in effect, the Silverstream Spur was intended to be eventually be utilised for a range of different land uses once swapped or sold. However, Forest & Bird contends that this is a hollow argument and not well reasoned, given that an MoU is not a legal instrument, nor legally binding. Entering into such an impromptu arrangement has caused unnecessary confusion, uncertainty, utilisation of public resources and great angst to the general public at large.
12. Clause 2.6.1 of the Report refers to the *Ecological Values Assessment* prepared by Wildland Consultants and points to Appendix 3 for this Assessment. However, Appendix 3 does not contain the Wildland Consultants Assessment.; it contains a precis of the Assessment, presumably written by Council officers. Given the high public interest in this Variation, and its history, it is appropriate and would be advantageous that the *Ecological Values Assessment* be provided to the public in full.
13. Clause 3.1.1 of the Report states that, '*The Silverstream Spur is also strategically important to provide access to the SGA, an identified future growth area.*' This is only partly correct as the Silverstream Spur is only one option to provide that access, The Report does not offer any options analysis.

14. Clause 5.1.2 of the Report states that, '*Currently, the Silverstream [Spur] has no public access, so the community do not have the full benefit of this area as public land. Provision of infrastructure including a transport corridor would allow the site to become publicly accessible.*' This is only partly correct and highly misleading because a transport corridor is not needed to allow the site to become publicly accessible. The provision of walking and cycling tracks from Kiln St, and other, as yet unidentified, access points, would enable public access, especially for the purposes advocated by the submitters to PC49, as well as recreation, customary and conservation purposes. It is not necessary or imperative to provide a transport corridor to enable vehicular access. As noted in the Report, and in the one submission made for the provision of a road, primary purpose of the transport corridor is to enable access to the SGA, not to provide access to the proposed Silverstream Natural Open Space.
15. Clause 5.1.3 of the Report highlights the need for future housing to provide for a growing population. While the SGA is one area that could be used for future housing, there is no mention or analysis of existing and projected housing projects currently underway in Upper Hutt or the potential relief that these and future intensification provisions might have on that need. Consequently, it is inappropriate to include clause 5.1.3 without these mentions or analyses because it presents an incomplete story.
16. Clause 5.2.3 of the Report states that, '*Ngāiti Toa and Taranaki Whānui were contacted by email regarding the purpose and provisions provided in the draft Variation. Ngāiti Toa and Wellington Tenth's Trust were also contacted by phone to discuss the Variation. Although providing no specific feedback at the preconsultation phase, they both wanted to be kept up to date as the Variation progressed through the Schedule 1 process.*' It should be noted that Ngāiti Toa have strong connections with, and interests in, Wi Tako Ngatata Scenic Reserve, which is to the North-East of the Silverstream Spur and forms part of the ecological corridor network. Forest & Bird and Greater Wellington representatives met with Ngāiti Toa in the reserve about 8 years ago to discuss those connections and interests and how they could be 'revitalised'. Forest & Bird's understanding is that Greater Wellington has furthered that engagement. Therefore, it would be surprising that Ngāiti Toa do not also have an interest in the rezoning of the Silverstream Spur, the SNAs, and the associated biodiversity values and opportunities. Having had numerous engagements with Iwi over many years, Forest & Bird is also surprised at the inadequate approach taken by the Upper Hutt City Council to engage with Ngāiti Toa and considers that face-to-face meetings and an opportunity to visit the site should have been done as a bare minimum. It is also important that the 'right' people within Ngāiti Toa be engaged with and it's very unclear whether this has occurred.
17. Clause 5.3.5 of the Report states that, '*Rezoning the Spur as Natural Open Space would add to the amenity value of the surrounding properties and **potentially** provide an ecological corridor.*' This is only partially correct since the Silverstream Spur is **already** functioning as an ecological corridor. Rezoning the Spur as Natural Open Space, and not enabling a provision for infrastructure (especially a transport corridor), would enable that existing functioning to be enhanced.
18. Factor 2 (Resource Management Issues / Problem Definition) of clause 6.0.2 of the Report states that, '*This Variation does (indirectly) involve nationally significant (section 6) resource management issues. However, there are low consequences of environmental, social, or economic effects if proposal is ineffective as the Silverstream Spur is already publicly owned.*' This statement is confusing and it's unclear what it is actually saying, especially the second sentence. In addition, it's unclear why and how the Variation '**indirectly**' involves '*nationally significant (section 6) resource management issues*', as it would appear that such issues are '**directly**' involved, especially by virtue of inclusion of SNAs.
19. Factor 3 (Degree of Shift from the Status Quo) of clause 6.0.2 of the Report states that, '*This lack of access also means the forestry on the Silverstream Spur has been difficult to manage effectively*'. While this statement is true, its relevance is inconsequential since the Upper Hutt City Council made the decision over 20 years ago to discontinue forestry operations on the Silverstream Spur. There are no current forestry operations, or plans to restart such operations. Since that decision was made, the planted pine have grown untended to the point where their value to forestry would likely not be realised even if access was gained.
20. The proposed Variation 1 provisions in the Report are inconsistent with those provided in the document, [Proposed Variation 1 to Proposed Plan Change 49: Silverstream Spur](#). In particular:
  - (a) NOSZ-P7 in the Report states, '*identified Silverstream Significant Natural Areas*', while the aforementioned document states, '*Silverstream Spur Natural Area*'. These areas are not the same.
  - (b) NOSZ-S4 of the Report states, '*2. Footpath or shared path shall be provided on one side of the road*',

while the aforementioned document states, '2. *Footpath or shared path shall be provided on one side of the road only*'. While this is not a significant inconsistency, it nevertheless introduces further uncertainty into the Variation consultation process.

- (c) NOSZ-S4 of the Report states, '3. *Gradient shall not exceed 1:8*', while the aforementioned document states, '3. *Road and footpath gradient shall not exceed 1:8*'. While this is not a significant inconsistency, it nevertheless introduces further uncertainty into the Variation consultation process.

21. The documents provided to the public on Variation 1 to enable it to fully understand the proposal and provide well-informed feedback contain the proposed policies in three places (once in the aforementioned document and twice in the Section 32 Report). Noting the inconsistencies above, the public will likely view the entire suite of documents with some uncertainty as to their validity, as well as that of the supporting documentation.
22. Clause 12.4.1 of the Report concludes that, '*Although there has been no specific evidence provided by any of the submitters in support of the ecological or landscape value of the site, parts of the Silverstream Spur have been identified as meeting the threshold for a Significant Natural Area.*' While this statement is correct, it fails to recognise the emphasis on opportunities to enhance ecological and landscape values, identified by both the submitters and reflected in the proposed Variation 1 policies. Inclusion of this recognition would provide balance to the conclusion statement.
23. Clause 12.4.3 of the Report concludes that, '*Due to the Silverstream Spur currently having no public access the introduction of site-specific provisions, to enable infrastructure including a transport corridor, to make the Silverstream Spur accessible for these activities is also recommended.*' This statement is only partly correct because it assumes that a transport corridor is essential to access the Silverstream Spur to undertake the activities which, as noted in the include passive recreation, customary and conservation activities. Access to undertake these activities can be undertaken without requiring a road. It would be more correct to conclude that the provision of a transport corridor makes those activities **more** accessible.
24. Clause 12.4.4 of the Report concludes that, '*The delivery of development on the SGA is still intrinsically linked with the access through the Silverstream Spur site.*' This statement is incorrect. As has been identified within this submission, and in the Section 32 Report, access to the SGA is possible through the Silverstream Spur but it is not 'intrinsically linked' to it. The Report alludes to, and acknowledges, access from Reynolds Bach Drive. In addition, other access options (e.g., from Avro Rd) have not been noted or considered.
25. Clause 12.4.5 of the Report concludes that, '*Therefore, I do not believe the rezoning approach without looking at suitable site specific provisions is suitable.*' Sometimes it is necessary to recognise that you cannot have your cake and eat it too. If we are operate successfully as a community by recognising that we share our natural environment with a range of other species and that they as much right to be here as we do, sometimes we need to allow them the spaces and the opportunities to fully live in those spaces without human interference or the trappings of human-induced activities. Humans have done, and continue to do, extensive damage to our natural environment. We spout about protection, restoration and enhancement but at the same time constantly look for ways to benefit the 'human condition'. Forest & Bird advocates that, in this instance, let's not attempt to do so by thrusting a road through the Silverstream Spur.
26. The proposal to enable infrastructure, including a transport corridor within the Silverstream Spur, is very non-specific. The definition of 'infrastructure' in the RMA is very broad, and other than for facilities for the generation of electricity, includes infrastructure that is solely for personal use or infrastructure that economically benefits a certain group of people. It is not limited to infrastructure that is for direct public benefit at a large scale. This raises a considerable degree of uncertainty about what infrastructure could be provided through enabling access to the SGA though provision of a transport corridor. At this stage, any proposed development in the SGA is very speculative and fluid and it is completely unknown what kind or scale of development may be proposed. This raises further uncertainty about the appropriateness of any development which may be proposed and, therefore, what infrastructure may be needed to support it. Forest & Bird notes that NOSZ-01 of PC49 already provides for passive recreation, customary and conservation activities within the Natural Open Space Zone. Consequently, the provisions in NOSZ-P6 of Variation 1 are not considered necessary for the Silverstream Natural Area and as noted above, inappropriate for the SNA within that Area.
27. The proposed Variation 1 provisions are inconsistent in their reference to the Silverstream Natural Area. In NOSZ-P7, both '*Silverstream Spur Natural Area*' and '*Silverstream Spur Significant Natural Area*' are used. As

noted above, NOSZ-P7 is titled 'Silverstream Spur Natural Area' yet only deals with 'Silverstream Spur Significant Natural Areas'. Since both terms are used in the proposed Variation 1, this creates uncertainty and confusion. Similarly, it is unclear as to what areas are being referred to as 'identified' in NOSZ-P7.

28. Interpretation of NOSZ-R15 indicates that the provision of a road and associated network utility structure, including storage tanks or reservoirs, is a controlled activity if the provisions of NOSZ-S4 are complied with and, therefore, must be granted if those provisions are met. However, NOSZ-S4 only provides restrictions on a transport corridor, not on any associated network utility infrastructure, which is also covered in NOSZ-R15. As noted above, the definition of 'infrastructure' is very broad and while NOSZ-R15 provides for the ability to place conditions on network utilities and/or services, allowing the activity to be a controlled activity does not provide sufficient ability to consider the management of effects in detail. In addition, it is not appropriate that a controlled activity status be applied to any Natural Open Space, especially one containing SNAs. These zonings are placed because of the special character and values of the areas concerned. Consequently, at the very least, this should be considered a discretionary activity.
29. It's also unclear why 'including storage tanks or reservoirs' needs to be included as separate inclusions within NOSZ-R15 when it's already captured within the definition of 'network utility' in the operative District Plan, as defined in section 166 of the RMA. NOSZ-S4 does not specifically address storage tanks or reservoirs, adding to the confusion as to why they have been singled out in NOSZ-R15. There is no provision in Variation 1 that addresses the location or size of network utility infrastructure, including storage tanks or reservoirs, further creating uncertainty about the effects on the Silverstream Spur and associated SNAs. Such structures are unlikely to be isolated; they will need support utilities, which may include overhead lines, underground utilities, and access routes, all of which create disturbance. Given the prominence of the Spur, including its height, its iconic location to the entrance of Upper Hutt, and its importance as part of the ecological corridor network, such structures could have significant effects on biodiversity values and aesthetics, the latter being particularly important because of the need to protect ridgelines as much as possible.
30. 'Biodiversity offsetting' is not defined in the RMA or the operative Upper Hutt District Plan. Including a provision for biodiversity offsetting in NOSZ-P7 is only relevant if there is a clear understanding of what it means and how it should be applied in a particular context. A recognised definition developed to align with the RMA is suggested below.

A biodiversity offset is:

*A measurable conservation outcome resulting from actions designed to compensate for residual, adverse biodiversity effects arising from activities after appropriate avoidance, remediation, and mitigation measures have been applied. The goal of a biodiversity offset is to achieve no-net-loss, and preferably a net-gain, of indigenous biodiversity values.*<sup>8</sup>
31. 'Transport corridor' is not defined in the RMA or the operative Upper Hutt District Plan. With respect to 'infrastructure', a transport corridor would be captured in 2(1)(g) of the RMA (*structures for transport on land by cycleways, rail, roads, walkways, or any other means*). However, it is clear from the Variation 1 proposal that what is meant by 'transport corridor' is a road because one of the purposes of that corridor is to enable access to potential development in the SGA. In addition, NOSZ-S4 does not refer to 'infrastructure' per se; it refers to 'transport corridor' (NOSZ-S4: 5) and 'road' (NOSZ-S4: 2, 3 & 4). Consequently, it is disingenuous to use the term 'transport corridor' when it is actually a 'road' that is proposed. The use of 'transport corridor' and 'road' in NOSZ-S4 adds to uncertainty and confusion, especially when they are not one and the same.
32. Forest & Bird notes that the Ministry for the Environment has indicated that the *National Policy Statement on Indigenous Biodiversity* (NPS) will be gazetted prior to Christmas 2022. Noting that it is unlikely that the hearing on Variation 1 will be held this year, this means that the final NPS will be known at the time of the hearing. While the timeframe for implementation of the NPS is unknown, it would be appropriate to be cognizant of relevant provisions within it during the Variation 1 process.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

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<sup>8</sup> Maseyk, F. et al (2018). Biodiversity offsetting under the Resource Management Act – a guidance document. (<https://www.lgnz.co.nz/assets/Uploads/7215efb76d/Biodiversity-offsetting-under-the-resource-management-act-full-document-....pdf>)



### Decision sought from the local authority

33. Rezone the Silverstream Spur as Natural Open Space as proposed in Variation 1.
34. Amend policy NOSZ-P6 to remove the focus on infrastructure, remove enabling of infrastructure including a transport corridor, and to solely provide for passive activities, as suggested below:

#### NOSZ-P6 – Silverstream Spur Natural Open Space

Protect and enhance the biodiversity values and passive recreation, customary and conservation opportunities within the Silverstream Spur Natural Open Space (Pt Sec 1 SO 34755, Parcel ID: 3875189) to:

1. Allow optimum ecological functioning;
  2. Enable appropriate activities to support achieving those values and opportunities.
35. Amend policy NOSZ-P7 to address the management of effects that may result from the provisions of the amended NOSZ-P6 above, as suggested below:

#### NOSZ-P7 – Silverstream Spur Natural Open Space – Management of Effects


Adverse effects from activities within the Silverstream Spur Natural Open Space shall:

1. Be avoided where practicable.
  2. Avoid the following adverse effects on indigenous biodiversity values:
    - (a) Loss of ecosystem representation and extent;
    - (b) Loss or disturbance to ecosystem functioning;
    - (c) Habitat fragmentation or loss of connectivity within the open space and between other indigenous habitats and ecosystems;
    - (d) The potential for indigenous species recovery or establishment, especially through the functioning of ecological corridors; and
    - (e) Reduction in population size of indigenous flora and fauna.
  3. Avoid other adverse effects as far as possible, including those that may compromise all values that characterise the open space through the zoning designation.
  4. If unable to be avoided, minimise adverse effects on indigenous biodiversity values and values identified in 3 above.
  5. If biodiversity offsetting is not appropriate, the activities shall be avoided.
36. Include a definition for 'biodiversity offsetting' in the operative Upper Hutt District Plan.
  37. Delete NOSZ-R15.
  38. Retain NOSZ-R22 but amend 'Silverstream Spur Natural Area' to 'Silverstream Spur Natural Open Space'.
  39. Delete NOSZ-S4.
  40. Clearly identify the Significant Natural Area(s) within the Silverstream Spur Natural Open Space and adjacent to that Open Space on the map.

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	✓
	I <b>do not</b> wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	✓
	I <b>do not</b> wish to make a joint case	

**SIGNATURE AND DATE**


<hr/> <i>Signature of person making submission or person authorised to sign on behalf of person making submission</i>
<p>Date: 04/11/22          (Note: A signature is not required if you are making your submission by electronic means)</p>
<p><b>Terms of making a submission</b> - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.</p>
<p><b>PLEASE NOTE</b> Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): <b>1</b> it is frivolous or vexatious; <b>2</b> it discloses no reasonable or relevant case; <b>3</b> it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; <b>4</b> it contains offensive language; <b>5</b> it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.</p>

# Submission 80

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Scree just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

John Campbell

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**Postal address of submitter:**

2 Harewood Grove, Pinehaven

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**Email address:**

j\_a.campbell@xtra.co.nz

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**Telephone number:**

9707643

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Road access through the Silverstram Reserve

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**My submission is that:**

Submission on Variation 1 to Plan Change 49 I have previously been employed by Department of Scientific and Industrial Research and in an active research/consultancy group Ecological Research Associates. I have 50 years of field research experience in lowland forest ecology. I have specialised in forest dynamics, especially investigating some of the multiple factors that drive long-term changes in forests. I have worked with Transit New Zealand, giving advice on local vegetation issues that could affect road alignments and advised on suitable revegetation techniques. These have included Keith George Memorial Park, Transmission Gully and Pekapeka to Otaki, cuttings on Remutaka Hill State Highway 2 and State Highway 58. Comments on the Silverstream Spur Reserve The ridges between Pinehaven and the landfill originally would have been covered in hard beech forest on the upper surfaces and black beech with rimu, rata and rewarewa on the steeper slopes over an under canopy of kamahi. Remnants of this forest can still be seen on the slopes above Pinehaven and in some of the local reserves. This forest pattern has largely been replaced on the upper slopes by Pinus radiata, and by gorse on the

Silverstream spur where fires have been prevalent in the past. The Silverstream Spur currently is covered in Pinus radiata forest and gorse, which is gradually being suppressed by the pines and is developing into a native vegetation understorey under the pine forest. The rate at which the forest will change is largely dependent on freedom from further fires and local site conditions, especially available soil moisture. Shaded slopes in gully areas are changing fastest. Issues connected with the proposal to put a road through the forest on the Silverstream Spur If a road were to be cut through the forest of the Silverstream spur the following situation would arise: Gorse seed present in the soil would immediately germinate and within a few years would form a dense strip on both the sides of the road. (Gorse seed can remain viable in the soil for about 60 years, and because gorse fixes nitrogen it would outcompete any other species, eg see gorse establishment cuttings on Remutaka Hills). If the regenerated gorse is left to seed, another soil seed-bank would develop that would remain viable for a further 60 years. Gorse would pose a permanent fire threat to any houses on the nearby ridge as the north-west wind is the strongest and driest wind to drive any fire. Moreover, Radiata pine is an early coloniser whose life cycle is dependent on fire to regenerate, so also poses a considerable fire risk as the resins in the needles are very flammable. Both species create high fire risks. Intense fires have been a feature of the spur. A road alignment would cut roughly North-South across the spur which would allow the afternoon sun penetrate into the eastern side of the roadway, making it dry and sunny, or ideal for gorse which is naturally adapted to growing under sunny and dry conditions. By cutting an open zone along a road, a permanent, long-term fire risk, would be created and the road would permanently cut the reserve into two separate segments thus negating any benefit of making the Spur a reserve. Sun would penetrate far into forest on the eastern side of the road and thus encourage gorse, broom, blackberry and other weeds. I Submit that: Road access to the ridge should be from Reynold's Bach Drive to avoid these problems John Campbell 4/11/2022

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**I seek the following decision from the local authority:**

That Variation 1 be rejected and that no road be allowed to cut through the Silverstream Reserve

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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## **Submission on Variation 1 to Plan Change 49**

I have previously been employed by Department of Scientific and Industrial Research and in an active research/consultancy group Ecological Research Associates. I have 50 years of field research experience in lowland forest ecology. I have specialised in forest dynamics, especially investigating some of the multiple factors that drive long-term changes in forests.

I have worked with Transit New Zealand, giving advice on local vegetation issues that could affect road alignments and advised on suitable revegetation techniques. These have included Keith George Memorial Park, Transmission Gully and Pekapeka to Otaki, cuttings on Remutaka Hill State Highway 2 and State Highway 58.

### **Comments on the Silverstream Spur Reserve**

- The ridges between Pinehaven and the landfill originally would have been covered in hard beech forest on the upper surfaces and black beech with rimu, rata and rewarewa on the steeper slopes over an under canopy of kamahi. Remnants of this forest can still be seen on the slopes above Pinehaven and in some of the local reserves.
- This forest pattern has largely been replaced on the upper slopes by *Pinus radiata*, and by gorse on the Silverstream spur where fires have been prevalent in the past. The Silverstream Spur currently is covered in *Pinus radiata* forest and gorse, which is gradually being suppressed by the pines and is developing into a native vegetation understorey under the pine forest. The rate at which the forest will change is largely dependent on freedom from further fires and local site conditions, especially available soil moisture. Shaded slopes in gully areas are changing fastest.

### **Issues connected with the proposal to put a road through the forest on the Silverstream Spur**

If a road were to be cut through the forest of the Silverstream spur the following situation would arise:

- Gorse seed present in the soil would immediately germinate and within a few years would form a dense strip on both the sides of the road. (Gorse seed can remain viable in the soil for about 60 years, and because gorse fixes nitrogen would outcompete any other species, eg see gorse establishment cuttings on Remutaka Hills). If the regenerated gorse is left to seed, another soil seed-bank would develop that would remain viable for a further 60 years.
- Gorse would pose a permanent fire threat to any houses on the nearby ridge as the north-west wind is the strongest and driest wind to drive any fire. Moreover, Radiata pine is an early coloniser whose life cycle is dependent on fire to regenerate, so also poses a considerable fire risk as the resins in the needles are very flammable. Both species create high fire risks.
- A road alignment would cut roughly North-South across the spur which would allow the afternoon sun penetrate into the eastern side of the roadway, making it dry and sunny, or ideal for gorse which is naturally adapted to growing under sunny and dry conditions. To create an open zone along a road, would permanently create a fire risk, and permanently cut the reserve into two separate segments thus negating any benefit of making the Spur a reserve.

**I Submit that: Road access to the ridge should be from Reynold's Bach Drive to avoid these problems**

John Campbell  
4/11/2022

## Submission 81

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Ros Connelly just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

Ros Connelly

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**Postal address of submitter:**

19 Penny Lane, Silverstream, Upper Hutt

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**Email address:**

ros.connelly@gmail.com

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**Telephone number:**

0277335076

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**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

NOSZ-P6, NOSZ-S4

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**My submission is that:**

I do not support the provision of a transport corridor through the Silverstream Spur. I do support rezoning to natural open space, but do not support the need for a transport corridor. A transport corridor would break up the bush, thus creating a barrier and a hazard for birds, insects and lizards. The bush in Upper Hutt city is already fragmented and this exacerbates the problem. Furthermore, I question the concept of the Southern Growth Area (although details are slim at this stage). Any new subdivisions must be within 15 minute walk of frequent public transport - and (again based on available information) this would seem unlikely. My house, situated nearly at the base of the hill, is a 15 minute walk from the Silverstream train station. I do not see how homes further away could meet the targets of the 15 minute neighbourhood - a concept that is now considered to be good urban design. There is potential to provision for multi-modal or low zero transport options, although I would have to see details of this before I could support. Given the climate crisis, I cannot support any subdivisions that are going to further lock in car use. Given few details of the southern growth area are available it appears prima facie that the southern growth area will

not meet the low carbon imperative. For these reasons I support the whole area being zoned natural open space and there is no need to provision for a transport corridor.

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**I seek the following decision from the local authority:**

Remove the provision of the transport corridor.

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**Please indicate whether you wish to be heard in support of your submission:**

I do wish to be heard in support of my submission.

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**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 82

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



File Number: 351/12-051  
Submission Number: 82  
(for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER


Name of submitter	The Guildford Timber Company Ltd.		
Postal address of submitter	C/- Kendons PO Box 31045 Lower Hutt 5040		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / email	Telephone: 027 315 8943	Email: <a href="mailto:tim@guildfordtimber.co.nz">tim@guildfordtimber.co.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	NO	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	YES	<input type="checkbox"/>	



**DETAILS OF SUBMISSION**

<p>The specific provisions of the Variation that my submission relates to are as follows:  <i>See attached document</i></p> <p><i>(Please use additional sheets if necessary)</i></p>		
<p>My submission is that:  <i>See attached document</i></p> <p><i>(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)</i></p>		
<p>I seek the following decision from the local authority:  <i>See attached document</i></p> <p><i>(Please give precise details and use additional sheets if necessary)</i></p>		
Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	✓
	I <b>do not</b> wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	✓

**SIGNATURE AND DATE**

 <hr style="border: 0.5px solid black; margin-bottom: 5px;"/> <p><i>Signature of person making submission or person authorised to sign on behalf of person making submission</i></p> <p>Date: <u>4 November 2022</u></p> <p><i>(Note: A signature is not required if you are making your submission by electronic means)</i></p> <p><b>Terms of making a submission</b> - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.</p> <p><b>PLEASE NOTE</b> Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): <b>1</b> it is frivolous or vexatious; <b>2</b> it discloses no reasonable or relevant case; <b>3</b> it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; <b>4</b> it contains offensive language; <b>5</b> it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.</p>
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## Variation 1 to Proposed Plan Change 49 – Silverstream Spur | **Submission**

4 November 2021

**To** Planning Policy Team, Upper Hutt City Council  
[planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**From** The Guildford Timber Company Ltd.  
[tim@guildfordtimber.co.nz](mailto:tim@guildfordtimber.co.nz)

### **Introduction**

Pursuant to Clause 6 of the First Schedule of the Resource Management Act 1991, the Guildford Timber Company Ltd (**GTC**) hereby makes a submission to proposed Variation 1 to Proposed Plan Change 49 (**the variation**).

GTC also lodged further submissions to Proposed Plan Change 49 – Open Spaces (**PC49**).

The submission is broadly organised as follows:

- a. Contextual summary of GTC's reasons for making a submission submission;
- b. General summary of the submission; and
- c. Detailed relief sought (see [Attachment 1](#)).

### **Context**

#### **GTC and Silverstream Forest**

GTC is an established local forestry company, which has both managed forestry operations and conducted significant residential development in the Silverstream and Pinehaven areas since the 1950s. GTC is the owner of Silverstream Forest ([www.silverstreamforest.nz](http://www.silverstreamforest.nz)), which - as well as being an operational forest – has been identified by Council as a future residential growth area (the 'Southern Growth Area') in the Upper Hutt City Council's 2016 Land Use Strategy and the 2021 Wellington Regional Growth Framework.

The Silverstream Spur is owned by the Upper Hutt City Council and is a key point for potential future access to Silverstream Forest via Kiln St in Silverstream. GTC has a long history of engagement with the Council in relation to the Southern Growth Area and the importance of the Spur in unlocking the development potential of Silverstream Forest. A record of that is well documented on the Council website [here](#).

A summary of recent decisions made by the Council in relation to the Spur and its negotiations with GTC is provided below. This is taken directly from the Council's website at the link provided above.

## MOU conclusion and next steps - September 2021



On Wednesday 22 September, Councillors met at an Extraordinary Council Meeting to discuss and agree the Guildford Timber Company MoU conclusion and further steps in relation to the Southern Growth Area.

Council agreed to the Chief Executive sending a letter to GTC formalising the conclusion of the MoU ([Conclusion of MOU and related matters](#) (PDF, 39KB)), and ending discussions with GTC about a land swap or sale of land on the Silverstream Spur. The link to the paper can be found here: [Agenda Extraordinary Council 22 September 2021](#) (PDF, 17MB)

Any future development proposal for the Southern Growth Area and the Silverstream Spur for the construction of a road and infrastructure corridor, will be subject to the ordinary Resource Management Act processes like a plan change followed by a resource consent(s), but may only be a resource consent in some circumstances. This process will involve a public consultation process.

Council officers will continue to meet with GTC to continue planning for the future development of the Southern Growth Area and development of a road/infrastructure corridor across the Silverstream Spur as part of Council's responsibility to plan for growth.

As per Council's explanation above, Council expressed an intent to continue to meet with GTC to "continue planning for the future development of the Southern Growth Area and development of a road / infrastructure corridor across the Silverstream Spur as part of Council's responsibility to plan for growth".

In late 2021, Council applied to the Government's Infrastructure Acceleration Fund for a 'Silverstream Spur Infrastructure Corridor'. The Expression of Interest was successful and Government invited Council to progress through the Request for Proposal stage. Access to funding was ultimately unsuccessful, but GTC understood that Council would – through the variation – be enabling a new road corridor linking Kiln Street to the Southern Growth Area.

While there is some policy support for that outcome in the variation, GTC considers that the rules proposed to deliver that policy are not fit-for-purpose. Related to this, GTC considers that other methods proposed in the variation – notably the proposed significant natural area within the Spur – are not sufficiently clear or well-founded in evidence set out in the plan change and supporting documents. This is detailed further below.

### **GTC's interest in the Variation**

GTC's vision for Silverstream Forest includes a range of key initiatives. These have been articulated in GTC's submissions on the Council's Open Space Strategy and Sustainability Strategy, the Wellington Regional Growth Framework, Proposed Plan Change 50 to the Upper Hutt District Plan and on the Silverstream Forest website, and include:

- a. continuation of an extensive native vegetation restoration programme, which has coincided with the retirement of plantation forestry in parts of the land;
- b. creation of a recreational track network for walking and cycling;
- c. provision for a new masterplanned residential neighbourhood; and
- d. provision for significant new community water infrastructure.

In the latter respect, GTC has been in discussions with Wellington Water Limited and the Council about the potential use of Silverstream Forest for new reservoir(s). The Forest is an ideal location to provide for such facilities which will be of benefit to community resilience and overall water supply levels of service.

The realisation of the above strategic initiatives relies upon future roading and other services to connect with existing networks. The Silverstream Spur represents the most logical and efficient option to provide for these connections as it directly links the Forest with the Silverstream urban area in Kiln Street.

Furthermore, new access between Kiln Street and the Forest would facilitate the removal of pines on the Spur. This in turn could enable a native restoration programme in coordination with GTC's own regeneration efforts within Silverstream Forest. The pine clearance could also enable the construction of new housing adjacent to the newly established access within land already zoned for that purpose under the Operative District Plan. Such development would assist the Council in meeting its statutory obligations under the National Policy Statement for Urban Development, would optimise the investment in the new roading and associated services, and in turn the efficient integration of land use development and supporting infrastructure.

These works would also make way for a substantial recreational network, linking Silverstream via the Spur through to Avro Rd and Whitemans Valley (a partnership opportunity between UHCC, GTC and community groups). Such facilities would represent significant assets for the local and regional community.

## **General submission**

### **Overall position**

While there are aspects of the proposal that GTC supports, overall GTC **opposes** the variation for the following reasons:

- a. the proposed provisions are not enabling of a roading connection and associated servicing between Kiln Street and Silverstream Forest;
- b. the provisions are not sufficiently clear as to how competing policy aims are to be collectively achieved – for example proposed Policies NOSZ-P6 and NOSZ-P7;
- c. the provisions contain rules that are not efficient or effective for the purposes of implementing the operative objectives and policies of the District Plan, or of the proposed policies in the variation – in particular proposed Rule NOSZ-R15;

- d. the provisions duplicate, or conflict with, other chapters in the operative District Plan – for example in the earthworks chapter, the ecosystems and biodiversity chapter, and the transport and parking chapter;
- e. the proposed standards relating to road design matters – including clauses 1, 2, 3 and 4 under Standards NOSZ-S4 – are neither necessary, nor justified; and
- f. by zoning the entirety of the Spur for open space purposes, the efficiency of providing a major collector road through the Spur is not optimised – provision should be made for housing development alongside a proposed road to enhance the investment in new servicing and the efficient integration of infrastructure and development.

In addition to the above, GTC's opposition is based on fundamental concerns regarding the references in the variation provisions to "natural areas". GTC considers that the variation is void for certainty in this regard for the following reasons:

- a. there is a mixture of terminology used in relation to the concept of natural areas that make the provisions (as a whole) very difficult to understand – for example:
  - i. Policy NOSZ-P7 refers to (multiple) "identified Silverstream Spur Significant Natural Areas";
  - ii. Rules NOSZ-R15 and NOSZ-R22 refer to (a single) "Silverstream Spur Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)" without using the terms "identified" or "significant"; and
  - iii. Standard NOSZ-S4 uses the term "Silverstream Spur Natural Area", without reference to the legal description, parcel ID, or the terms "identified" or "significant";
- b. on plain reading of the above, it is unclear whether the entire Silverstream Spur is "identified" as a Significant Natural Area where its legal description is referred to and no other identifier is provided, whether there are multiple natural areas that serve different purposes under the proposed variation, or whether some other construct is meant to apply;
- c. there is no plan, figure or wording included in the variation provisions that otherwise identifies any area as "significant natural area" in the context of the Spur to assist with interpretation in the above respect;
- d. while the right-hand image on the maps attached to the variation entitled "Current and Proposed Zoning of the Silverstream Spur" indicates two colours, it does not expressly identify any significant natural area in name;

- e. Appendix 1 to the section 32 report accompanying the variation assists with the notation stating “[t]he proposed zoning of Natural Open Space also shows the extent of the area on the Silverstream Spur identified as a Significant Natural Area”, but this notation does not indicate the part of the site that comprises a significant natural area, nor is the notation included on the zone map attached to the variation provisions;
- f. while Appendix 3 to the section 32 report discusses the term “SNA”, it does not label any area as “significant natural area”; and
- g. if the area labelled ‘Combined extent of SNA...’ under Figure 5 in Appendix 3 to the section 32 report is intended to be the basis for the ‘identified’ natural area, and the lighter toned area on the right-hand image of the zoning map is intended to represent that identified area in the proposed variation itself, it is noted that the spatial extent of these two areas is not equivalent and there is no explanation as to why there is variation between the two.

GTC also notes the lack of rigour as to the methodology, policy basis, analysis and justification regarding the proposed natural areas set out in section 32 Report Appendix 3. GTC is concerned to see the proposed inclusion of significant natural area(s) on the Silverstream Spur as a standalone feature, in the knowledge that Council has prepared a draft plan change to address such areas across the city as a whole. Good practice would promote that the areas be advanced as a single proposal, with a consistent approach applied across the plan, and supporting analysis commensurate with the scale and significance of the proposed subject matter of the provisions.

Related to the above, GTC commissioned its own independent ecological advice following the release of the aforementioned draft plan change. The conclusions and recommendations of that review do not support the inclusion of a significant natural area within the Spur as proposed.

### **Summary of relief**

In summary, GTC seeks that either:

- 1) the variation be withdrawn/rejected and PC49 continues through the schedule 1 RMA process without affecting the Silverstream Spur; or
- 2) the variation is subject to a comprehensive redrafting to address the matters outlined in the ‘overall position’ section of this submission above; and
- 3) any alternative or consequential changes necessary to give effect to the relief sought in this submission be adopted.

Without limiting (1), (2) or (3) above, GTC seeks the amendments to the proposed variation, and any consequential alterations, set out in **Attachment 1**.

# Attachment 1

## Variation 1 to Proposed Plan Change 49 – Detailed Relief

Submitter Name: Guildford Timber Company Ltd

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
Planning maps	Proposed Rezoning of Silverstream Spur	Amend	<p>As set out in the general summary of GTC’s submission, the proposed variation:</p> <ul style="list-style-type: none"> <li>is not sufficiently enabling of a roading connection and associated servicing between Kiln Street and the Southern Growth Area;</li> <li>does not provide for the efficient integration of infrastructure with land use development;</li> <li>reduces the efficacy of the District Plan as relates to Council’s statutory obligations to provide sufficient development capacity under the National Policy Statement for Urban Development.</li> </ul>	<p><b>Amend</b> the proposed zoning of the Silverstream Spur as follows:</p> <ol style="list-style-type: none"> <li><b>Retain</b> the General Residential Zone over that portion of the land subject to that zoning in the Operative Plan.</li> <li><b>Accept</b> the proposed rezoning of that portion of the land zoned Rural Hills in the operative Plan to Natural Open Space zone, provided that appropriate policies and rules are included in the variation to efficiently and effectively enable construction and operation of a new collector road and associated services between Kiln Street and the Southern Growth Area, including associated earthworks and vegetation clearance.</li> </ol> <p><i>NB - Alternative zoning options may also be appropriate.</i></p> <ol style="list-style-type: none"> <li>Consequentially <b>delete</b> the spatial notation labelled UH070 as shown on the proposed rezoning map.</li> </ol>
Natural Open Space Zone Chapter	Proposed Policy NOSZ-P6	Support in part	<p>GTC supports the intent of proposed Policy P6 to enable a new transport corridor and other infrastructure within the Spur; however, these proposed facilities would have wider functions and benefits that should be reflected in the policy.</p> <p>Namely, a new collector road would enable the construction of substantial new community water supply assets to the overall benefit of the City’s resilience and service levels.</p> <p>A new roading connection will also facilitate enhancements to the safe, efficient function of the transport network. In particular, it will afford a safer route for the transport of materials from retiring forestry plantations, away from more constrained parts of the network.</p> <p>Facilitating the retirement of plantation forestry in the Southern Growth area and removal of pines on the Spur will also enable native bush regeneration programmes to</p>	<p><b>Amend</b> proposed Policy NOSZ-P6 as follows (or similar):</p> <p><u>Enable infrastructure including a transport corridor within the Silverstream Spur (Pt Sec 1 SO 34755, Parcel ID: 3875189) <del>at an appropriate scale, design, and location</del> to:</u></p> <ol style="list-style-type: none"> <li><u>provide for a range of passive recreation opportunities; <del>and</del></u></li> <li><u>support <del>for</del> the development of the Southern Growth Area, including <b>the construction and operation of new community water infrastructure;</b></u></li> <li><u>service residential development within the Spur;</u></li> <li><u>facilitate the revegetation of retired plantation forestry with <b>appropriate native species.</b></u></li> </ol>

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			be advanced more expeditiously and extensively.	
Natural Open Space Chapter	Proposed Policy NOSZ-P7	Delete	<p>As discussed in the general summary of GTC's submission:</p> <ul style="list-style-type: none"> <li>• this policy is more appropriate to be introduced by way of comprehensive plan change relating to significant natural areas across the city;</li> <li>• Council's evidence base does not support the Spur (or part of the Spur) being identified as a significant natural area, nor has such an area been accurately identified in the variation document; and</li> <li>• the policy does not clarify how it is intended to be applied in conjunction with the policy direction in the Ecosystems and Indigenous Biodiversity chapter in the operative District Plan, or indeed justify its necessity given that existing direction in the Plan.</li> </ul>	Delete proposed Policy NOSZ-P7
Natural Open Space Chapter	Proposed Rule NOSZ-R15	Amend	<p>While GTC supports – in principle – the use of a controlled activity rule to implement the enabling direction of proposed Policy NOSZ-P6, the drafting of rule NOSZ-R15 as notified lacks sufficient clarity and efficacy. GTC considers that amendments are required to address the following:</p> <ul style="list-style-type: none"> <li>• subject to Council confirming the area comprising the 'identified' significant natural area on the Spur, it is understood from the section 32 report that the area spans the width of the land – if that is the case, compliance with the controlled activity standards under proposed NOSZ-S4 is not possible and the enabling direction of NOSZ-P6 will not be implemented, let alone in an efficient or effective manner;</li> <li>• matter of control c) relating to road alignment, location and design duplicates matters that would otherwise be considered within Council's discretion under Rule TP-R3 in the operative District Plan – GTC supports the controlled activity pathway under the proposed rule, but a corresponding cross reference is required within the Transport Chapter to avoid duplication and enhance the efficient implementation of proposed Policy NOSZ-P6;</li> <li>• similar to the point above, matter of control d) duplicates the role of rules for network utility infrastructure under the Network Utility Chapter, and exclusionary clauses are required to remove this duplication;</li> <li>• matter of control e) relating to "earthworks" similarly duplicates the regulatory function of</li> </ul>	<p><b>Amend</b> proposed Rule NOSZ-R15, and make consequential amendments to the Network Utility, Earthworks, Transport &amp; Parking, Ecosystems &amp; Indigenous Biodiversity, and General Residential Chapters to address the matters summarised in the reasons for the submission immediately to the left, including:</p> <p>1) <b>amend</b> the wording of the rule description as follows (or similar):</p> <p><u>Road and associated network utility infrastructure, including any associated earthworks and vegetation clearance-storage tanks or reservoirs on the Silverstream Spur Natural Area (PT Sect 1 SO 34755, Parcel ID: 3875189)</u></p> <p>2) <b>delete</b> clause a) requiring compliance with proposed standard NOSZ-S4.</p> <p>3) <b>amend</b> clauses b), c) and e) to establish a more objective basis for assessment at consent stage in relation to landscaping, road alignment location &amp; design, earthworks and associated vegetation clearance.</p> <p>4) <b>delete</b> clauses f), g) and h).</p> <p>5) consequentially <b>amend</b> the Network Utility,</p>



Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			<p>corresponding rules in the Earthworks Chapter, which should be avoided for the sake of efficiency and clarity;</p> <ul style="list-style-type: none"> <li>• matter of control f) refers to ‘any special amenity feature’ – it is unclear what this matter refers to as no such features have been identified, and in the absence of sufficient clarity in that regard, the efficacy of the controlled activity rule is compromised;</li> <li>• pursuant to s108(10) of the RMA, the inclusion of matter of control g) is not authorised under the financial contributions provisions set out under the Development Contributions Chapter of the Operative Plan unless the new services are vested in association with a subdivision proposal – Rule DC-2 does not require financial contributions for the creation of new network utilities or services themselves, but to provide for such facilities where associated with subdivision and other development;</li> <li>• matter h) should be deleted in light of GTC’s submission regarding the Council’s identification of significant natural areas on the Spur; and</li> <li>• there is general lack of specificity in the drafting of matters of control – efficient use of the controlled activity status will be enhanced by providing clearer matters</li> </ul>	<p>Earthworks, Transport &amp; Parking, Ecosystems &amp; Indigenous Biodiversity Chapters to exclude activities subject to proposed Rule NOSZ-R15 from corresponding provisions in those chapters.</p> <p>6) Make any <b>further consequential amendments</b> to the General Residential Zone necessary to cross refer to, or duplicate proposed Rule NOSZ-R15 as relates to the portion of the Spur sought to be retained in General Residential Zone by this submission.</p> <p><i>NB – alternative drafting solutions may be appropriate for the purposes of affecting this relief.</i></p>
<b>Natural Open Space Chapter</b>	Proposed Rule NOSZ-R15	Delete	<p>As discussed in the general summary of GTC’s submission:</p> <ul style="list-style-type: none"> <li>• Council’s evidence base does not support the Spur (or part of the Spur) being identified as a significant natural area, nor has such an area been accurately identified in the variation document; and</li> <li>• the rule does not clarify how it is intended to be applied in conjunction with the rules in the Ecosystems and Indigenous Biodiversity chapter in the operative District Plan, or indeed justify its necessity given that existing regulatory approach in the Plan</li> </ul>	<b>Delete</b> proposed Rule NOSZ-R22
<b>Natural Open Space Chapter</b>	Proposed Standard NOSZ-S4	Delete	<p>As discussed in the general summary of GTC’s submission:</p> <ul style="list-style-type: none"> <li>• the proposed road design clauses (1-4) are unnecessary, and unjustified in the Council’s Section 32 Report – such matters can be addressed through matters of control on the new road</li> <li>• Council’s evidence base does not support the Spur</li> </ul>	<b>Delete</b> proposed standard NOSZ-S4

Chapter / Sub-part	Specific provision / matter	Position	Reason for submission	Decisions requested / relief sought
			<p>(or part of the Spur) being identified as a natural area, nor has such an area been accurately identified in the variation document</p> <ul style="list-style-type: none"> <li>• clause 5 under the standard is untenable – that roading and earthworks are subject to this control and no other network utility infrastructure enabled under proposed Rule R15 is</li> </ul>	

# Submission 83

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 83  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Pam Hurly		
Postal address of submitter	24 Harewood Grove, Pinehaven, Upper Hutt		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / <b>email</b>	Telephone: 04 5285461	Email: <a href="mailto:hurlys@xtra.co.nz">hurlys@xtra.co.nz</a>	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	No	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>		

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

- Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.
- Protect identified significant natural areas on the Silverstream Spur from development.
- Enable site-specific provisions for infrastructure, including a transport corridor.

*(Please use additional sheets if necessary)*

My submission is that:

1. I support rezoning the Spur to Natural Open Space.
2. I support protecting the significant natural areas on the Spur from development.
3. I do not support site-specific provisions including a transport corridor.

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

1. Rezoning the Spur to Natural Open Space.
2. Protecting the significant natural areas on the spur from development.
3. Withdraw any intention to establish a transport corridor.

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	X
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	

**SIGNATURE AND DATE**

---

Signature of person making submission or person authorised to sign on behalf of person making submission

Date: 4 November 2022 \_\_\_\_\_

(Note: A signature is not required if you are making your submission by electronic means)

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



OFFICE USE ONLY

Submission number

**84**

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER **Wayne Dolden**

POSTAL ADDRESS OF SUBMITTER **70 Maymorn road, Upper Hutt**

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE **0273653367**

CONTACT EMAIL **wdolden10@gmail.com**

I could gain an advantage in trade competition through this submission (please tick one ): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I **am**  /  **am not** (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

### Rezoning of the Silver stream Spur

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

The Silverstream Spur should remain as a reserved as decided by previous council members. No roads, development or infrastructure should be introduced to this area of land. It should remain as a reserve and natural habitat for wildlife

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

To remove the provision of a road on any part of the Silverstream Spur

For the Silverstream Spur to remain as previously intended as a reserve and zoned as natural open space

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I **do** wish to be heard in support of my submission.  
 I **do not** wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I **do** wish to make a joint case.  
 I **do not** wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE 04.11.2022

# Submission 85

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D Garland just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

D Garland

---

**Postal address of submitter:**

13 Cezanne Grove, Rolleston, 7614

---

**Email address:**

deeargee@hotmail.com

---

**Telephone number:**

02041294464

---

**Could you gain an advantage in trade competition through this submission?**

No

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**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

Enable site specific provisions for infrastructure including a transport corridor.

---

**My submission is that:**

The intent for the acquisition of the Silverstream Spur by the Council in the beginning, was for the Spur to be left as a natural space reserve, an intent which has yet to be formally followed through with my the Council. The council is to be applauded for finally making further steps towards achieving the original vision by zoning as Natural Open Space, and protecting Significant Natural Areas of the Spur from development. However the proposal to Enable Site Specific Provisions for Infrastructure including a Transport Corridor, is in contradiction to the above aims and original vision, and I oppose this provision fully. There is no evidence that a transport corridor through the Spur is necessary, and the Developers who hold land which potentially might be developed adjacent to the spur have other, potentially better, access options to their land than across the Spur. The Spur itself is of importance as is, both in ecological terms and in terms of being a reserve for public enjoyment. Public access to the Spur is not necessary via this road, nor via a road at all - walking tracks are sufficient, and logging of trees has occurred so far successfully without a road either. A transport corridor devalues the Spur as a Public Reserve for no reason that



can be justified in the interest of the Public. Aside from devaluing the Spur, the transport corridor has potential ecological impacts that would affect the Spur and surrounding area, with no mitigation able to fully overcome these impacts. I oppose the Provision to Enable site specific provisions for infrastructure including a transport corridor, and urge the Council to delete this provision while proceeding to protect the Silverstream Spur as a wholly intact Reserve, in line with the original vision of the Upper Hutt City Council and the public who supported the purchase of the land in the first place.

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**I seek the following decision from the local authority:**

To remove the Provision to Enable site specific provisions for infrastructure including a transport corridor wholly, and to preclude any possible transport corridors from being built on the Silverstream Spur.

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**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

I do not wish to make a joint case.

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# Submission 86

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49 – SILVERSTREAM SPUR



File Number: 351/12-051  
 Submission Number: 86  
 (for office use only)

To: Upper Hutt City Council

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

- Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt
- Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt
- Faxed to: (04) 528 2652
- Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Simon Edmonds		
Postal address of submitter	17 Whiorau Grove; Lowry Bay; Lower Hutt 5013		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / email	Telephone:0274 923 580	Email:simon.edmonds@beca.com	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am / am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

Please refer to the attached submission.

*(Please use additional sheets if necessary)*

My submission is that:

Please refer to the attached submission

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*


I seek the following decision from the local authority:

Please refer to the attached submission

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	X
	I <b>do not</b> wish to be heard in support of my submission	
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	X
	I <b>do not</b> wish to make a joint case	

**SIGNATURE AND DATE**




---

Signature of person making submission or person authorised to sign on behalf of person making submission

Date: \_\_\_\_\_ 4 November 2022 \_\_\_\_\_

*(Note: A signature is not required if you are making your submission by electronic means)*

**Terms of making a submission** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

**PLEASE NOTE** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that

*purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.*

**From:** [Simon Edmonds](#)  
**To:** [UHCC Planning](#)  
**Subject:** Plan Change 49 - Open Spaces - Variation 1 Submission  
**Date:** Friday, 4 November 2022 4:26:49 pm  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[3.-current-and-proposed-zoning-of-the-silverstream-spur-map.pdf](#)  
[Council Report Re Purchase of Mangaroa Spur.pdf](#)  
[variation-1-to-pc49-form-5.docx](#)

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### **Submission on Proposed Plan Change 49 – Open Spaces – Variation 1**

1. As a volunteer member of Silver Stream Railway Incorporated, I have been involved in the SSR responses and consultation processes in regard to the future of the Spur land since 2014.
2. This involvement has included responding to proposals by UHCC to sell portions of the Spur for residential development, issues resulting from the abandoned UHCC pine tree plantation project affecting SSR as a neighbour, land swap proposals for the Spur land owned by UHCC with other land owned by Guildford Timber Company, an UHCC focus group on the proposed Southern Growth Area and most recently the exclusion and now inclusion of the Spur within the Plan Change 49 – Open Spaces - Variation 1 proposed Plan Change. Documents such as the attached council report on the purchase of Mangaroa Spur identify that the same basic ideas put forward for the future of the Spur in 1989, have not significantly changed over time to 2022.
3. Looking back over the past eight years of my involvement, one of the significant themes has been the lack of influence the elected representatives of the Upper Hutt City Council appear to have had on these processes. Generally the non-elected management roles within the council organisation seem to have been guiding this process with a somewhat obscure direction or purpose. There have obviously been offers to UHCC from the private sector to purchase the Spur land for the objective of development and profit. Thankfully these have not been accepted by UHCC which has allowed the Spur to remain in an undeveloped state and therefore now be considered for inclusion as an Open Space in the District Plan for both people and ecology to benefit from. This latest opportunity for the Spur is probably most in alignment with the wishes of both past and current citizens of Upper Hutt for this gateway between Lower Hutt and Upper Hutt.
4. Recent actions by UHCC to commence the removal of pine trees from the Spur land near Reynolds Bach Drive are to be applauded. The work completed by a considerate and skilled contractor to remove the pine trees while protecting the existing native trees has shown what can be done and what a future for the Spur land could look like over time. The valuable ecology has been preserved and new regeneration of the vegetation, with some assistance from motivated volunteers, can now occur.
5. The most recent ecological assessment of the Spur commissioned by UHCC has confirmed the anecdotal evidence put forward by various conservation interest groups that there are areas of regenerating native bush on the Spur that can be classed as Significant Natural Areas. These are not small areas of high value regrowth, and the advice received from conservation professionals is that the entirety of the Spur land as a single undivided parcel with a favourable plan shape and minimum area meets the definition of a successful conservation area likely to support a growing populations of flora and fauna.
6. From the SSR perspective, the retention of the Spur in a natural state would provide the buffer for an operating heritage railway to make sense of the original railway form and appearance for our visitors. It also minimises the fire risk from the operation of steam locomotives and avoids reverse sensitivity effects from smoke and noise. Most importantly the retention of the Spur in a natural state will not alter the stream flow intensity and volume that crosses the railway alignment.
7. In summary, I am in agreement with the Plan Change 49 Variation 1 proposal to rezone the Silverstream Spur as Natural Open Space. This part of the proposed changes is important and is supported by myself and on behalf of SSR. It seeks to change the zoning of the entire Spur land from its current Rural Hill, and Residential Conservation zoning to Natural Open Space. This could be a first step of a later separate designation as a reserve under the Reserves Act 1977. The Natural Open Space Zone allows for a range of recreational activities to be undertaken on the land and as the historic documents show was UHCC's intention for the land when purchased using reserve fund money, and in later moves to rezone and designate the land as a reserve.
8. I do not agree with the unnecessary and unilateral proposals by UHCC to include specific provisions within the open Space designation for the Spur for infrastructure including a transport corridor. This part of the proposal seeks to allow a road/infrastructure corridor to be constructed anywhere on the Spur, with no restriction on the area it takes up, only restricting the width and gradient of the road. I oppose this part of the proposal and on behalf of SSR. Such destruction of the Spur does not fit with the underlying Natural Open Space Zoning (which explains why special provisions are being proposed by UHCC to enable it) and would result in severely limiting the ecological function of the Spur, as well as storm water and land disturbance issues for SSR at the bottom of the Spur. While the road may require a resource consent if it were to pass through the SNA areas on the Spur, it may be possible for the road to go ahead on the Spur with no further consultation. The construction of this road/infrastructure corridor is not "critical" to the development of the Southern Growth Area as is made out, the developers have several other feasible options for this corridor, without requiring any land on the Spur to be used. Neither is it critical for the road to be constructed to allow for recreational access to the Spur, other local reserves do not have roads through the middle to allow public access.

9. Although some additional protection may be offered to the areas identified in the proposed Plan Change as Significant Natural Areas on the Spur from development, It is important to note that 'transport corridor' and 'infrastructure' are not included in the definition of 'development' and could therefore be carried out within the SNA areas if the provisions for the road/infrastructure are included in the approved plan change. I support the protection of these SNA areas but I don't consider that "protection from development" is adequate if it does not preclude works in these areas carried out as infrastructure or transport corridors.

-  
I am seeking the following actions and decisions from Upper Hutt City Council in respect of the proposed Plan Change 49 - Open Spaces – Variation 1  
-

- Zone the entire Silverstream Spur Pt Sec 1 SO34755 as Natural Open Space with no exceptions or exclusions to this zoning on any part of the land area;
- Remove any and all provisions for a road/transport and/or network utility infrastructure corridor on any part of the Silverstream Spur Pt Sec 1 SO34755.
- At the conclusion of the Plan Change 49 process, Upper Hutt City Council commence the process to designate the entire Silverstream Spur Pt Sec 1 SO34755 as a Reserve in accordance with the process outlined in the Reserves Act 1977, with the result being that the entire Spur becomes a reserve in perpetuity.
- Review and correct errors and short comings with the Significant Natural Areas identified in Appendix 3 figure 5 of the PC49 Section 32 report and undertake to ensure all of these area are incorporated in to the Silverstream Spur Significant Natural Area overlay. The definition of the extents of current SNA areas on the Spur should not limit the areas so tightly to preclude adjacent areas that are currently transitioning to this ecological classification. It is now clear that regeneration is occurring rapidly and the boundaries of the SNA areas are generally expanding over time from inside the gullies and over the remaining Spur topography.
- To formally put together a group of interested parties to oversee a future for the Spur that is sympathetic to its neighbours and allows the Spur to continue to mature into an outstanding ecological asset for Upper Hutt.

The maps below extracted from the June 2022 Wildland Consultant Ecologists report showing the extent of Significant Natural Areas identified. Note that the map shown in Figure 5 does not include the further area to the north east of the area prescribed with a white border that was identified in the Wildland report from the 2022 site visit. Refer to the Figure 2 Map copied below showing the Area 1 which I consider must be included in the extent of SNA's on the Spur as it does join into the other SNA areas currently. I have provided an annotated map showing the combined SNA area I would like the council to adopt.



Figure 5: Combined extent of SNA for the Silverstream Spur with magenta outline showing extent from 2020 site visit and white outline showing additional extent from 2022 site visit.

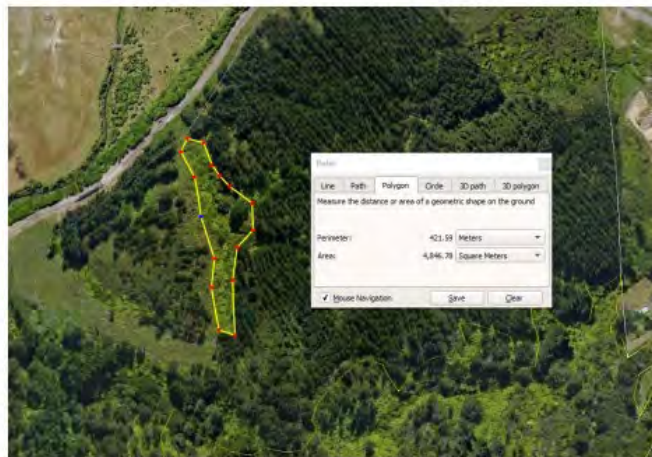


Figure 2: Area 1 of indigenous vegetation identified on the Silverstream Spur.

Ecologist noted that Area 1 does not meet the 0.5 ha minimum size threshold. However, a subsequent site visit in June 2022 by Wildland Consultant Ecologists accessing the site from a Reynolds Bach Drive property identified that this area joins UH070 (see Figure 5 below for combined extent).

**Simon Edmonds**

NOTICE: This email, if it relates to a specific contract, is sent on behalf of the Beca company which entered into the contract. Please contact the sender if you are unsure of the contracting Beca company or

visit our web page <http://www.beca.com> for further information on the Beca Group. If this email relates to a specific contract, by responding you agree that, regardless of its terms, this email and the response by you will be a valid communication for the purposes of that contract, and may bind the parties accordingly. This e-mail together with any attachments is confidential, may be subject to legal privilege and applicable privacy laws, and may contain proprietary information, including information protected by copyright. If you are not the intended recipient, please do not copy, use or disclose this e-mail; please notify us immediately by return e-mail and then delete this e-mail.





Civic Administration Building  
838-842 Fergusson Drive,  
Upper Hutt  
Private Bag 907, Upper Hutt 5140  
Tel: (04) 527-2169  
Fax: (04) 528-2652  
Email: askus@uhcc.govt.nz  
Website: www.upperhuttcity.com

Ian Stewart  
BY EMAIL

[info@councilsolutions.co.nz](mailto:info@councilsolutions.co.nz)

File ref: 311/04-001

RJT

G:\Corporate Services\Legal\Council  
Solutions (IS) - Silverstream spur land  
(J1-1,424)

20 June 2014

Dear Ian

**RE: LOCAL GOVERNMENT OFFICIAL INFORMATION REQUEST**

I refer to your request for information received on 22 May 2014.

Please find attached the report for the proposed purchase of the Silverstream Spur.

I understand that this satisfies your request for information, however if you have any more questions please contact me.

Yours faithfully

Rose Teague  
**Legal Executive**

DDI: 04 529 0080  
Fax: 04 528 2652  
Email: [rose.teague@uhcc.govt.nz](mailto:rose.teague@uhcc.govt.nz)

B. PUBLIC EXCLUDED BUSINESS:

Pursuant to a resolution in terms of Section 48 of the Local Government Information and Meetings Act 1987 that the public be excluded from the proceedings of this meeting.

Present: His Worship the Mayor, Mr R.S. Kirton (Chair) Cnrs P. Christianson, R. Miller, D.E. Ormrod, P. Richardson and S.M. Russell.

Also Present: Cnrs H.F. Billington and R.G. Brewer.

Attending: Chief Executive, Director of Operations and Development, Director Corporate Services, Director of Finance, Chief Administration Officer, City Planner

1. PROPOSED PURCHASE - LANDCORP SPUR - SILVERSTREAM (307/12/1)

Report dated 20 November 1989 from the Office Solicitor had been previously circulated.

RESOLVED TO RECOMMEND

1. THAT report be received.
2. THAT Council agree to purchase the land known as Land Corp Spur being Part Sections 81 and 82 as shown on Survey Office plan 34755 at a price of \$59,000.

MEMORANDUM TO:

File: 307/12/1  
BD:AH

CHIEF EXECUTIVE *R*  
via DIRECTOR, CORPORATE SERVICES *W.*

20 November 1989

RE: PROPOSED PURCHASE - LANDCORP SPUR, SILVERSTREAM

This is the a piece of land currently owned by the Crown and having an area of approximately 35.5 hectares. It is described as part Sections 81 and 82 as shown on Survey Office Plan 3475 (copy attached).

The land has a frontage to an unformed section of Kiln Street. It also has a frontage to Reynolds Bach Drive which is the access to the rubbish dump, but not a legal street. The Reynolds Bach Drive frontage is adjacent to the Silverstream Railway Society's land and in fact part of the land concerned is actually occupied by that Society.

The land is zoned "Rural Townbelt" under the Hutt County Operative District Scheme. The predominant uses in that zone are forestry and plantation developments on the one hand and, broadly, uses associated with Reserves on the other. Part of the land may have a potential for development as residential sections although a change of zoning would be required before any such development could proceed. The bulk of the land is best suited to passive reserve uses which would complement the Silverstream beautification reserve and the Keith George Memorial Park and Silverstream scenic reserve which lie immediately across the Hutt River. It would also complement the adjacent Silverstream Railway Society facility as well as providing a buffer between that facility and any other development that may take place in the area of the unformed Kiln Street.

Landcorp have had the land for sale for some time. The original asking price is understood to have been \$97,000.00. The possibility of Council purchasing the land was raised by the Heretaunga/Pinehaven District Community Council.

An independent valuation of the land was obtained from Appraisal Partners in May 1989. That firm put the market value of the land at \$36,000.00. Landcorp indicated that its Valuers (Valuation New Zealand) considered the land to be worth \$70,000.00.

It was agreed with Landcorp that the Valuers should get together to see if they could agree on a purchase figure. The Valuers eventually reported that they had reached agreement on a price of \$59,000.00 on the basis that a second legal access was available from Reynolds Bach Drive.

In fact Reynolds Bach Drive is not a legal street. Appraisal Partners would recommend a reduced price for that reason as such access may improve the value of that part of the land in the vicinity but there is no prospect of reaching agreement with either Landcorp or its Valuer on any further reduction in price.

I don't think any further reduction in price is likely to be significant as the part of the land that benefits from the second frontage is not great. I believe that \$59,000.00 represents a fair price for 35.5 hectares of land given the likely uses to which Council could put it.

The purchase could be funded from Council's Reserve Fund account. The account has funds in hand sufficient to meet the purchase.

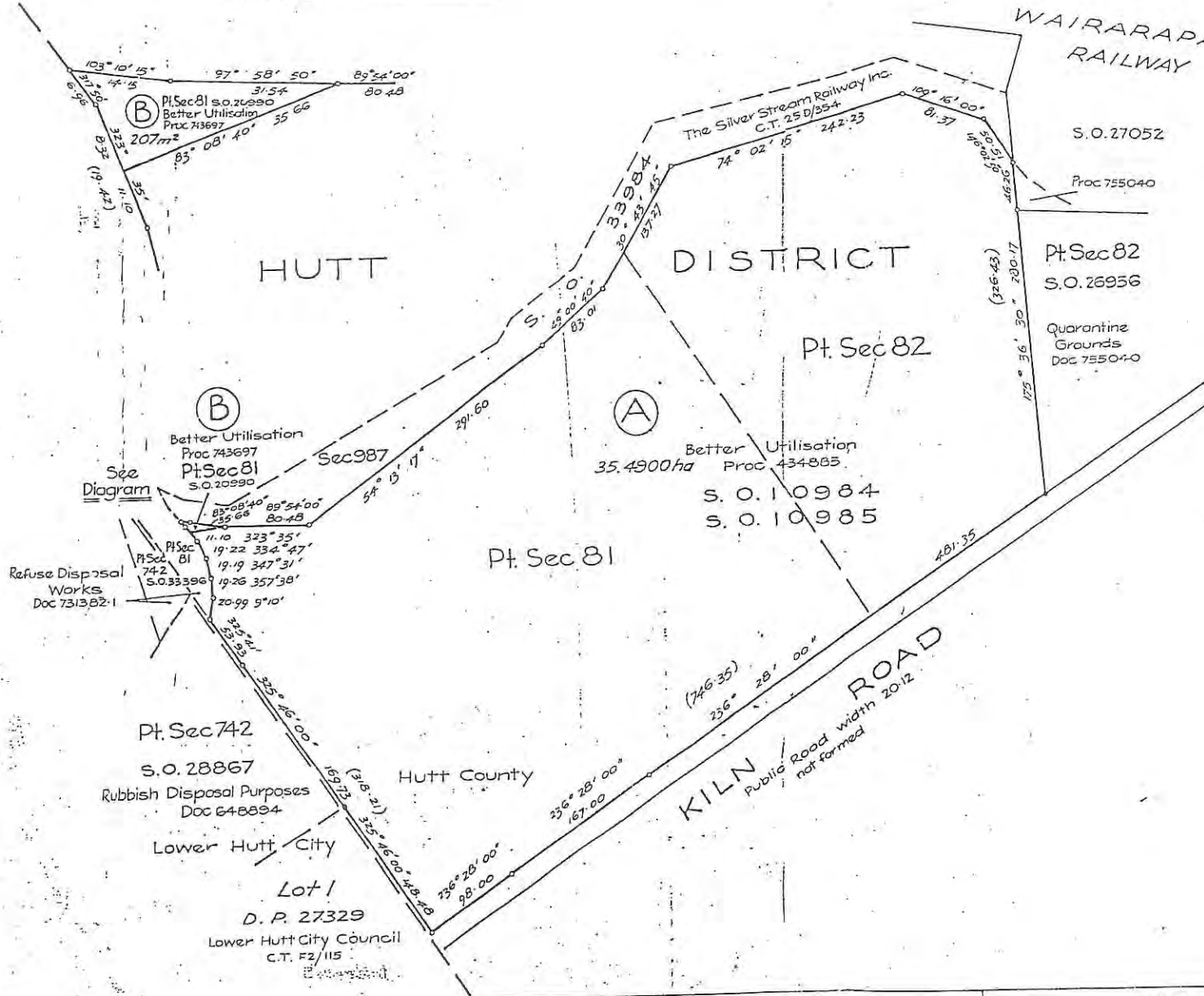
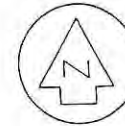
**RESOLVED TO RECOMMEND:**

1. THAT this report be received.
2. THAT Council agree to purchase the land known as Landcorp Spur being part Sections 81 and 82 as shown on Survey Office Plan 3475 at a price of \$59,000.00.



B.R. Dodson  
OFFICE SOLICITOR

Diagram: not to scale



Approved as to layout

*John King 2017/136*

District Commissioner of Works

Schedule of Area

LAND TO BE TAKEN		
SHOWN	AREA	DESCRIPTION
(A)	35.4900 ha	Pt Sections 81 and 82 Hutt District Proc 434885 (Pt)
(B)	207 m <sup>2</sup>	Pt Section 81 Hutt District Proc 743697 (Bal)

situated in Blk. IV Belmont S. D.

Total Area 35.5107 ha

Comprised in Proc. 434885 (Pt)  
Proc. 743697 (Bal)

Alan Lindsay Ross Barwick of Wellington  
Registered Surveyor and holder of an annual practising certificate  
hereby certify that this plan has been made from Surveys executed  
by me or under my direction, that both plan and Survey are correct  
and have been made in accordance with the regulations under the  
Surveyors Act 1986  
Dated at Wellington this 22nd day  
of August 1986 Signature: *[Signature]*

Field Book 5040 p 29-40 Traverse Book 424 p 76

Reference Plans S.O. 10984, 10985, 19525, 19526, 20990, 2472  
26256, 33396, 33921, 28800, 28867, D.P. 27329  
S. O. 34315, 27052, 26339, 30421, 21030  
Examined H. PAGE Correct, 1/28/86

Approved as to Survey

12 2 87 — Deputy Chief Surveyor *[Signature]*

Deposited this day of 19



# Submission 87

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DGT just made a submission Variation 1 - Submission Form (FORM 5) with the responses below.

**Name of submitter:**

David Grant-Taylor

---

**Postal address of submitter:**

14 Collingwood Street, Waterloo

---

**Agent acting for submitter (if applicable):**

N/A

---

**Address for service (if different from above)**

14 Collingwood Street, Waterloo

---

**Email address:**

davidfentongt@outlook.com

---

**Telephone number:**

0225003473

---

**Could you gain an advantage in trade competition through this submission?**

No

---

**The specific provisions of the proposed Plan Change that my submission relates to are as follows:**

1 Redefining a limited portion of the spur to Natural Open Space. 2 Protect significant natural areas from development 3 Making (unspecified) site specific provisions for infrastructure including transport corridors 4 Access for a range of recreation, conservation and customary purposes as well as access to the Southern Growth Area.

---

**My submission is that:**

1 The initial purchase of the area was from the reserve fund, Proposals to use the area for

housing have temporarily abated but the proposal is now to take the area out of reserve and rezone as Natural open Space with two separate portions identified as Significant natural areas. The significant natural areas should be contiguous to maintain integrity of the flow of natural biota. Reports previously provided to the council are in error in their detail on the biota across the spur and indicate that at the very least the Significant natural areas should be contiguous and much larger. Better would be to define the area as a reserve with only walking access. All the area is significant. It forms a natural break between Lower and Upper Hutt, and a portion of the corridor between Western and eastern sides of the valley and beyond in both ways. Site specific infrastructure is not specific at all. It is completely unspecified, and fulfilment of the "is" clause allows anything at all. Whatever happens this must be defined before it is an acceptable component of the proposal. Access for a range of recreation...etc...as well as access to the Southern Growth Area appears to be an attempt to provide a road to an as yet unspecified development. Most developers have to pay for their own roading access, and to provide a route across one of the last possibilities for provision of green space seems to run contrary to the conduct of most developments

---

**I seek the following decision from the local authority:**

1 Define the entire spur as green reserve 2 Ensure that the entire spur is defined as a reserve, or at the very least ensure that the significant natural area is both contiguous and much larger based on accurate surveys of biota. 3 Remove provision for roading 4 Remove Provision for access to the Southern Growth Area.

---

**Please indicate whether you wish to be heard in support of your submission:**

I do not wish to be heard in support of my submission.

---

**Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:**

No Answer

---





OFFICE USE ONLY

Submission number

**88**

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

Silver Stream Railway Incorporated

POSTAL ADDRESS OF SUBMITTER

Reynolds Bach Drive; Stokes Valley;  
Lower Hutt 5019

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

Jason Derry

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

0221 560 874

CONTACT EMAIL

[gm@silverstreamrailway.org.nz](mailto:gm@silverstreamrailway.org.nz)

I could gain an advantage in trade competition through this submission (please tick one ): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  **am not** (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

Refer attached submission

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

Refer attached submission

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

Refer attached submission

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE

P.P.  (Committee Member  
Silver Stream Railway Inc)

DATE

3 Nov 2022



# SILVER STREAM RAILWAY

HERITAGE RAILWAY

4 November 2022

To: Upper Hutt City Council: Submission on Plan Change 49 Open Space, Variation 1 Silverstream Spur

Name of submitter: Silver Stream Railway Incorporated

Address: Reynolds Bach Drive, Stokes Valley, Stokes Valley, Lower Hutt 5019.

Attention: Jason Durry

Phone: 0221560874

Email: [gm@silverstreamrailway.org.nz](mailto:gm@silverstreamrailway.org.nz)

## **Silver Stream Railway Submission on: Plan Change 49 Open Space, Variation 1 Silverstream Spur**

### **Background.**

Silver Stream Railway Incorporated (SSR) is a registered charity operated by volunteers, preserving rolling stock and infrastructure from New Zealand's vast railway history, with operation of a heritage railway for the community being one of the society's public interfaces and the primary means of raising funds for this preservation effort.

The society was founded in 1956, registered as an incorporated society in 1967 and has occupied the land in Silverstream since 1974, when preservation railway activities including operations were commenced on the site. This land is a section of the formation of the original route of the Wellington to Wairarapa railway built in 1874/5 which was closed in 1954 and subsequently reinstated as a railway and developed by society volunteers over the last 48 years.

The railway greatly contributes to the City of Upper Hutt and the Wellington Region being the only heritage type railway operating in a historic setting, attracting visitors from all over the world by providing an experience not possible anywhere else in the region. The combination of many components of historic heritage including rolling stock, original track formation with culverts and concrete work from pre 1900, buildings and structures including a rebuilt signal gantry that was a feature of the original line all combine to make the railway a longstanding drawcard for Upper Hutt.

The railway shares its main boundary with land known as the Silverstream Spur (Pt Sec 1 SO34755) purchased by Upper Hutt City Council in 1990. SSR has serious concerns over its future viability should the Spur be utilised for housing which would be made much easier and more likely to occur with the provisions for a roading/infrastructure corridor proposed as part of Plan Change 49 Variation 1. This proposal is the latest in a long line that SSR volunteers have had to dedicate significant resource to oppose over the last 8 years. Our research into the Spur has revealed a

plethora of documentation from UHCC and other sources establishing the original intent and method of purchase for the Spur, subsequent errors and omissions, and a number of questionable decisions made leading up to this variation. This material will be outlined in the details of submission which will be presented along with a Petition signed by 2,505 people calling on the Spur to be set aside as a reserve.

### **Details of Submission**

***This submission relates to the proposals outlined in Upper Hutt City Council Plan Change 49 Variation 1 Silverstream Spur.***

1. Upper Hutt City Council (UHCC) recently notified a variation to the Open Space Plan Change 49 (PC49V1) as the Spur was originally deemed out of scope in the original round of PC49 consultation carried out in September 2021.
2. Silver Stream Railway Incorporated (SSR) along with 10 other individuals and organisations submitted to this original consultation contending that the Spur should be included in PC49 for a wide number of reasons. SSR's submission was focused on the evidence that had been gathered up to that time, that UHCC had originally intended for the Spur to become a reserve or open space area, had purchased the land using funds for this purpose, and that it should be included in the PC49 consultation and zoned in accordance with those original intentions.
3. At the time of the PC49 consultation in September 2021 the Spur was tied up with the Memorandum of Understanding (MOU) signed in March 2016 between Guildford Timber Company (GTC) and UHCC. There was no opportunity for public participation in any of the decision making by council at any point prior to or during the term of the MOU.
4. As part of its submission, SSR presented a petition titled 'Protecting the Silverstream Spur for Future Generations', asking UHCC to "formally set the Spur aside as a reserve as it originally intended, so it can become an ecological and recreational area that can be enjoyed both now and by future generations". At the time of the initial presentation to UHCC as part of the PC49 consultation, the petition had gained 2,420 signatures and a diverse range of comments from all over the world. This petition has continued to gain signatures and the total now stands at 2,505 signatures of support and is presented with this submission. A new petition has been started in 2022 which is focused on some of the specific proposals made in this variation in particular disallowing the provisions for a road/infrastructure corridor, with almost 550 signatures so far. This petition will be presented as part of SSR's Further Submission on this variation.
5. SSR made a Further Submission during the consultation phase of PC49 in support of its Submission. This revealed further details about UHCC's purchase of the land, and a subsequent zoning change which was stated by UHCC staff to be an error that would be corrected. The Further Submission also detailed SSR's opposition to the proposed road/infrastructure corridor that was at that time being offered to GTC after the abandonment of the MOU.

6. 48 other Further Submissions on PC49 were received by UHCC, a number being made in support of SSR's Submission. At least six other Further Submissions in addition to the two original submissions were opposed to a road/infrastructure corridor on the Spur.
7. This submission to Variation 1 is separated into subsections dealing with the issues relating to this proposed plan change being:
  - Analysis of the Section 32 Report
  - History of UHCC's actions in relation to the Silverstream Spur
  - Effects on Silver Stream Railway and its operations if this proposed plan change were to proceed in its current form and in future enabled a road/infrastructure corridor and residential develop to occur on the Spur.

### **Section 32 report Analysis**

8. The Section 32 report produced to support the proposed variation is incomplete, contradictory and in places poorly researched, making general statements without any basis of fact.
9. Section 6.0.2 Factor 3 states: "The Silverstream Spur is currently publicly owned but is not utilised by the public due to having no public access. This lack of access also means the forestry on the Silverstream Spur has been difficult to manage effectively."
10. Information obtained from UHCC files shows in specific detail that in 2001 UHCC chose to abandon any further management of their forestry project as a result of risk associated with liability and insurance in case of a fire occurring on the Spur and/or spreading to neighbouring land and due to poor financial viability of the operation brought about by the lack of an experienced forest partner. A lack of access was not mentioned at all in the report, or in any report on the forestry operation on the Spur, as access for harvesting and maintenance was provided via Reynolds Bach Drive as outlined in the resource consent granted at the beginning of the project.
11. Detailed research was undertaken by UHCC staff seeking a solution to the liability and risk that was attached to managing a commercial forestry block, which culminated in a report that was commissioned in October 2001 entitled "Future of Silverstream Forestry" It contained a number of options for the future of the Spur with the recommendation being that the Forestry operation be discontinued and "That in light of the original rationale for purchasing the Spur, a Variation to the District Plan be undertaken to rezone the land as "Open Space" and that it be managed as a reserve, with public access as of right". This report was adopted at a Council Policy Committee Meeting on the 5<sup>th</sup> of December 2001 and was approved by full Council on the 12<sup>th</sup> of December 2001.
12. Section 1.1.1 and 3.1.3 both state: "A further submission also sought the provision of a road corridor through the Silverstream Spur to access the SGA." and "One further submission sought that provision is made for a road corridor through the Silverstream Spur site to allow access to the SGA."

13. The 'Further Submission' process does not allow new provisions to be introduced into a proposed Plan Change; further submissions may only either support or oppose an existing submission. Additionally, Section 1.1.5 confirms this by stating "However, due to changes that can be made to a notified plan change being limited by the scope of submissions received (not further submission as they cannot alter the scope by introducing new provisions) and the original purpose of the proposed plan, a variation is required".
14. As the original purpose of the proposed plan change was to identify and alter the zoning of land as one of three types of Open Space Zones, then the introduction of specific provisions to enable the construction of a road/infrastructure corridor to neighbouring privately owned land on proposed Open Space zoned land should not have been included by UHCC planners in this plan change. There was no consultation by UHCC with the community on whether provision for a road /infrastructure corridor should be made on council owned land for a proposed SGA. The Variation 1 to PC49 should only address the inclusion of the Spur in the Open Space Plan Change.
15. While UHCC planning staff on numerous occasions including during council meetings have stated that **no Submissions specifically opposed a road on the Spur**, our research has shown that 2 Submissions and at least 7 Further Submissions including SSR's own Further Submission specifically **objected** to a road on the Spur. SSR's Further Submission stating "Silver Stream Railway is pleased that progress is being made on the retention of the Spur as a public space, but remain strongly opposed to the severing of the Spur in half for the construction of a 25,000m<sup>2</sup> road and infrastructure corridor." It is not possible therefore for planning staff to have no knowledge of objections to a road/infrastructure corridor as has been stated.
16. The Further Submission that is reported to have sought the provision of a road/infrastructure corridor, only points to the UHCC website showing that "Council officers will continue to meet with GTC to continue planning for the future development of the Southern Growth Area and development of a road/infrastructure corridor across the Silverstream Spur as part of Council's responsibility to plan for growth". This appears to indicate it was not the Further Submission that sought the provision, it was whatever private internal dealings between UHCC staff and GTC that sought to include the provisions in this Variation, as these provisions had already been decided before Further Submissions were called for from the public. This adds an air of pre-determination to this variation.
17. Factor 7 Type of Effects states the proposal "would reduce development opportunities" which is incorrect as the site specific provisions being introduced seek to enable development opportunities within the infrastructure corridor specifically. It also states "would not have significant adverse effects on neighbouring properties, is likely to have significant positive effects for the neighbours". This view point completely disregards SSR position as a neighbour whom as a result of these provisions will have to cope with a significant increase in storm water flows that construction of a road could bring to the railway, with the gullies for a majority of the land area of the Spur draining runoff that passes through the railway premises during the journey to the Hutt River. This extra run off would cause damage to the railway's infrastructure that was not designed for such a massive increase in flow that a road/infrastructure corridor will contribute to the catchment.

18. The report stresses in a number of sections that the Spur is critical and of strategic importance to allowing access to the SGA/GTC land, whereas SSR understands there are a number of other options available to GTC to access their land that do not require the Spur, and that UHCC have never explored these other access options.
19. During the Land Use Strategy Silverstream/Pinehaven Focus Group sessions in 2016 the Director of GTC when asked about connections with other roads in the area the director stated "Also may also be connections into smaller roads where the GTC property connects." And when asked about the Spur specifically "Without the Spur would you proceed?" GTC response was: "Decision made around strategic objectives. Want to benefit Upper Hutt, so yes." SSR consider that allowing an access road/infrastructure corridor on the Spur is certainly not critical to the development of the SGA, especially when the director of GTC has stated that without the Spur development of the GTC land would still proceed.

### **History of UHCC's actions in relation to the Silverstream Spur**

20. UHCC first became interested in the Spur in 1976 during a Hutt County Council District Scheme Review, when it was proposed to rezone the Spur to allow for the construction of a road, and houses on the land, which at that stage was held for disposal by various government departments.
21. UHCC quickly objected to the Scheme Review Provisions, writing in its submission it objected to the proposed zoning of Special Residential on the Spur, as it is an important visual element in the green belt separating the two urban areas of Upper and Lower Hutt. UHCC sought relief by "rezoning of the Spur from special residential to town belt with a designation of recreation reserve if appropriate"
22. In September 1978 UHCC wrote a cross objection in support of its earlier objection reiterating the importance of the Spur in its undeveloped form together with neighbouring Keith George Memorial Park, concluding that the Spur "constitutes such an important visual amenity feature and it should be designated as a Scenic Reserve in the district scheme.
23. By 1984 the zoning had been changed as per UHCC's objection and became part of the Town Belt Zone.
24. A 1987 Land Use development appraisal commissioned by the Heretaunga Pinehaven District Community Council (HPDCC) likely kick started the purchase of the Spur by UHCC. The report outlined land opportunities in the Silverstream area and included details on its availability for purchase at the time.
25. In August 1987 negotiations got underway between the HPDCC and Landcorp who were tasked with disposing of the Spur. Various valuations were completed and after the local government amalgamations took place in the late 1980's the land was approved for purchase by UHCC in December 1989 with the transaction being completed in March 1990.

26. The memo put forward to the Policy meeting on the 28th of November 1989 states that the purchase will be funded from the Councils reserve fund. UHCC held a Reserve Contributions Fund in its Special Funds to run the purchase of land to be held as a Reserve.
27. The purchase of the Spur using these funds is consistent with the reasons stated in the correspondence between HPDCC and Landcorp, the property valuations and the intent specified in the Memo to the Policy meeting. The single line in this memo about residential development was theoretical, this statement can not be considered as justification for proposing to sell/swap the land decades later. The option to sell part of the land was mentioned in a confidential note to this memo "as yet un-investigated and evaluated" and was mentioned as a way to recoup some of the outlay for the land. Until 2007 when the land was being readied for sale to GTC seemingly without any official authorisation or consultation this option had not been previously considered.
28. Reserve Funds were held by UHCC in accordance with the Local Government Amendment Act 1978 Sections 284-292.
29. UHCC had its own Reserves Policy consistent with the requirements outlined in the above Act.
30. Section 288 of the Act gives stipulations as to how money collected from reserve contributions shall be applied through sub section 2 stating "For the purchase of land to be held as public reserves, subject to the Reserves Act 1977, in the locality in which the land included in the scheme plan is situated and for the improvement and development as reserves of the land so purchased" The use of the Reserve Fund to purchase the land is further shown to be correct when reviewing the UHCC Annual Report Year Ended 31 March 1990. Page 10 Showing income and expenditure from the Housing and Property Fund. An amount is shown under "land purchase" of \$52,235. The agreed purchase price for the Spur was \$59,000 with a \$5900 deposit being paid after the meeting on the 28<sup>th</sup> of November. GST was 12.5% leaving the balance for the Spur being \$52,235. The Housing and Property budget was the most appropriate area to purchase the land, being a piece of property with no special designation, such as a reserve meaning it would not be contained in the Parks and Reserves budget. This \$52,235 was receipted in from the Special Funds shown on Page 17. Reserve Fund Contributions being the most logical source from the special fund balances listed, and aligning with the memos stating the purchase price is to be met from the Reserve Fund.
31. When purchased and as a direct result of the submissions made by UHCC in 1976 and 1978 the Spur was zoned Town Belt, but with changes to planning laws in the early 1990's such zonings were no longer recognised under the new laws introduced. UHCC publicly notified its District Scheme Review #4 on the 24<sup>th</sup> of September 1991 in the Upper Hutt Leader. A Proposed Planning Map in that review (Map No. 2) showed around half of the Spur had been changed to Rural Hill zoning (the updated equivalent for Town Belt) and the other half of the Spur changed to Residential Conservation.
32. After Submissions had formally closed UHCC received a fax from a neighbouring property owner on the 21 February 1992 pointing out that the Residential Conservation zone on his land was also shown incorrectly on the Spur land and asked that the fax be accepted as a late submission to the review.



33. UHCC's City Planner responded to this fax and acknowledged that the Residential Conservation zoning on the Spur was an error and that it would be corrected.
34. The City Planner then wrote a memo to the Mayor, Chief Executive and City Solicitor stating "Two errors were found on Zoning Map 2 by Mr Warwick Wyatt i) The ex: Hutt County Green Belt area bounded yellow on the attached map should be designated (R7) Scenic Reserve and not Residential Conservation."
35. The City Solicitor notified the Summary of Submissions to the Upper Hutt Leader in a letter on the 3<sup>rd</sup> of March 1992 with the summary containing the list of map corrections UHCC had found and included UHCC's submission stating "The Upper Hutt City Council seeks the following alterations: Correct Map 2 as follows: a) change zoning of land on northern side of Kiln Street from Residential Conservation to Rural B (restricted) and record its designation as R7 (Scenic Reserve)". The only residential conservation land to the north of Kiln Street shown on Map 2 is the eastern end of the Silverstream Spur
36. The City Solicitor's above letter was published in full in the Upper Hutt Leader on 10 March 1992 (8), being the Council's summary of public objections and submissions on the District Scheme Review No.4. The statement about correcting the zoning of the Spur to Rural B (Restricted) and recording the designation of "R7 Scenic Reserve" is on p36 of this edition of the Leader
37. SSR has been unable to locate any evidence as to why this correction was not followed up and enacted, however with the identity of the land clear as shown on the highlighted map, and being the only parcel zoned residential conservation to the north of Kiln Street shown on Map 2, the act of not correcting this error may have been malicious, or caused by incompetent council staff, rather than any formal decision made that the correction proposed was actually not required or was not an error. The level of documentation found in relation to the error, shows that there would be a paper trail were it overturned by correct legal process.
38. UHCC then commenced a project to turn the Spur into a commercial forest, with a resource consent application being made to its self in January 1994.
39. The application was put to the Judicial Committee in March 1994 along with submissions received from 5 parties including SSR. The railway submitted that it had concerns over the disturbance of the steep slopes above the railway during planting and harvesting, and concerns around increased fire risk.
40. Throughout the report mention is made of the intrinsic visual nature of the Spur, Public access and recreation potential (that made no mention of requiring a road/infrastructure corridor to allow this potential to be realised) native planting around the perimeter of the site, protection of areas already established in native vegetation, access to the project from Reynolds Bach Drive, future use of the site ensuring continuance of the landscape and amenity values by the site reverting to native vegetation after harvesting, and the reasons

why the site should be used for alternative uses other than housing as requested by another submitter, incidentally a wholly owned subsidiary of GTC. The report also states “one of the reasons, if not the main one, for the lands purchase from the Crown was to achieve the aim of completing the backdrop to Silverstream-Pinehaven.”

41. There was a choice to undertake this project at least cost to UHCC with Prisoners from Rimutaka beginning in April 1994 to clear and plant 3.5ha by July 1994. A lack of experience and will to actually do the work resulted in only 17.5ha completed by August 1996. Tenders were call to try and expedite the process and the winning tender only achieved a further 0.8ha before the contractor abandoned the work. The Upper Hutt Employment Trust then completed the work in September 1997. Some maintenance of the plantings was undertaken until September 1998 before this work was also abandoned. Some effort was made to reinvigorate the project in 1999 but after this the project was effectively given up on.
42. As outlined in submission point 10 and 11, a report was prepared in 2001 the end result being that the following motion was approved by a full council meeting in December 2001 “That in light of the original rationale for purchasing the Spur, a Variation to the District Plan be undertaken to rezone the land as “Open Space” and that it be managed as a reserve, with public access as of right” .
43. As a result of this decision the National Rural Fire Officer was notified by letter on the 20<sup>th</sup> of December 2001 that the reasons behind the decision to discontinue the forestry operation were, “That the land on which the trees had been planted, was originally purchased to preserve the green approach to the City, and that felling the forest would have an adverse impact on the visual amenity of the area” The letter goes on to say that “Over time public tracks will be developed and it is likely that these will form part of an integrated walkway network. A detailed reserve management plan will now be prepared and steps taken to progress the District Plan Variation next year.”
44. The National Rural Fire Authority replied to this letter confirming that “publishing this intention through the approval of the District Plan Variation by rezoning the land as Open Space and managing the land as a reserve with public assess will further confirm this change of status”
45. A further report entitled “Silverstream Forestry and City Environmental Enhancement was put together by UHCC staff in May 2002. It mentions “the enhancement of the Silverstream Spur Reserve should proceed in accordance with the Management Plan when it is approved”
46. This was followed up with a further report in August 2002 entitled “Silverstream Spur Reserve and City Environmental Enhancement “stating that if the pine removal project by Upper Hutt Forest and Bird could be completed at no cost to Council then it may proceed immediately”.
47. Some work on the eastern end of the Spur was completed, the pine trees were felled and the area allowed to regenerate into the native vegetation flourishing in this area today.

48. In July 2005 a memo was sent to the Parks and Reserves Manager from the Horticultural Officer outlining the value and options for removal of regenerating pines from 9.8ha of the "Silverstream Spur Reserve" Accompanied by a map showing the areas and recommended a report be commissioned about the feasibility of removing these areas of pines and the areas be regenerated to native cover through a mix of planting and natural regeneration.
49. Forest and Bird Upper Hutt (F&BUH) relinquished their agreement with UHCC via a letter October 2007 which stated the project had become "too big for our volunteer members to complete". The Parks and Reserves Manager having advised F&BUH that UHCC "would deal with the problem from here on".
50. This letter was replied to in February 2008 indicating there was no time frame in mind for that removal work to be done.
51. Meanwhile in early 2007 there was work going on behind the scenes to enable the Spur Land to be sold in full to Guildford Timber Company. This work involved various consultants, lawyers, and internal emails between UHCC staff and investigations show that this work was carried out with no consultation of the public and the community would have had no idea this work was taking place. F&BUH had no knowledge of this work when they relinquished the contract, however the Parks and Reserves Manager was centrally involved with the sale process and at no time mentioned it to F&BUH members.
52. In July 2007 GTC presented UHCC a signed sale and purchase agreement to UHCC offering \$1,674,000.00 for the land in full. This followed valuations and other reports made to and paid for by UHCC.
53. Other "Developer Agreements" were drafted essentially gifting the use of the land to GTC, although these appeared to not have been signed, but were prepared at significant cost to UHCC.
54. By now all talk of the Spur being purchased as a reserve had been disregarded, and seem to have been possibly intentionally forgotten. As the next stage of disposing of the Spur came when the land was proposed for sale as one of a number of UHCC owned land parcels to assist paying for new sports fields as part of the 2014 annual plan consultation. This time the public had an opportunity to submit on this plan which SSR did in May 2014, being one of 17 Submissions opposing the sale of the Spur land specifically.
55. An "Assessment of Concerns Raised" Study attempted to down play the concerns raised against sale of the "Silverstream Spur Reserve Land" indicating that the reserve history of the Spur was once again being recognised by UHCC after years of being forgotten.
56. Other attempts were made by SSR to engage with UHCC on this matter at the time were rejected UHCC indicated no proposals had been made for the Spur. However behind the scenes further reports had been commissioned looking at housing yields, roading and infrastructure designs and the commissioning of a so called "Ecological Assessment"

57. UHCC then entered into the Memorandum of Understanding (MOU) with GTC, also involving no public consultation.

58. Matters that arose that also took place during the MOU period include

- Included the Spur as part of the “Southern Growth Area” as part of the Land Use Strategy despite many submissions in opposition.
- The Spur was not recognised as a reserve in the Open Space Strategy. This was after the draft consultation material included the “Silverstream Spur Reserve”, however this was removed and it replaced with “Land subject to land swap MoU with Guildford Timber Company” in the finished strategy despite many submissions in favour of utilising the Spur for Open Space Uses.
- Included the Spur in the Southern Growth Area in Wellington Regional Growth Framework documents, despite opposition from the community.
- Applied for Infrastructure Acceleration Fund finance from Kaianga Ora for the construction of a Road/Infrastructure Corridor on the Spur, despite community opposition. This application was considered as a key reason why no opportunity for this PC49 Variation to exclude the road/infrastructure provisions was presented as UHCC had already supported such provisions in the application.

**Effects on Silver Stream Railway and its operations if this proposed plan change were to proceed in its current form and later enabled residential develop to occur on the Spur.**

59. SSR is a nationally important tourism attraction and is an important community and strategic asset for Upper Hutt City.

60. Recognition of the importance of SSR to the Upper Hutt region is in part by the zoning of the land titles making up the site as Special Activity and the provision for railway museum and ancillary facilities as permitted activities within the District Plan.

61. SSR consider that the proposed site specific provisions to allow the construction of a road/infrastructure corridor would lead to enablement residential development in the future on the Spur and in turn undermine the ability to continue to operate Silver Stream Railway and would therefore lead to the demise of the facility.

62. The major issues for Silver Stream Railway arising from development of the Spur for a road/infrastructure corridor, residential development, even in part are: The loss of the iconic landscape backdrop of the Spur as a green space that is part of the Heritage Railway character of SSR and the entrance of Upper Hutt; The reverse sensitivity effects of prodigious amounts of wood, coal and oil smoke from steam locomotives and the noise of steam whistles and trains on the amenity of any future residential areas; the enhanced risk profile for the consequences of any fire on the Spur caused by the railway operation or associated activities by SSR and the issues with obtaining insurance for this risk and the influence of changes to the storm water catchments from the Spur that discharge across the railway alignment.

63. SSR consider that the construction of a road/infrastructure corridor on the UHCC owned Spur would result in preferential environmental, recreational and financial benefits for GTC, at the expense of and the loss of existing similar environmental, recreational and community benefits currently enjoyed by other residents of Upper Hutt and by SSR and our collaboration partners on land adjacent the Spur.
64. The UHCC commissioned Boffa Miskell ecological assessment of the Spur land has neglected the contribution of the current Spur vegetation cover to provide a habitat for native birds and other fauna. The location of the Spur and its connection to more significant areas of native vegetation within the area mean means native birds and fauna utilise the Spur as part of a common habitat. Consideration of ecological values for the combined land area should be the basis of any ecological assessment rather than considering them as separate areas as was done in the assessment. In addition this assessment is basic and is now out of date by quite a significant margin, and cannot be relied upon to paint an accurate picture of the state of the ecology of the Spur in 2022.
65. It is inevitable that any future residential development on areas that have been defined as suitable by both UHCC and GTC enabled by the construction of a road/infrastructure corridor would result in complaints from new residents about smoke discharge SSR consider it a realistic concern that complaints would force UHC to take action that would result in a restriction of SSR activities. Complaints and consequential restrictions could occur regardless of any existing use rights and having in place reverse sensitivity covenants removing rights of owners to complain as UHCC has statutory responsibilities to respond to such complaints.
66. Insurability – Silver Stream Railway rely on their own Public Liability Insurance policy cover that is required to allow operation of the railway with the ever present risk of fire and other risks associated with the operation of a railway. As with most insurance, the ongoing ability to first obtain any kind of cover and then at what premium cost requires frequent assessments and changes of insurer. Any material change to the risk profile of a heritage railway such as Silver Stream Railway such as would result from adjacent residential development or the location of infrastructure in close proximity to the railways activities will place more pressure on the insurability of operating the railway.
67. The nature of the Silver Stream Railway activities is such that there is an ongoing fire risk for the vegetation along the northern flanks of the Spur. The most recent fire in 2012 demonstrated the spread of fire up the slopes that can occur almost reaching the ridge line in this case. Development including that of a road/infrastructure corridor on the Spur would be at risk from fires and instead of the insurance risk being for vacant land it would be property and future enabled development of residential property.
68. The submitters consider that the likely effects of any development including a road/infrastructure corridor on the Spur will be a reduction in the absorption of rainfall within the catchments with changes to the extent of vegetation cover and the concentration of flows. The issue for Silver Stream Railway is both peak flow rates and any increase in the total quantity or duration of storm water flows from catchments affecting the railway from the construction of large paved areas such as a road and the removal of vegetation to cater for network utility infrastructure. The present construction of the railway formation still reflects the type of construction used when it was built 140 years ago with an economical narrow formation cut into the face of the Spur and end tipped into Hulls Creek. Culvert pipes cross the formation to discharge concentrated water flows from gullies on the spur below the railway to Hulls Creek. The formation the railway is built on is prone to slope

instability when it becomes saturated. This could be materially affected by any increase in total flow volumes from the catchments occurring over longer periods. The instability of the weathered greywacke rock faces above the railway are also prone to increased instability with greater amounts of saturation occurring. All of these effects on storm water discharges are likely to occur with development of any type. Therefore Silver Stream Railway consider that any development within any of the catchments discharging across the railway premises along the flanks of the spur should not be permitted.

## Summary

- Silver Stream Railway has researched and identified significant evidence from council's own records that shows the Spur was purchased using Reserve Fund finance. SSR consider that the proposed use of the Spur land purchased using Reserve funds for the provision of a road/infrastructure corridor for a potential future private housing development is inconsistent with the intent that the land was purchased for and the source of funding used for the purchase.
- There have been specific events since 1990, documented in council records, where UHCC decided against either selling or importantly "developing" the land as the current administration at each time were reminded that the original intent of purchasing was to protect the Spur for the future on behalf of the citizens of Upper Hutt. These decisions were made at a time when climate change threats and the prevention of habitat destruction were not considered as critical to society as they are in 2022.
- Since 2007 a number of proposals to purchase, sell, swap, or utilise the Spur have been made by UHCC with no opportunity provided to the community to submit to the council on these matters, which have often been done in secret, or public excluded portions of Council meetings. This is not a good example of how local government should engage with the citizens it represents and has destroyed trust of the public in UHCC.
- Any objections raised by submitters during this period to proposals to sell, swap or utilise the Spur for development have been dismissed by UHCC as being not relevant, or rebutted as there being no proposals for the Spur being considered by Council. Our findings indicate this is factually inaccurate and the Spur and its use to access the SGA/GTC land have been allowed to become entwined in council policy with no opportunity prior to this variation for the public to have its say on this policy decision and direction.
- The provisions of PC49 V1 to allow the construction of a road infrastructure corridor on land that is otherwise being set aside as natural open space are without precedent in NZ district planning documents. This would set a very concerning precedent example for other open space land held on behalf of the citizens of any town or city in New Zealand.
- The rezoning to natural Open Space and protection of identified SNA's on the Spur fit with UHCC's published sustainability strategy goals being:
  - 1: Council will be a carbon neutral organisation by 2035,
  - 2: We will prioritise protecting and enhancing our natural environment,

4: Our community will be resilient, adaptable and inclusive,

5: Upper Hutt City Council will be a leader in the community on sustainability issues,

7: Our community will be engaged and informed on sustainability issues,

8: We will encourage low carbon transport.

However the provisions to allow for the construction of a road infrastructure corridor on the Spur for the proposed Southern Growth Area are in direct contravention to these same sustainability objectives. Attempting in PC49 V1 to justify the construction of a road to allow for recreational access is particularly removed from the principals of this strategy on carbon neutrality, protecting and enhancing our natural environment and encouraging low carbon transport.

- No attempt has been made in PC49 V1 to explore alternatives for accessing the proposed SGA/GTC land other than via the Spur. Defining alternative access routes and evaluating these alternatives would be standard practice to establish a preferred option for an issue such as this. GTC have, and are continuing to explore possibilities for access to their land through further land acquisitions and have stated the SGA development is able to go ahead without the use of the Spur for access.
- SSR opinion is that we are not reassured that the proposed site-specific provisions of PC49 V1 to enable construction of a road infrastructure corridor will mean that the areas of the Spur not included in the corridor will remain as a natural Open Space in perpetuity. History has shown that despite the protection of the Spur being a recurring key Council policy, this can just as quickly be forgotten and all memory of it hidden from view if it does not suit the agenda of the current council administration.
- Public access to the Spur is not limited by the lack of a road/infrastructure corridor. Public access has been encouraged onto the land previously by council, and since then access opportunities to the site have not changed. An appropriate enhancement of the current access for recreation use could be a loop walking track or similar with minimal loss or degradation of the natural habitat. The attempt to justify the construction of a road to a neighbouring property as being required for recreational access is misleading. The recent pine tree removal on an area of the Spur by forestry contractors has shown once again that permanent road access is not required for the removal of this pest species.
- UHCC's own reporting and research into the history of their ownership of the Spur as documented in PC49 V1 could be described as "woefully inadequate". What has been clear is the strongly biased proposals put forward by UHCC toward sacrificing a community asset for future development and/or meeting the needs of a neighbouring private land owner rather than that of the community that it owns and manages the land on behalf of. This is reinforced by the minute amount of information that is shown on the UHCC website.
- The one positive outcome for the Spur from the past decade of wrangling over its future through various proposals and consultation periods has been time and nature quietly getting on with regenerating the Spur into an important ecological and visual amenity for the community. The recognition of SNA's and streams on the Spur and the

commencement of the removal of pine trees and the replanting in natives of areas along the Spur boundary provide a clear indication of the right future for this land.

### **Relief Sought**

- Zone the entire Silverstream Spur Pt Sec 1 SO34755 as Natural Open Space;
- Remove any and all provisions for a road/transport and/or network utility infrastructure corridor on any part of the Silverstream Spur Pt Sec 1 SO34755.
- At the conclusion of the Plan Change 49 process undertake to designate the entire Silverstream Spur Pt Sec 1 SO34755 as a Reserve in accordance with the process outlined in the Reserves Act 1977, with the result being that the entire Spur becomes a reserve in perpetuity.
- Correct errors and short comings with the Significant Natural Areas identified in Appendix 3 figure 5 of the PC49 Section 32 report and undertake to ensure all of these area are incorporated in to the Silverstream Spur Significant Natural Area overlay.
- Introduce a Special Amenity Landscape overlay on the entire site as the Spur meets the definition by being distinctive, widely recognised and highly valued where part of the site are dominated by natural components and part is an exceptional landscape areas that has been modified by human activity. The Spur also has a number of shared and recognised values.
- Formally put together a stewardship group of interested parties to oversee a future for the Spur that is sympathetic to its neighbours and allows the Spur to continue to mature into an outstanding ecological asset for Upper Hutt. One condition of this group would be that any involvement must be on the basis of having no commercial interest in the Spur or desire for potential financial gain from the site.



Name	City	Stz Postal Code	Country	Signed On
Jason Durry			New Zealand	11/03/2021
Caleb Scott	Wellington	6021	New Zealand	11/03/2021
Darryl Longstaffe	Wellington	6022	New Zealand	11/03/2021
Alastair Maciver	Wellington	6021	New Zealand	11/03/2021
Philip Drummond	Wellington		New Zealand	11/03/2021
Tommy Mortimer	Auckland	1010	New Zealand	11/03/2021
Theodore Drager	Wellington	6021	New Zealand	11/03/2021
Sean Heenan	Auckland	1010	New Zealand	11/03/2021
Dion McKenna	Paraparaumu	5254	New Zealand	11/03/2021
Jennifer Durry	Hastings	4120	New Zealand	11/03/2021
Erika Scott	Napier		New Zealand	11/03/2021
Mike Hartle	Porirua	5024	New Zealand	11/03/2021
Jack Still	Auckland	1010	New Zealand	11/03/2021
Lynley Meek	Hastings		New Zealand	11/03/2021
Rhys Lloyd	Wellington	6021	New Zealand	11/03/2021
Steve Weir	Christchurch	8141	New Zealand	11/03/2021
Bryce Chisnall	Christchurch	8011	New Zealand	11/03/2021
Donna Hooper	Christchurch		New Zealand	11/03/2021
Myles Manihera	Christchurch	8141	New Zealand	11/03/2021
Craig Utting	Wellington		New Zealand	11/03/2021
John Durry	Hastings	4120	New Zealand	11/03/2021
Michael Leefe	Christchurch	8011	New Zealand	11/03/2021
William Stringer	Christchurch		New Zealand	11/03/2021
kieran chisnall	Hastings	4120	New Zealand	11/03/2021
Lindsay Benbrook	Auckland	1010	New Zealand	11/03/2021
Brenda Healey	Wellington	6021	New Zealand	11/03/2021
Andie Neal	Te Kauwhata		New Zealand	11/03/2021
Doug Johnston	Auckland	1010	New Zealand	11/03/2021
Blair Jordan	Palmerston North	4410	New Zealand	11/03/2021
Alex Chapman	Tauranga	3110	New Zealand	11/03/2021
Dianne White	Cromwell	9310	New Zealand	11/03/2021
Ryan Gibbs	Christchurch	8013	New Zealand	11/03/2021
Ollie Duncan	Blenheim		New Zealand	11/03/2021
Michael Bailey	Invercargill		New Zealand	11/03/2021
Sam Knight	Auckland	1010	New Zealand	11/03/2021
Daniel Garland	Adelaide	5038	Australia	11/03/2021
Kieran Ebbett	Wellington	6021	New Zealand	11/03/2021
geoff tookey	Raglan		New Zealand	11/03/2021
Kevin Prince	Christchurch	8013	New Zealand	11/03/2021
Matthew Maxwell	Te Kuiti		New Zealand	11/03/2021
Willem Doodeman-Beamsley	Whanganui	4500	New Zealand	11/03/2021
Kieran Davidson	Christchurch	8011	New Zealand	11/03/2021
Russell Newport	Wellington	6021	New Zealand	11/03/2021
Gregory Pask	Wellington	6021	New Zealand	11/03/2021
Matthew Newport	Kinloch		New Zealand	11/03/2021
Carl Downes	Wellington	6021	New Zealand	11/03/2021
Kevin Boyd			New Zealand	11/03/2021
Tyler Boyd	Christchurch	8013	New Zealand	11/03/2021
Alan Roi	Christchurch	8141	New Zealand	11/03/2021

Brendon Lee	Haumoana		New Zealand	11/03/2021
Sam Mordey	Wellington	6021	New Zealand	11/03/2021
Hannah Keily	Mission Beach	4852	Australia	11/03/2021
Shelley Lincoln	Sydney	2000	Australia	11/03/2021
Murray Wilson	National Park Village		New Zealand	11/03/2021
Finn O'Regan	Auckland	1010	New Zealand	11/03/2021
Jack Dennehy-Coles	Auckland		New Zealand	11/03/2021
Liam Puklowski	Wellington	6021	New Zealand	11/03/2021
charley davidson	Palmerston North	4414	New Zealand	11/03/2021
James Gobbe	Christchurch	8141	New Zealand	11/03/2021
Quentin Roper	Hastings	4120	New Zealand	11/03/2021
Trish Oldridge	Hastings	4120	New Zealand	11/03/2021
David Maciulaitis	Auckland		New Zealand	11/03/2021
Fraser Robertson	Wellington	6021	New Zealand	11/03/2021
George King	Dunedin	9059	New Zealand	11/03/2021
John Wyndham-Jones	Palmerston North	4414	New Zealand	11/03/2021
Jonah Keily	Mission Beach	4852	Australia	11/03/2021
Craig McSkimming	Lower Hutt		New Zealand	11/03/2021
James Claridge	New Plymouth	4342	New Zealand	11/03/2021
Courtney Kilner	Auckland	1010	New Zealand	11/03/2021
Lisa Licini		6751	Australia	11/03/2021
JoN Reeves	Auckland	1010	New Zealand	11/03/2021
Richard Senington	Pukekohe		New Zealand	11/03/2021
Liam Storey	Hamilton	3214	New Zealand	11/03/2021
Tristan Smiley	Dannevirke	4930	New Zealand	11/03/2021
Peter Dent	Lower Hutt	5042	New Zealand	11/03/2021
Brett Heavey	Palmerston North	4414	New Zealand	11/03/2021
Helen Gadsby	Christchurch	8011	New Zealand	11/03/2021
Kevin Absalom	Auckland	1010	New Zealand	11/03/2021
Alan Kemp	Pahiatua		New Zealand	11/03/2021
Stefan Hadfield	Hamilton	3216	New Zealand	11/03/2021
Shannan Stafford-Hyde	Palmerston North		New Zealand	11/03/2021
Phillip Webby	Christchurch	8011	New Zealand	11/03/2021
Michael Kemp	Sydney	2226	Australia	11/03/2021
Elizabeth King	Invercargill	9810	New Zealand	11/03/2021
John Nimmo	Sydney	2000	Australia	11/03/2021
Taylor Harper	Auckland	1010	New Zealand	11/03/2021
Hamish Jackson	Wellington	6037	New Zealand	11/03/2021
Lynn Edser	Auckland	1010	New Zealand	11/03/2021
Steffan Ross	Greymouth	7840	New Zealand	11/03/2021
Alexander Sewell	Auckland	1010	New Zealand	11/03/2021
A B	Melbourne	3000	Australia	11/03/2021
Anthony McIntyre	Christchurch	8013	New Zealand	11/03/2021
Les Downey	Brisbane	4114	Australia	11/03/2021
Michael Adams	Auckland	1010	New Zealand	11/03/2021
Craig Tatley	Auckland	1010	New Zealand	11/03/2021
Terry Mellisop	Auckland	1010	New Zealand	11/03/2021
John Nimmo	Elizabeth Bay, Sydney	2011	Australia	11/03/2021
Dustin Waldron	Christchurch	8011	New Zealand	11/03/2021
Robert Mottram	Wanganui		New Zealand	11/03/2021

Nadine Ebbett	Wellington	6021	New Zealand	11/03/2021
Michael Shearer	Auckland		New Zealand	11/03/2021
Brian Dunlop	Christchurch		New Zealand	11/03/2021
Peter McQuarters	Christchurch	8011	New Zealand	11/03/2021
Alec Birch	Auckland	1010	New Zealand	11/03/2021
Fergus Moffat	Melbourne	3003	Australia	11/03/2021
Katelin Hardgrave	Christchurch	8013	New Zealand	11/03/2021
Nick Stoneman	Christchurch		New Zealand	11/03/2021
William Hall	Christchurch	8041	New Zealand	11/03/2021
Elle Wishart	Wellington	6021	New Zealand	11/03/2021
matt turner	Matamata		New Zealand	11/03/2021
Jacinda Ardern	Auckland	1010	New Zealand	11/03/2021
Emily Rolls	Wellington	6021	New Zealand	11/03/2021
colin Pickthall	feilding		New Zealand	11/03/2021
Sandra Jordan	Christchurch	8011	New Zealand	11/03/2021
Tracey Hardgrave	Stokes Valley		New Zealand	12/03/2021
aaron bacon	Christchurch		New Zealand	12/03/2021
Alec Hardgrave	Wellington		New Zealand	12/03/2021
Stefan van Vliet	Ashburton	7700	New Zealand	12/03/2021
Allan Shadfar	Melbourne	3001	Australia	12/03/2021
Alexander Symons	Montréal		New Zealand	12/03/2021
Catie Stead			New Zealand	12/03/2021
Grace Tait	Napier	4110	New Zealand	12/03/2021
Roy Marshall	Sydney	2001	Australia	12/03/2021
Hayden Hardgrave	Auckland	1010	New Zealand	12/03/2021
Melanie Wood		6064	Australia	12/03/2021
Linda Malcolm	Auckland		New Zealand	12/03/2021
Ben McLean	Christchurch		New Zealand	12/03/2021
Robyn Taylor	Waimarama		New Zealand	12/03/2021
Janice Hayward	London	KT6 6NE	UK	12/03/2021
Michael Wood	Palmerston north		New Zealand	12/03/2021
Alexander Browne	Auckland	1010	New Zealand	12/03/2021
Val Hardgrave	Lower Hutt	5042	New Zealand	12/03/2021
Paul Sanderson	Taupo	3110	New Zealand	12/03/2021
Steve Russell	Christchurch	8011	New Zealand	12/03/2021
Richard Satherley	Christchurch	8011	New Zealand	12/03/2021
Patrick Eid	Illawong	2234	Australia	12/03/2021
kathrynne Grundy	Perth	6372	Australia	12/03/2021
Steve Porter	Wellington	6021	New Zealand	12/03/2021
Tony Weston	Invercargill	9812	New Zealand	12/03/2021
Kim Hunter	Napier	4112	New Zealand	12/03/2021
Steven Baker	Auckland	1010	New Zealand	12/03/2021
Jamie Tane	Wellington		New Zealand	12/03/2021
Les Thurgood	Woodend	3442	Australia	12/03/2021
George Powrie	Tauranga		New Zealand	12/03/2021
Karina Bridges	Newcastle	2305	Australia	12/03/2021
christopher brens		3216	Australia	12/03/2021
Loretta Saltalamacchia	Melbourne	3073	Australia	12/03/2021
Jeran Petersen-Clarke	Wellington		New Zealand	12/03/2021
Francis Bruce Gavin	Auckland		New Zealand	12/03/2021

Scotty Rankin	Auckland, New Zealand		New Zealand	12/03/2021
Danny Cains	Auckland	1010	New Zealand	12/03/2021
Kramer Pierce	Auckland	1010	New Zealand	12/03/2021
Rhys Cornor	Dargaville		New Zealand	12/03/2021
Joshua Lowe	Auckland	1010	New Zealand	12/03/2021
Howard Phillips	Wellington	6021	New Zealand	12/03/2021
Michael Gibbs			New Zealand	12/03/2021
Ben Salt	Wellington	6011	New Zealand	12/03/2021
Ewan Pound	Wellington	6021	New Zealand	12/03/2021
Alfred Lepou	Paraparaumu	5032	New Zealand	12/03/2021
Edward Law	Porirua	5024	New Zealand	12/03/2021
Taliska Crispin	Berri S.A	5343	Australia	12/03/2021
Lawrence Boul	Christchurch	8013	New Zealand	12/03/2021
Ross Tremain	Invercargill	9810	New Zealand	12/03/2021
Nathan Scrafton	Brisbane	4000	Australia	12/03/2021
Alex Betteridge	Wellington	6021	New Zealand	12/03/2021
Carl Ewart	Palmerston North	4410	New Zealand	12/03/2021
Don Miller	Picton	7281	New Zealand	12/03/2021
Jeysun Kilic	Sydney	2000	Australia	12/03/2021
Richard Adams	New Plymouth	4342	New Zealand	12/03/2021
Matthew Betesta	Auckland	1010	New Zealand	12/03/2021
Wendy Fenton	Melbourne	3008	Australia	12/03/2021
Gordon Forrester	Wellington	6021	New Zealand	12/03/2021
Nick Moylan	Wellington	6021	New Zealand	12/03/2021
Samantha Mason	Palmerston North	4414	New Zealand	12/03/2021
Mike Kilsby	Dunedin	9059	New Zealand	12/03/2021
Jason Oliver	Auckland	1010	New Zealand	12/03/2021
Zane Gracie	Palmerston North	4410	New Zealand	12/03/2021
Philip Riley	Christchurch	8141	New Zealand	12/03/2021
michael herd	Harrow	Enj ha1 1qr	UK	12/03/2021
Clinton Frater	Brisbane	4001	Australia	12/03/2021
Stephen Hildreth	Wellington	6021	New Zealand	12/03/2021
Steve Donovan	Napier	4110	New Zealand	12/03/2021
James Eunson	Christchurch	8011	New Zealand	12/03/2021
Paul Jeffery	South Dunedin	9012	New Zealand	12/03/2021
Allen Anderson	Wellington	6021	New Zealand	12/03/2021
Wayne Bardsley	Dunedin	9059	New Zealand	12/03/2021
Robert webber	Hamilton		New Zealand	12/03/2021
Julian Evans	Milton	8053	New Zealand	12/03/2021
Andrew Salter	Levin		New Zealand	12/03/2021
Patrick Mulligan	Palmerston North	4410	New Zealand	12/03/2021
Lincoln McCann		3978	Australia	12/03/2021
Hans Paaymans	Wellington	6149	New Zealand	12/03/2021
Linda Jackson	Sydney	2001	Australia	12/03/2021
Rob jowitt	Wellington	6021	New Zealand	12/03/2021
shane murray	Dunedin		New Zealand	12/03/2021
Jaymz Theunissen	Rotorua	3010	New Zealand	12/03/2021
kenneth ferris	nelson .		New Zealand	12/03/2021
Helen Ferris	Christchurch	8011	New Zealand	12/03/2021
Harry Watson	Eastbourne	BN21	UK	12/03/2021

Andrew Tabak	Christchurch	8011 New Zealand	12/03/2021
Debra Dragonheart	Brisbane	4000 Australia	12/03/2021
Richard White	Melbourne	3001 Australia	12/03/2021
Sonia Ryrie	Wellington	6023 New Zealand	12/03/2021
Peter Dix	Hamilton	3214 New Zealand	12/03/2021
Robert Nowak		Poland	12/03/2021
Justin Dwyer	Ben Lomond	2365 Australia	12/03/2021
Gen Poole		2902 Australia	12/03/2021
Leon James	Timaru	New Zealand	12/03/2021
Bruce Sharp	Wellington	6035 New Zealand	12/03/2021
Ollie Keesing	Auckland	1010 New Zealand	12/03/2021
Gerard Moat	Napier	4110 New Zealand	12/03/2021
Royce Flynn	Auckland	1010 New Zealand	12/03/2021
Jason Cooper	Christchurch	8023 New Zealand	12/03/2021
victoria jones	Upper Hutt	5018 New Zealand	12/03/2021
bob(robert) padlie	auckland	1026 New Zealand	12/03/2021
casey mclatchie	Upper Hutt	New Zealand	12/03/2021
Neville Tobin	Christchurch	New Zealand	12/03/2021
Ralph Sheppard	Palmerston North	4412 New Zealand	12/03/2021
aj wright	Wellington	6021 New Zealand	12/03/2021
Sam Somers	Khandallah	5571 New Zealand	12/03/2021
Alex Dent	Wellington	New Zealand	12/03/2021
Stephen Drummond	Auckland	1010 New Zealand	12/03/2021
John Field	Wellington	6021 New Zealand	12/03/2021
George Deans	New Plymouth	4310 New Zealand	12/03/2021
Cally Evans	Wellington	6011 New Zealand	12/03/2021
Jacob Borich	Wellington	6021 New Zealand	12/03/2021
Erin Crosbie	Wellington	New Zealand	12/03/2021
Casey Nightingale goldsbury	Auckland	1010 New Zealand	12/03/2021
Josh Wikaira	Palmerston North	4414 New Zealand	12/03/2021
Max Evans	Wellington	6021 New Zealand	12/03/2021
Elly Neilsen		2088 Australia	12/03/2021
Tobias Nobelen	Wellington	6021 New Zealand	12/03/2021
Julia Roche	Auckland	1010 New Zealand	12/03/2021
Anna Kingi	Christchurch	8011 New Zealand	12/03/2021
Gitte Larsen	Hedehusene	2640 Denmark	12/03/2021
Sabrina Singleton	wellington	5018 New Zealand	12/03/2021
Elizabeth Buick	Wellington	New Zealand	12/03/2021
Brigette Campbell	Wellington	6021 New Zealand	12/03/2021
Matt Allen		New Zealand	12/03/2021
Richard Everson	Wellington	6021 New Zealand	12/03/2021
Mark Yates	Porirua	5024 New Zealand	12/03/2021
Kevin McGrath	Wellington	6021 New Zealand	12/03/2021
Ben Davidge	Wellington	6021 New Zealand	12/03/2021
Larne Whitter	Christchurch	8013 New Zealand	12/03/2021
Cher Dawson	Wellington	6021 New Zealand	12/03/2021
Kent Osborne	Wellington	New Zealand	12/03/2021
Thomas Baker	Wellington	New Zealand	12/03/2021
Tim Bowron	Wellington	6021 New Zealand	12/03/2021
Tim Boyd	Auckland	1010 New Zealand	12/03/2021

Doug Wheeler	Auckland		New Zealand	12/03/2021
Natasha Reuben	Kellyville	2155	Australia	12/03/2021
Peter Little	Wellington	6021	New Zealand	12/03/2021
Chris Clark	Wellington		New Zealand	12/03/2021
Sharon Clark	Upper Hutt, Wellington, New Zealand		New Zealand	12/03/2021
Estella Kiernan	Auckland	1010	New Zealand	12/03/2021
Paul Carter	Auckland	1010	New Zealand	12/03/2021
Donna Dixon	Auckland		New Zealand	12/03/2021
jason davis	upper hutt		New Zealand	12/03/2021
Ryon Sinvkair	Auckland	1010	New Zealand	12/03/2021
Liz Grant	Wellington	6021	New Zealand	12/03/2021
phillip grassi		4655	Australia	12/03/2021
Lloyd Busletta	Auckland	1010	New Zealand	12/03/2021
Shannon Maher	Upper Hutt	5018	New Zealand	12/03/2021
Francie Pye	Christchurch	8141	New Zealand	12/03/2021
Dannielle King	Wellington		New Zealand	12/03/2021
david kruiniger	Welling		New Zealand	12/03/2021
Lloyd Dyer	Lower Hutt	5042	New Zealand	12/03/2021
Serah Sutherland	Wellington		New Zealand	12/03/2021
Nicole Martin	Wellington	6021	New Zealand	12/03/2021
Louis Allais	Nelson		New Zealand	12/03/2021
Annalies Kruiniger	Christchurch	8011	New Zealand	12/03/2021
Miles Coverdale	Levin	5510	New Zealand	12/03/2021
Mike Mallett	Faringdon	SN7	UK	12/03/2021
Edward Leach	Dunedin	9059	New Zealand	12/03/2021
Mark Stack	Napier		New Zealand	12/03/2021
Daniel Gendall	Wellington		New Zealand	12/03/2021
Phillip King	Wellington	6021	New Zealand	12/03/2021
Samuel Ross	Wellington		New Zealand	12/03/2021
Mike Burke	Wellington		New Zealand	12/03/2021
Melinda Wakley	Sydney	2000	Australia	12/03/2021
Mairead Conway	Mairangi Bay	754	New Zealand	12/03/2021
Natalie Radbuscha	Auckland	1010	New Zealand	12/03/2021
George Goldsmith	Maungaturoto	588	New Zealand	12/03/2021
Robyn Hammond	dunedin		New Zealand	12/03/2021
Rob Riley	Wellington	6021	New Zealand	12/03/2021
Bryce Prender	Auckland	1010	New Zealand	12/03/2021
Peter Darian-Varzeliotis	Elmwood	NOG1SO	Canada	12/03/2021
Kerry Gray	Porirua	5026	New Zealand	12/03/2021
Ayla Zalunardo	Griffith	2680	Australia	12/03/2021
Tony Brens	Melbourne	3001	Australia	12/03/2021
Richard Whitehead	Melbourne	3001	Australia	12/03/2021
Ian Johnstone	Dunedin		New Zealand	12/03/2021
Dean Rhodes	Christchurch	8141	New Zealand	12/03/2021
Troy Hucks	Adelaide	5001	Australia	12/03/2021
Neville Wilkinson		2153	Australia	12/03/2021
Melissa Stewart	Hastings		New Zealand	12/03/2021
Matthew Kelly	Millendon	6056	Australia	12/03/2021
Anthony Hinton	Colchester	CO1	UK	12/03/2021
Sophie-Mae Price	Holder	2611	Australia	12/03/2021

Daniel Thomas	Christchurch	8141 New Zealand	12/03/2021
Chantele Hickson	Baulkham Hills	2153 Australia	12/03/2021
Fran Miller	Bellingen	2454 Australia	12/03/2021
Phillip Mackenzie	Adelaide	5021 Australia	12/03/2021
David Farrimond		4501 Australia	12/03/2021
Lee Stevens	Auckland	1010 New Zealand	12/03/2021
Simon Kutzer	Para Hills	5096 Australia	12/03/2021
Alice Conza	Lower Hutt	5042 New Zealand	12/03/2021
Andrew Gibson	Waikato	New Zealand	12/03/2021
REJOICE AMBOGE	Perth	6148 Australia	12/03/2021
Jeremy Thomas	Christchurch	8011 New Zealand	12/03/2021
Gerard Biggans	Auckland	1010 New Zealand	12/03/2021
anthony may	Palmerston North	4410 New Zealand	12/03/2021
Laura Turner	Christchurch	New Zealand	12/03/2021
Christopher Hentschel	Christchurch	New Zealand	12/03/2021
Debby Schoenmaeckers	Tauranga	3110 New Zealand	12/03/2021
Gemma Lees	Upper Hutt	5018 New Zealand	12/03/2021
Suzanne Flynn	Christchurch	8011 New Zealand	12/03/2021
glenn davis	upper hutt	5018 New Zealand	12/03/2021
Matt Hutchinson	Wellington	6021 New Zealand	12/03/2021
Chelcie Dillon	Lower Hutt	5019 New Zealand	12/03/2021
Deb Halligan	Lower Hutt	5019 New Zealand	12/03/2021
peter kentish	Paraparaumu	5032 New Zealand	12/03/2021
Scott Burrows	Ashburton	7700 New Zealand	12/03/2021
Shannon Buchanan	Auckland	1010 New Zealand	12/03/2021
Kerrian Haraki	Wellington	New Zealand	12/03/2021
Kane Nicholson	Auckland	1010 New Zealand	12/03/2021
Andrew Loach	Wellington	6021 New Zealand	12/03/2021
Grant Crawford	Wellington	6021 New Zealand	12/03/2021
Jayden Gault	Wellington	6021 New Zealand	12/03/2021
Hollie Richardson	wellington	New Zealand	12/03/2021
Tristan Meulenbroeks	Palmerston North	4412 New Zealand	12/03/2021
Mike Tobin		New Zealand	12/03/2021
Angela Free	upper hutt	New Zealand	12/03/2021
Julie Wallace-Cooley	Woolston	8241 New Zealand	12/03/2021
Ben Calcott	Wellington	6021 New Zealand	12/03/2021
megan bentley		4217 Australia	12/03/2021
Lyne Kruiniger	Wellington	6021 New Zealand	12/03/2021
Wayne Richarddon		4157 Australia	12/03/2021
Tricia Freeman	masterton	New Zealand	12/03/2021
Cole Freeman	Palmerston North	4414 New Zealand	12/03/2021
Charles Eggen	Springfield	Or 97477 US	12/03/2021
Glen Anthony	Christchurch	8011 New Zealand	12/03/2021
Fiona Bayliss	Wellington	New Zealand	12/03/2021
Melissa Huntsman	Wellington	New Zealand	12/03/2021
Simpson David	Hamilton	3214 New Zealand	12/03/2021
Gerald Dignan	Wellington	6021 New Zealand	12/03/2021
Khambia Clarkson	Marshalltown	50158 Australia	12/03/2021
Graeme Joyes	Christchurch	8011 New Zealand	12/03/2021
Aaron Hannah	Christchurch	8011 New Zealand	12/03/2021

Alamaine McGregor	Wellington	6021	New Zealand	12/03/2021
Colin South	Upper Hutt		New Zealand	12/03/2021
Craig Tobin	Christchurch	8011	New Zealand	12/03/2021
Lindsay Challis	Christchurch		New Zealand	12/03/2021
Bray Hunter	Otaki		New Zealand	12/03/2021
Michael Lynch	Dunedin		New Zealand	12/03/2021
Don Spicer	Westport		New Zealand	12/03/2021
Sally George	Thorneside	4158	Australia	12/03/2021
Brett Lilley	Whakatane		New Zealand	12/03/2021
Leah Jenkins	Hamilton		New Zealand	12/03/2021
Jake Preston	Christchurch	8011	New Zealand	12/03/2021
Bill Fordham	Harrington Park	2567	Australia	12/03/2021
Lachie Hewitt	Amberley	7481	New Zealand	12/03/2021
Cvetka Petrovski	Adelaide	5001	Australia	12/03/2021
Charisa Lockley	Upper Hutt	5018	New Zealand	12/03/2021
Glynn Babington	Lower Hutt	5010	New Zealand	12/03/2021
Raewyn Connolly	Hamilton		New Zealand	12/03/2021
Steve Martin	Auckland	1010	New Zealand	12/03/2021
Kevin Brewer	Hastings		New Zealand	12/03/2021
Andy Langford	Dunedin	Dunedin	New Zealand	12/03/2021
Karen Turner	Auckland		New Zealand	12/03/2021
Patricia Moebus		3049	Australia	12/03/2021
Gordon Bartram	Christchurch	8024	New Zealand	12/03/2021
Pam Wernert	Athlone, Vic	3818	Australia	12/03/2021
James Davison	wellington		New Zealand	12/03/2021
Maurice Fenton	Christchurch		New Zealand	12/03/2021
chris dodd	goombungee	4354	Australia	12/03/2021
Erwin Szakacs	Melbourne	3160	Australia	12/03/2021
Duncan McIntyre	Christchurch	8011	New Zealand	12/03/2021
anthony downs	Christchurch		New Zealand	12/03/2021
Paul Schofield	Auckland	1010	New Zealand	12/03/2021
Victoria Nation	Upper Hutt		New Zealand	12/03/2021
Fiona Nobelen	Wellington	5010	New Zealand	12/03/2021
Robert Jelas	Levin	5510	New Zealand	12/03/2021
Lois Fitzgerald	Lower Hutt		New Zealand	12/03/2021
Ben Duncan	Wellington	6021	New Zealand	12/03/2021
Sean Basham	Melbourne	2000	Australia	12/03/2021
Brian Devonshire	Palmerston North	1025	New Zealand	12/03/2021
Stuart Minifie	Wellington		New Zealand	12/03/2021
Denis Cains	Upper Hutt		New Zealand	12/03/2021
Elizabeth Beesley	Hastings	4120	New Zealand	12/03/2021
Wayne Batty	Wellington	6021	New Zealand	12/03/2021
Adam Johnson	Wanganui	4500	New Zealand	12/03/2021
Dylan Mounter	Auckland	1010	New Zealand	12/03/2021
Kayla Mounter	Wellington	6021	New Zealand	12/03/2021
Benj Gulliford	Sydney	2001	Australia	12/03/2021
Jim Clarke	Wellington	6149	New Zealand	12/03/2021
Mark Dakin	Dunedin		New Zealand	12/03/2021
Andy Davy	Wellington	6021	New Zealand	12/03/2021
David Mills	Melbourne	3004	Australia	12/03/2021



Josephine Brown	mmmmmmm	0	Australia	12/03/2021
Graeme Devonshire	Tauranga	3110	New Zealand	12/03/2021
Emma Guy	Wellington		New Zealand	12/03/2021
Lance Kennedy		2130	Australia	12/03/2021
Ray McIntyre	Christchurch	7775	New Zealand	12/03/2021
Lyall Dawe	Wellington	6021	New Zealand	12/03/2021
Brittany Stannard	Brisbane	4001	Australia	12/03/2021
Peter Mcgregor	Wellington	6021	New Zealand	12/03/2021
NIALL ROBERTSON	Auckland		New Zealand	12/03/2021
Brian Smith	Auckland	1010	New Zealand	13/03/2021
Nick Toulmin	Wellington		New Zealand	13/03/2021
Hayden Greenwood	Wellington	6021	New Zealand	13/03/2021
Mary Beth Taylor	Upper Hutt		New Zealand	13/03/2021
Bronte Laffin-Vines	Melbourne	3072	Australia	13/03/2021
Adele Patrick	Dunedin		New Zealand	13/03/2021
Peter Wolsey	Upper Hutt		New Zealand	13/03/2021
Tigerlily Hayward		2196	Australia	13/03/2021
Peter bashall	Timaru	7910	New Zealand	13/03/2021
Peter Jez	Ballarat	3051	Australia	13/03/2021
George Taylor	Lower Hutt	5042	New Zealand	13/03/2021
Tony Waugh	casey	3977	Australia	13/03/2021
John Taylor		2077	Australia	13/03/2021
Christopher Randal	Auckland	1010	New Zealand	13/03/2021
John Salter	Wellington	6021	New Zealand	13/03/2021
Brian Howard	Wellington		New Zealand	13/03/2021
Nick Major	Wellington	6021	New Zealand	13/03/2021
Paul Murphy	Brisbane	89176	Australia	13/03/2021
pat hoffmann	stokes valley		New Zealand	13/03/2021
tex townend	Hobart	7000	Australia	13/03/2021
Ian Price	Upper Hutt	5018	New Zealand	13/03/2021
Terence Delaney	Auckland	1010	New Zealand	13/03/2021
Jen Rogers	Blenheim	7201	New Zealand	13/03/2021
Wendy McLay	Dunedin		New Zealand	13/03/2021
Andrew McGlashan		3134	Australia	13/03/2021
Kaala Howard	Brisbane	4207	Australia	13/03/2021
barrettowe@gmail.com	Barre Auckland	1010	New Zealand	13/03/2021
Charlie Burke			New Zealand	13/03/2021
Julie Martin	Frederic	54837-8918	Australia	13/03/2021
Joshua Simpson	Christchurch	8013	New Zealand	13/03/2021
David Tattersall	Whangarei		New Zealand	13/03/2021
Roger Eade	Christchurch	8083	New Zealand	13/03/2021
Tamsyn Martin	Auckland		New Zealand	13/03/2021
Donald Gosselin	Geraldine	7930	New Zealand	13/03/2021
Graeme Reilly	Wellington	6021	New Zealand	13/03/2021
Jeffrey Urquhart	Charters Towers	4820	Australia	13/03/2021
beryl johnson	Wellington	6021	New Zealand	13/03/2021
Owen Smith	invercargill		New Zealand	13/03/2021
Jeet Pratap	Lower Hutt	5042	New Zealand	13/03/2021
Jane McNicol	Wellington	6021	New Zealand	13/03/2021
Marilyn Mabon	Palmerston North	4414	New Zealand	13/03/2021

Brent Mclean	Lower Hutt	5010 New Zealand	13/03/2021
Susan McGregor Paisey	Christchurch	8011 New Zealand	13/03/2021
Judy Schneider		2132 Australia	13/03/2021
sally baker	Masterton	5810 New Zealand	13/03/2021
Alan Wallace	Hamilton	3214 New Zealand	13/03/2021
Keith Morris	Wellington	6021 New Zealand	13/03/2021
Ella Harris	Auckland	New Zealand	13/03/2021
Jonathan Bayliss	Wellington	6021 New Zealand	13/03/2021
Clayton Booker	Matamata	3400 New Zealand	13/03/2021
Ray Blackley	Hamilton	New Zealand	13/03/2021
Cole Barker	Hamilton	New Zealand	13/03/2021
Riki Simeti	Auckland	1010 New Zealand	13/03/2021
Janee Coffin	Wellington	6021 New Zealand	13/03/2021
Amanda Trafford	Brisbane	4001 Australia	13/03/2021
Miranda Snowden	Frankston	3199 Australia	13/03/2021
Anita Martell	Lower Hutt	New Zealand	13/03/2021
Duane Novis	Christchurch	8011 New Zealand	13/03/2021
Andrew Wilson	Christchurch	New Zealand	13/03/2021
Jasper West	Dunedin	9024 New Zealand	13/03/2021
Christine Clarkson	Lower Hutt	5011 New Zealand	13/03/2021
Jack Stanton	Auckland	1010 New Zealand	13/03/2021
rob mcnicol	Auckland	1010 New Zealand	13/03/2021
Keith Clark	Wellington	New Zealand	13/03/2021
glaxy gold	Auckland	1010 New Zealand	13/03/2021
Kk 359	Auckland	New Zealand	13/03/2021
Erin Thorne	Christchurch	New Zealand	13/03/2021
Roy Houthuijzen	Gisborne	New Zealand	13/03/2021
Miriam Palmer	Tauranga	New Zealand	13/03/2021
Juan Sebastian Gonzalez Roja	Auckland	New Zealand	13/03/2021
Nick wilson	Wellington	6021 New Zealand	13/03/2021
Cherry Johnson	Wellington	New Zealand	13/03/2021
Cameron Taylor	Wellington	6021 New Zealand	13/03/2021
Lee Timms		Australia	13/03/2021
Natasha Jackson	Christchurch	New Zealand	13/03/2021
Mel Richardson	Wellington	6021 New Zealand	13/03/2021
Mike Mexted	Lower Hutt	5042 New Zealand	13/03/2021
Cherie Kelly		6056 Australia	13/03/2021
Elizabeth Conlan	Andergrove Queensland	4740 Australia	13/03/2021
Peter Taylor	Sydney	1001 Australia	13/03/2021
Sherie Seymour		Australia	13/03/2021
Tj Anderson	Broome	6725 Australia	13/03/2021
Yasoda FORSTER	Sydney	2063 Australia	13/03/2021
Darrell Foote	Adelaide	5033 Australia	13/03/2021
Murray Renton	Dunedin	New Zealand	13/03/2021
Keira Gibsone	Perth	6122 Australia	13/03/2021
Ian Denholm	Kirwee	New Zealand	13/03/2021
Tim Watson	Wellington	6021 New Zealand	13/03/2021
Robyn Pouw	Invercargill	5018 New Zealand	13/03/2021
Jackie Mckenna	Christchurch	8011 New Zealand	13/03/2021
Janine Gray	Wellington	New Zealand	13/03/2021

Iain Collingwood	Christchurch	8011 New Zealand	13/03/2021
Sharon Ritchie	Wellington	6021 New Zealand	13/03/2021
Chantelle Waite	Wellington	6021 New Zealand	13/03/2021
Scott Waite	Palmerston North	4414 New Zealand	13/03/2021
Jo Dunshea	Wellington	6021 New Zealand	13/03/2021
Trent Morrell	Palmerston North	New Zealand	13/03/2021
Mike Duston	Porirua	New Zealand	13/03/2021
Ann-Marie Radcliffe	Christchurch	8011 New Zealand	13/03/2021
James Willson	Wellington	6021 New Zealand	13/03/2021
Joe Choy	Dunedin	New Zealand	13/03/2021
Leanna Hughes	Hamilton	New Zealand	13/03/2021
Paul Baird	Christchurch	8013 New Zealand	13/03/2021
Natalie Richardson	Wellington	6021 New Zealand	13/03/2021
Shannon Walsh		6230 Australia	13/03/2021
Donald Walters	Waipawa	5782 New Zealand	13/03/2021
Peter Honeyman	Feildind	New Zealand	13/03/2021
Cameron Sang	Lower Hutt	New Zealand	13/03/2021
Tamsin Warburton	Wellington	6021 New Zealand	13/03/2021
Heidi Wruck	Wellington	New Zealand	13/03/2021
Mark Davidson	Wellington	New Zealand	13/03/2021
Christian Ticehurst	Auckland	1010 New Zealand	13/03/2021
Hana Straight	Wellington	6021 New Zealand	13/03/2021
Tim Wheat		612 UK	13/03/2021
Barry Pulford	Hastings	4120 New Zealand	13/03/2021
Casey De Veau	Hammondville	2170 Australia	13/03/2021
marnie todd	Auckland	1010 New Zealand	13/03/2021
Jason West	Sydney	2153 Australia	13/03/2021
John Pemberton	Matamata	New Zealand	13/03/2021
Ilona Ganich	Wellington	6021 New Zealand	13/03/2021
A Wadsworth	Wellington	6021 New Zealand	13/03/2021
Ben Hollis	Masterton	5810 New Zealand	13/03/2021
Numreo Ellockta	sydney	2234 Australia	13/03/2021
Shona Richardson		New Zealand	13/03/2021
Emma Thorne	Wellington	New Zealand	13/03/2021
Neha Singh	Wellington	New Zealand	13/03/2021
Reuben Morison	Dunedin	New Zealand	13/03/2021
Xandy Quigao	Adelaide	5098 Australia	13/03/2021
Nathan Santo	Melbourne	3001 Australia	14/03/2021
Andrea Gray	Nelson	New Zealand	14/03/2021
Janene Homan	Eketahuna	New Zealand	14/03/2021
Maria Makhoul	Asquith	2077 Australia	14/03/2021
Dawn Livesey	Wellington	6021 New Zealand	14/03/2021
ree maceda	North Melbourne	3051 Australia	14/03/2021
Carol Ta'ala		2232 Australia	14/03/2021
Aaryan Popli	Sydney	2145 Australia	14/03/2021
Matthew Morison	Kaipoi	New Zealand	14/03/2021
Te Firmin	Waikanae, New Zealand	New Zealand	14/03/2021
Jared Le Roy De Saint Rene	Wellington	6021 New Zealand	14/03/2021
helen drinoczky	Glen Waverley	3150 Australia	14/03/2021
Marcel Abels	Blenheim	7201 New Zealand	14/03/2021

Son Jons	Sydney	4000	Australia	14/03/2021
Sarah Hutchison	Lower Hutt		New Zealand	14/03/2021
Camille Hanrahan-Tan	Ashbury	2193	Australia	14/03/2021
Stephen Bonham			Australia	14/03/2021
David Griffin	Melbourne	3199	Australia	14/03/2021
Rose Papworth	Auckland	1010	New Zealand	14/03/2021
Aimee Harriss		4503	Australia	14/03/2021
Joanne Campione	Tweed Heads	2485	Australia	14/03/2021
marcus le seelleur	Hamilton	3214	New Zealand	14/03/2021
Amanda Alcock	Adelaide	5022	Australia	14/03/2021
Tracey Stratmore	Wellington	6021	New Zealand	14/03/2021
Lynette McElligott	Sydney	2000	Australia	14/03/2021
Martin Watts	St.Marys	2760	Australia	14/03/2021
Ambrose Capon	Sydney	2000	Australia	14/03/2021
Karl Hewlett	Christchurch	8011	New Zealand	14/03/2021
Clive Davis	Wellington	6021	New Zealand	14/03/2021
Kerry Thompson	Christchurch	8013	New Zealand	14/03/2021
Max McCahy			Australia	14/03/2021
Barbara Black	Wellington	6021	New Zealand	14/03/2021
Talei Aldiss	Wellington	6021	New Zealand	14/03/2021
al ju	cairns	4870	Australia	14/03/2021
Ghost Rhoades			Australia	14/03/2021
Kaylee Repka	Scoresby	3179	Australia	14/03/2021
Ryan Melling	Melbourne	3000	Australia	14/03/2021
Jacob Halliburton	Wellington	6021	New Zealand	14/03/2021
Marie Ruru	Auckland	1010	New Zealand	14/03/2021
Kerry Neubecker		2519	Australia	14/03/2021
Jane Kearney	Southport	4215	Australia	14/03/2021
Val Burr	Palmerston North	4410	New Zealand	14/03/2021
Ian Greenwood	Lower Hutt	19355	New Zealand	14/03/2021
Letitia Bird	Mallanganee	2469	Australia	14/03/2021
anthony henderson	Sydney	1001	Australia	14/03/2021
F.L. Ross	Melbourne	3199	Australia	14/03/2021
Mark Beams	Auckland	1010	New Zealand	14/03/2021
KIBROM DEMEWOZ	Sydney	2000	Australia	14/03/2021
Rose Humphrey	Brisbane	4053	Australia	14/03/2021
Jacqueline Wilson	Upper Hutt	5018	New Zealand	14/03/2021
Alan Thompson	Auckland	1010	New Zealand	14/03/2021
Amy Walkey	Wellington	6022	New Zealand	14/03/2021
Natasha Colbourne	Upper Hutt	6642	New Zealand	14/03/2021
Josh Walkey	Wellington	6022	New Zealand	14/03/2021
Anthony Clayton	Mascot	2020	Australia	14/03/2021
Rochelle Mccarty			New Zealand	14/03/2021
Frank WALKEY	Wellington	6021	New Zealand	14/03/2021
Angela Jelaca	Wellington	6021	New Zealand	14/03/2021
Lincoln Nuttall	Wellington	6021	New Zealand	14/03/2021
Steve Watts	Brisbane	4019	Australia	14/03/2021
Ngakaari Morehu	Tauranga	3110	New Zealand	14/03/2021
Peter Healy	Perth	6001	Australia	14/03/2021
Frank van der Veen	Wellington	6021	New Zealand	14/03/2021

Stephanie Quigley	Drouin	3818 Australia	14/03/2021
Dr Caitilin de Berigny Wall	Sydney	2008 Australia	14/03/2021
Chris hilleard	Auckland	1010 New Zealand	14/03/2021
Emma Hilleard	Wellington	6021 New Zealand	14/03/2021
Sian Jarrett	Wellington	New Zealand	14/03/2021
Nel Addison	Wagga Wagga	2650 Australia	14/03/2021
smiley face	Toorak	3142 Australia	14/03/2021
Richard Morton	Christchurch	8013 New Zealand	14/03/2021
Daryl Peek	Auckland	1010 New Zealand	14/03/2021
karen hilleard	Upper Hutt	New Zealand	14/03/2021
grass the lad	Nelson	New Zealand	14/03/2021
Ben Higgs	Perth	6001 Australia	14/03/2021
shrimpy pp	Sydney	2000 Australia	14/03/2021
Tarah Reade	Melbourne	3752 Australia	14/03/2021
Maddison Schild		5095 Australia	14/03/2021
Andrew Hale		3690 Australia	14/03/2021
James Russo		Australia	14/03/2021
David Grajfoner	Capel Sound.	3940 Australia	14/03/2021
Kevin Ching	Rangiora	New Zealand	14/03/2021
Sophie Grant	Wellington	6021 New Zealand	14/03/2021
chris coles	Auckland	1010 New Zealand	14/03/2021
Maya L	Highland Park	New Zealand	14/03/2021
K J		Australia	14/03/2021
patricia davis	Rosebud	3939 Australia	14/03/2021
Johann Perera	Sydney	2001 Australia	14/03/2021
Adam Quadrio	Perth	6000 Australia	14/03/2021
Liz Hutchings	Auckland	1010 New Zealand	14/03/2021
Anna Burrowes	Wellington	New Zealand	14/03/2021
Kelly Thompson		6056 Australia	14/03/2021
Amanda Dormer	Hastings	4120 New Zealand	14/03/2021
Katherine Ransom	Hamilton	3214 New Zealand	14/03/2021
Judith Taylor	Wellington	6021 New Zealand	14/03/2021
Henrik Dorbeck	Lower Hutt	5011 New Zealand	14/03/2021
Alice Latham	Wellington	6021 New Zealand	14/03/2021
ang t	Oamaru	9400 New Zealand	14/03/2021
Chris Soames	Matamata	New Zealand	14/03/2021
Vicki McCabe	Lower Hutt	New Zealand	14/03/2021
Chantha Mao	Auckland	1010 New Zealand	14/03/2021
Mark Powell	Tauranga	3110 New Zealand	14/03/2021
Lorraine Paterson	Wellington	6021 New Zealand	14/03/2021
Manosh Mani	Auckland	New Zealand	14/03/2021
Sarah Marshall	Napier	4112 New Zealand	14/03/2021
Jacob Stuart	Auckland	1010 New Zealand	14/03/2021
naomi wolfe	Melbourne	7325 Australia	14/03/2021
Brian Armstrong	Christchurch	7024 New Zealand	14/03/2021
Sophie Barton	Upper Hutt	New Zealand	14/03/2021
Andrew Hitchcock	Hobart	7000 Australia	14/03/2021
Les Everson	Wellington	New Zealand	14/03/2021
Jeremy Hawkins	Auckland	New Zealand	14/03/2021
Teinia Wharehinga	Wellington	6021 New Zealand	14/03/2021

Chris Mcnicol	Christchurch	8013	New Zealand	14/03/2021
Karen McCarthy	Auckland		New Zealand	14/03/2021
athole keiller	upperhutt		New Zealand	14/03/2021
Julian Warren	Auckland		New Zealand	14/03/2021
Nicola White	Lower Hutt		New Zealand	14/03/2021
jenna woolford	Brisbane	4001	Australia	14/03/2021
Donna jindalee4@bigpond.co	Melbourne	3205	Australia	14/03/2021
Isaac Martins	Wellington	6021	New Zealand	14/03/2021
Tanya Phung			Australia	14/03/2021
Erik Christensen	Christchurch	8011	New Zealand	14/03/2021
Lyn Gannon	Currumbin	4223	Australia	14/03/2021
Max Christensen	Wellington	6035	New Zealand	14/03/2021
Ash Main	Dunedin	9059	New Zealand	14/03/2021
Lesley Pryke	Laurieton	2443	Australia	14/03/2021
Nicki wilson	Lower Hutt, Wellington, New Zealand		New Zealand	14/03/2021
Abyan Khalif	Sydney	1001	Australia	14/03/2021
Myk Farmer	Christchurch	8011	New Zealand	14/03/2021
dan monaghan	Whangarei	173	New Zealand	14/03/2021
April Leckie	Christchurch	8013	New Zealand	14/03/2021
Julian Neuhaus	Kirrawee	2232	Australia	14/03/2021
cindy Hou		4000	Australia	14/03/2021
Lianne Barker		4157	Australia	14/03/2021
Robert Cross	Wellington	6021	New Zealand	14/03/2021
Chris Sullivan	Auckland	1010	New Zealand	14/03/2021
Di Ward	Brisbane	4020	Australia	14/03/2021
Stefanie Ruckpaul	Christchurch	8013	New Zealand	14/03/2021
Gloria Lord	Gooseberry Hill	6076	Australia	14/03/2021
Leisha Craske	Ellenbrook	6069	Australia	14/03/2021
Amrittha Krishnan			Australia	14/03/2021
Toni Kelly	Molong	2866	Australia	14/03/2021
Chauntelle White	Wellington	6021	New Zealand	14/03/2021
Dene Maxwell	Wellington	6011	New Zealand	14/03/2021
Jack Martins	Auckland	1010	New Zealand	14/03/2021
Callum Upton	Wellington	6021	New Zealand	14/03/2021
paris de Malmanche	FEILDING		New Zealand	15/03/2021
Thuvarahan Chandran	Melbourne	3128	Australia	15/03/2021
dan nesbitt	Te Aroha		New Zealand	15/03/2021
Diana Gail Lucas	Hamilton	3214	New Zealand	15/03/2021
Hayley Narbey	Peppermint Grove beach	6271	Australia	15/03/2021
Veenita Vido	Five Dock	2046	Australia	15/03/2021
Finlay Attridge	Brisbane	4006	Australia	15/03/2021
Katherine McIntosh	Sydney	2021	Australia	15/03/2021
Wayne Smith	Wellington	6021	New Zealand	15/03/2021
Ewan Cornor	Auckland	1010	New Zealand	15/03/2021
Harper Frost	Melbourne	3001	Australia	15/03/2021
Charlotte mae Collins	Christchurch		New Zealand	15/03/2021
Gavin Mackay	Auckland	1010	New Zealand	15/03/2021
Elke Eckhard	Bedford Park	5042	Australia	15/03/2021
Peter Thompson	Sydney	2000	Australia	15/03/2021
Linda Bexon	Sunrise Beach	4567	Australia	15/03/2021

george butters	upper hutt		New Zealand	15/03/2021
tanya mayled	port hedland	6721	Australia	15/03/2021
Malcolm Reynolds		2604	Australia	15/03/2021
Bruce Miller			New Zealand	15/03/2021
Kevin To		2000	Australia	15/03/2021
fea geb	frankston	3199	Australia	15/03/2021
Lianna P	brisbane	4021	Australia	15/03/2021
Actual Trash	Kew East	3102	Australia	15/03/2021
Ashwini Rajesh	Maddington	6109	Australia	15/03/2021
Hugo Knight	Sydney	2000	Australia	15/03/2021
Amelia Clarke	melbourne	3058	Australia	15/03/2021
Mark Lazarus		4556	Australia	15/03/2021
Clare Woodford	Wellington		New Zealand	15/03/2021
hannah den elzen	Melbourne	3001	Australia	15/03/2021
Valentina Timu	Auckland		New Zealand	15/03/2021
Aidan Sazanov	Brookdale	6112	Australia	15/03/2021
Roger Metcalfe	Auckland	1010	New Zealand	15/03/2021
Blade Tua			Australia	15/03/2021
Riley Ball			New Zealand	15/03/2021
Kayo Mackay	Whanganui	4500	New Zealand	15/03/2021
Debbie Harrison	Auckland	1010	New Zealand	15/03/2021
Michele Amriott	Gold Coast	4215	Australia	15/03/2021
Ruth McMahon	Brisbane	4076	Australia	15/03/2021
Delphine Wharehinga	Lower Hutt	5014	New Zealand	15/03/2021
Brooke Henderson	Christchurch		New Zealand	15/03/2021
Sarah Sedman	Modbury	5092	Australia	15/03/2021
James Pedrocchi		5006	Australia	15/03/2021
Cherie Anderson	Perth	6001	Australia	15/03/2021
Fay Rohrlach		5087	Australia	15/03/2021
Jessica G	Melbourne	3630	Australia	15/03/2021
Sam Hauser			New Zealand	15/03/2021
Lyn Brownjohn		5560	Australia	15/03/2021
Ewan Dewar	Perth	6008	Australia	15/03/2021
Ruby Grant	Noosaville	4566	Australia	15/03/2021
Cerys Lewis	Melbourne	3084	Australia	15/03/2021
Taisha Barton	Auburn	2144	Australia	15/03/2021
Kerrie Hughes	Maiden Gully	3551	Australia	15/03/2021
Ally W	Sydney	2153	Australia	15/03/2021
Karen Stent	Te Awamutu	3800	New Zealand	15/03/2021
Patricia Clayton	Wellington	6021	New Zealand	15/03/2021
Andrew Griffin	Alphington	3078	Australia	15/03/2021
Jessica Guo	Sydney	2000	Australia	15/03/2021
Nicole Bushop	Melbourne	3000	Australia	15/03/2021
Enders Enders		4055	Australia	15/03/2021
Priya Ramlu	Oran Park	2570	Australia	15/03/2021
Mysa Al	Mosman	2088	Australia	15/03/2021
Jesse Pickering	Maribyrnong	3032	Australia	15/03/2021
kate collamar	Perth	6000	Australia	15/03/2021
Stephen Zvillis		7030	Australia	15/03/2021
Mariam Daniel	Craigieburn	3064	Australia	15/03/2021

Jenni Hjorth	Auckland	1010	New Zealand	15/03/2021
Louise Sinclair	Waiuku	2123	New Zealand	15/03/2021
David Brown	Wellington	6021	New Zealand	15/03/2021
Sharna Bailey	Adelaide	5001	Australia	15/03/2021
Brittany Mackman	Wellington		New Zealand	15/03/2021
Ben Bignell	Mountain Creek	4557	Australia	15/03/2021
Kevin Marsden	Melbourne	3931	Australia	15/03/2021
Tilly Kleine Deters	Tauranga	3110	New Zealand	15/03/2021
sharyn Horn	Lower Hutt		New Zealand	15/03/2021
Gina Aitken	Auckland	1010	New Zealand	15/03/2021
Kelly Barker	Wellington	6021	New Zealand	15/03/2021
Alice Ho	Port Macquarie	2444	Australia	15/03/2021
Christine Lawrence	Porirua	5022	New Zealand	15/03/2021
Sharee Mitchell		2440	Australia	15/03/2021
Adrie Kruiniger	Wellington	6011	New Zealand	15/03/2021
Nigel Hogg	Christchurch	8011	New Zealand	15/03/2021
Vito Virzi		4132	Australia	15/03/2021
Sue Eckworth	Levin	5510	New Zealand	15/03/2021
Chloe Charlton	Narellan	2567	Australia	15/03/2021
Lorraine Ward	Hamilton	3214	New Zealand	15/03/2021
Emily Wood	Curlewis	3234	Australia	15/03/2021
Gabriel Martins	Lower Hutt	5042	New Zealand	15/03/2021
Melissa Donald	Brisbane	4000	Australia	15/03/2021
Grace B	Wellington	6021	New Zealand	15/03/2021
Malia Flasz	Lower Hutt	5042	New Zealand	15/03/2021
arye chauvier	Brisbane	4000	Australia	15/03/2021
Jason D	Palmerston North	4414	New Zealand	15/03/2021
Luke Whatford	Lower Hutt	5014	New Zealand	15/03/2021
Zerue Welu	Melbourne	3020	Australia	15/03/2021
john whittaker	lower hutt		New Zealand	15/03/2021
Holli Bruning	Auckland		New Zealand	15/03/2021
Beth Korner	Brisbane	4000	Australia	15/03/2021
Amelia Hooper	Brisbane	4001	Australia	15/03/2021
Paul Lobodin		4506	Australia	15/03/2021
Merran Fleming	Porirua	5026	New Zealand	15/03/2021
John Cleland	Auckland	1010	New Zealand	15/03/2021
Scott Aitken	Hamilton	4140	New Zealand	15/03/2021
Tyler Ruxton		2450	Australia	15/03/2021
Robert Cochrane	Wanganui		New Zealand	15/03/2021
Hanis Arief	Adelaide	5008	Australia	15/03/2021
Sa KAIO-TIETIE	Catherine Field	2557	Australia	15/03/2021
Dene Halverson	Palmerston North	4410	New Zealand	15/03/2021
Adya Welsh	Melbourne	3934	Australia	15/03/2021
Muhammad Shaheer Attiq	Auckland	1010	New Zealand	15/03/2021
Adelle Newman	Perth	6000	Australia	15/03/2021
Anthony Krawczyk		2565	Australia	15/03/2021
Charlotte Edgar	Macleod	3085	Australia	15/03/2021
Allan Neilson	Wellington	6021	New Zealand	15/03/2021
stecen loberas	Coolbinia	6050	Australia	15/03/2021
Mia Cullinan	Malvern	3144	Australia	15/03/2021



Steve Warwick		6714	Australia	15/03/2021
Liz Teal	Wellington	6021	New Zealand	15/03/2021
Charlotte Roos	Wellington	6021	New Zealand	15/03/2021
Zoe Liu	Linden Park	5065	Australia	15/03/2021
Larissa Clune		6057	Australia	15/03/2021
Arbab Akram	Perth	6000	Australia	15/03/2021
starrlia colley	Mount Low	4818	Australia	15/03/2021
shrika anand			Australia	15/03/2021
Zoe Eckhoff	Queenstown		New Zealand	15/03/2021
Hannah Smith	Brisbane	4001	Australia	15/03/2021
hugh Guo	Brisbane	4122	Australia	15/03/2021
Julie Jackson	Burleigh	4220	Australia	15/03/2021
Ashton Correia	Perth	6001	Australia	15/03/2021
Gabby Harrington	Annandale	2038	Australia	15/03/2021
Isobel Wrochna	Geelong	3223	Australia	15/03/2021
Sophie Paterson		3122	Australia	15/03/2021
Sara Goers	Sydney	2000	Australia	15/03/2021
John Hualngo	Wellington	6021	New Zealand	15/03/2021
Helen Terrilon	Helena Valley	6056	Australia	15/03/2021
J Gasq	Melbourne	3000	Australia	15/03/2021
Alisha velijanovski	Caroline Springs	3023	Australia	15/03/2021
Kaung Set Luu	Sandringham	3191	Australia	15/03/2021
Julian Tangaere	London	EC2V	UK	15/03/2021
Maddison Boucher	Newcastle		Australia	15/03/2021
Andris Martins	Lower Hutt	5042	New Zealand	15/03/2021
Lorraine Barter	Southampton	SO15 2FY	UK	15/03/2021
Marianne Pretorius	Tauranga New Zealand		New Zealand	15/03/2021
Robert Peters	Melbourne	3802	Australia	15/03/2021
Jasmine Burns	Maitland	2322	Australia	15/03/2021
Sune Hume	Auckland	1010	New Zealand	15/03/2021
Anna Scott	Auckland	1010	New Zealand	15/03/2021
Trudy Rankin	Porirua	5024	New Zealand	15/03/2021
Jenny Smith	Sydney	84662	Australia	15/03/2021
Natalie Baker	Camp Hill	4152	Australia	15/03/2021
Oli Rice	Richmond	3121	Australia	15/03/2021
Craig Aitken	Wellington	6021	New Zealand	15/03/2021
Andrew Watt	Palmerston North	4410	New Zealand	15/03/2021
Glenn Aitken	Male	Enj SW6 6AJ	UK	15/03/2021
John Clark			New Zealand	15/03/2021
Scott Fitzgerald	Auckland	1148	New Zealand	15/03/2021
Anne Aspinall	Auckland		New Zealand	15/03/2021
Marty Melville	Wellington	6021	New Zealand	15/03/2021
Bede Phillips	Auckland		New Zealand	15/03/2021
Garth Cook	Auckland	1148	New Zealand	15/03/2021
April Dent	Lower Hutt	5042	New Zealand	15/03/2021
Lisa Perkins		4655	Australia	15/03/2021
Clare Zwaan	Auckland		New Zealand	15/03/2021
Tui Ngatai	Auckland	1148	New Zealand	15/03/2021
Glenis Waterworth	Auckland	1010	New Zealand	15/03/2021
Sandra Ludlam	Wellington	6021	New Zealand	15/03/2021

Toni Darling	Auckland		New Zealand	15/03/2021
Veronica Poutama	Auckland		New Zealand	15/03/2021
Joshua Hjorth	Auckland	1010	New Zealand	16/03/2021
Evan Freshwater	Wellington	6021	New Zealand	16/03/2021
Connor Hafoka	Auckland	1010	New Zealand	16/03/2021
Ali McCawe	Wellington	6021	New Zealand	16/03/2021
Dominic Baron	Wellington		New Zealand	16/03/2021
Nathan Tarr	Saratoga	2251	Australia	16/03/2021
Natalie Caetano	Gungahlin	2912	Australia	16/03/2021
Graham Singer	Auckland	626	New Zealand	16/03/2021
Patrick Daniels	Auckland	1010	New Zealand	16/03/2021
Gwen Dunlop	Geelong	3220	Australia	16/03/2021
Susan Wallace		3717	New Zealand	16/03/2021
kathleen dolingo		2528	Australia	16/03/2021
Jon Holweg	Gold Coast	4213	Australia	16/03/2021
Trent Mitchell	Christchurch	8011	New Zealand	16/03/2021
Daniel Chelvanathan	Brisbane	4000	Australia	16/03/2021
Jocelyn McCawe	Upper Hutt		New Zealand	16/03/2021
W O	Adelaide	5000	Australia	16/03/2021
Kyle Skiffington	Tauranga	3116	New Zealand	16/03/2021
Bob Taylor	Gwelup	6018	Australia	16/03/2021
Angela Cathro	Wellington	6021	New Zealand	16/03/2021
immy t	Auckland		New Zealand	16/03/2021
Anette Lillholm	Melbourne	3000	Australia	16/03/2021
Paul Hammond	Gladstone	4680	Australia	16/03/2021
Sandy Venter		6255	Australia	16/03/2021
Charlotte Eliassen	Warkworth		New Zealand	16/03/2021
Bengt Davidsson		4124	Australia	16/03/2021
barbara mahle		3163	Australia	16/03/2021
Max Bentley	Caversham	6055	Australia	16/03/2021
Holly Gupwell	Auckland	1010	New Zealand	16/03/2021
Nikki Ruru	Junee	2663	Australia	16/03/2021
Jose Roberto Agostinho	Sydney	2001	Australia	16/03/2021
Mia Dodson	Auckland	1150	New Zealand	16/03/2021
matt m		2450	Australia	16/03/2021
Eta Segal		2518	Australia	16/03/2021
Laura Dobson	Melbourne	3004	Australia	16/03/2021
Alicia Walker	Paralowie	5108	Australia	16/03/2021
Dwane Lee	Broadmeadows	3047	Australia	16/03/2021
Isla Jackson	Auckland	1148	New Zealand	16/03/2021
Alison Bogdanowicz	Adelaide	5000	Australia	16/03/2021
Todd Gando	Sydney	2000	Australia	16/03/2021
heifa zeki	Melbourne	3750	Australia	16/03/2021
Bianca Baum	Perth	6163	Australia	16/03/2021
Dawn D	Paraparaumu	5032	New Zealand	16/03/2021
Maeve McNulty	Sydney	2000	Australia	16/03/2021
Mia Peautagitama	Bendigo	3551	Australia	16/03/2021
bellashae clark	Brisbane	4000	Australia	16/03/2021
emma horton	Sydney	2565	Australia	16/03/2021
Teriina Mcallister	Auckland	1010	New Zealand	16/03/2021

Lise Manley	Tauranga		New Zealand	16/03/2021
Robyn Millar	Port Melbourne	3207	Australia	16/03/2021
Nina Grant	Wellington	6021	New Zealand	16/03/2021
Nicholas Fisk	Adelaide	5001	Australia	16/03/2021
Santos Tamang	Sydney	2035	Australia	16/03/2021
Bill Carroll	Ballarat	3356	Australia	16/03/2021
Maynard Scott	Tauranga	3110	New Zealand	16/03/2021
Craig Kendrick	Auckland		New Zealand	16/03/2021
Alison Macleod	Sydney	2001	Australia	16/03/2021
Hamish Stratmore	Wellington	6021	New Zealand	16/03/2021
KITTY PORTER		3767	Australia	16/03/2021
michael christianson	limerick		Ireland	16/03/2021
Martin Wilk	Melbourne	3000	Australia	16/03/2021
Jared O'Connor	Wellington	6021	New Zealand	16/03/2021
Tina Shepherd	Wellington	6021	New Zealand	16/03/2021
Claire Doughty	Wellington	6021	New Zealand	16/03/2021
richard cleghorn	Auckland		New Zealand	16/03/2021
laura begley	rotorua	3020	New Zealand	16/03/2021
Steve Cooke	Hamilton	3214	New Zealand	16/03/2021
Chris Barker	Wellington	6021	New Zealand	16/03/2021
Darryl Ward	Paraparaumu	5032	New Zealand	16/03/2021
Nicola Duncan	Wellington	6021	New Zealand	16/03/2021
suzi penny	Christchurch	8013	New Zealand	16/03/2021
Harry Ogle	Wellington	6021	New Zealand	16/03/2021
Adriano Regano	Brisbane	4054	Australia	16/03/2021
Kate Shepherd	Wellington	6021	New Zealand	16/03/2021
Lillian Pak	Lower Hutt, New Zealand	5011	New Zealand	16/03/2021
Kylee Walker	Upper Hutt		New Zealand	16/03/2021
Tom Mcalpine	Dunedin		New Zealand	16/03/2021
Georgia Sutton	Auckland		New Zealand	16/03/2021
Victoria Tupara	Auckland	1010	New Zealand	16/03/2021
Stephen Shepherd	Wellington	6021	New Zealand	16/03/2021
Kerry Whittaker	Napier	4112	New Zealand	16/03/2021
Helen Chapman	Lower Hutt		New Zealand	16/03/2021
Karen Andrews			New Zealand	16/03/2021
Duncan Stuart	Christchurch	8011	New Zealand	16/03/2021
robin halse	Wellington	6021	New Zealand	16/03/2021
Aungstorn Suwannoi	Auckland	1010	New Zealand	16/03/2021
Kelly Irving	Wellington	6021	New Zealand	16/03/2021
James-cameron Powell	Wellington		New Zealand	16/03/2021
Tracey Toth	Auckland		New Zealand	16/03/2021
William Flynn	Palmerston North	4414	New Zealand	17/03/2021
Ian Prior	Auckland		New Zealand	17/03/2021
Trina Nicholls	Hastings		New Zealand	17/03/2021
Tracy Crompton	Upper Hutt	5018	New Zealand	17/03/2021
Jaden Renault-Pollard	Auckland	1010	New Zealand	17/03/2021
Eva Mitcalfe	Chch		New Zealand	17/03/2021
justine jones	Upper Hutt		New Zealand	17/03/2021
Bill King	Nelson	7020	New Zealand	17/03/2021
Mary Obrien	Porirua	5024	New Zealand	17/03/2021

ellexis go	Auckland		New Zealand	17/03/2021
Jocelyn Crompton	Tauranga	3110	New Zealand	17/03/2021
Annalese Wu	Auckland	1060	New Zealand	17/03/2021
Melodie Cross	Auckland		New Zealand	17/03/2021
Bruce Alchin	Hamilton		New Zealand	17/03/2021
Peter Broederlow	Wellington	6021	New Zealand	17/03/2021
Krishla Beckham	Wellington	6021	New Zealand	17/03/2021
Joe Haydock	Auckland	1010	New Zealand	17/03/2021
Gwenn Rivoallan-Jones	Wellington	75015	New Zealand	17/03/2021
Raquel de Malmanche	Hastings	4122	New Zealand	17/03/2021
Yuko Oshika	Wellington	55000	New Zealand	17/03/2021
Carey Simpson	Auckland	1150	New Zealand	17/03/2021
Karen Woledge	Morrinsville		New Zealand	17/03/2021
mia rennie	hi		New Zealand	18/03/2021
Trevor Richardson	Wellington	6021	New Zealand	18/03/2021
86 3942	Melrose Park	5039	Australia	18/03/2021
Emma Sticker	Albury	2640	Australia	18/03/2021
Ben Ackland	Upper hutt		New Zealand	18/03/2021
Sandra Kenny	Wellington	6021	New Zealand	18/03/2021
Usha Malappa	Sydney	2761	Australia	18/03/2021
Jasmine Fuller	Forest lake	4078	Australia	18/03/2021
Therese Matrenza	Moonee Ponds	3039	Australia	18/03/2021
Ethan Wsy	Clifton springs	3222	Australia	18/03/2021
Matthew Beckers	Wellington		New Zealand	18/03/2021
violet miles			Australia	18/03/2021
Heidi Barnett		2340	Australia	18/03/2021
Neil Donovan	Beecroft	2119	Australia	18/03/2021
Jonathan Board	Silverstream		New Zealand	18/03/2021
Wendy Hudson	Perth	6000	Australia	18/03/2021
Nigel Capenhurst	Crows Nest	2065	Australia	18/03/2021
Adeel Harun	Sydney	2000	Australia	18/03/2021
Janice Salisbury	BOAT HARBOUR	7321	Australia	18/03/2021
Helen Fox	Perth	6000	Australia	18/03/2021
Fiona Salmon	Melbourne	3066	Australia	18/03/2021
Johnson Zhang	Melbourne	3000	Australia	18/03/2021
Bat WATEGO	Ashgrove	4060	Australia	18/03/2021
Melanie Naglic		2171	Australia	18/03/2021
misa misa			Australia	18/03/2021
Sue Thompson		3102	Australia	18/03/2021
Patricia March	Rockhampton	4702	Australia	18/03/2021
Sebastian Spiess	North Narrabeen	2101	Australia	18/03/2021
Michael Semmler	Bellingen	2251	Australia	18/03/2021
Elise Fowler	Coorparoo	4151	Australia	18/03/2021
Denise Emmerson	Newcastle	2308	Australia	18/03/2021
Susan C	Melbourne	3000	Australia	18/03/2021
Jake Harward	Adelaide	5109	Australia	18/03/2021
shannon horne	Auckland		New Zealand	18/03/2021
Sharlene Singh	Auckland		New Zealand	18/03/2021
morgan stone	Launceston	7250	Australia	18/03/2021
Gregory Wolfe	Monash	2904	Australia	18/03/2021

Alana King	Melbourne		3156 Australia	18/03/2021
John Goddard	Christchurch		8011 New Zealand	18/03/2021
Rod Lewin	Aspendale		3195 Australia	18/03/2021
Eleonor Osvath	Perth		6000 Australia	18/03/2021
Charli Walter	Ballarat		3350 Australia	18/03/2021
Rian Sheridan	Albion		3020 Australia	18/03/2021
kara waites			3636 Australia	18/03/2021
Isabella Street	Perth		6000 Australia	18/03/2021
Adrian McLean			2036 Australia	18/03/2021
Shân W	Adelaide		5068 Australia	18/03/2021
Declan Campbell	Noarlunga Downs		5168 Australia	18/03/2021
Caroline Wilkinson	Wellington		6021 New Zealand	18/03/2021
David Smith			2443 Australia	18/03/2021
Lovez Muffin	Hastings		4120 New Zealand	18/03/2021
marjorie pacaldo	cairns		4000 Australia	18/03/2021
Lynda Deeks	Kew		2439 Australia	18/03/2021
Jade Kovacevic	Seaford		5169 Australia	18/03/2021
Shaun Cryan	Goldie		4218 Australia	18/03/2021
Charlotte Wilks	Silverstream	CT1 1YS	New Zealand	18/03/2021
Oscar Morrison	Auckland		New Zealand	18/03/2021
Tiare Ineleo	Auckland		New Zealand	18/03/2021
nina thurnell	Te Puke		3119 New Zealand	18/03/2021
ANITA MCCOOL	South Wairarapa		New Zealand	18/03/2021
Holly Crowe	Auckland		1010 New Zealand	18/03/2021
Tina Moetara	Napier		New Zealand	18/03/2021
Ella Sutton			New Zealand	18/03/2021
Angelique Grindlay	Auckland		1010 New Zealand	18/03/2021
Holly Newton	Auckland		New Zealand	18/03/2021
dick cheese	Christchurch		New Zealand	18/03/2021
Tanishaa Patel	Auckland		New Zealand	18/03/2021
Amaar Khan	Auckland		New Zealand	18/03/2021
Lucy Morgan	Christchurch		New Zealand	18/03/2021
Matt Bowden	Auckland		1148 New Zealand	18/03/2021
Chris Leppard	Norwich	NR2	UK	18/03/2021
kyla novella	Auckland		New Zealand	18/03/2021
luci baker	Warkworth		New Zealand	18/03/2021
Matthew Furness	Auckland		New Zealand	18/03/2021
Sophia Maud	Auckland		New Zealand	18/03/2021
Bernadette Shortland.	Auckland		1010 New Zealand	18/03/2021
Willow Barrack	Auckland		New Zealand	18/03/2021
kate hill	auckland		New Zealand	18/03/2021
Ella Jamison	Auckland		1148 New Zealand	18/03/2021
ruby wilford	Auckland		New Zealand	18/03/2021
Holly Otimi	Auckland		1148 New Zealand	18/03/2021
Maraku Reweti-Gotty	Auckland		1010 New Zealand	18/03/2021
Miya Tangiora	Hamilton		New Zealand	18/03/2021
Fuka Falakiseni	Auckland		2010 New Zealand	18/03/2021
Alisha Cairns			New Zealand	18/03/2021
danni mander	Auckland		New Zealand	19/03/2021
Sapphire Cadman	Auckland		1010 New Zealand	19/03/2021

Katie Duffy	Auckland		New Zealand	19/03/2021
Anshika Lata	Tauranga	3110	New Zealand	19/03/2021
Tracey Ayson	Auckland		New Zealand	19/03/2021
Christopher Sime			New Zealand	19/03/2021
Francience Kayla Ubando	Auckland	1010	New Zealand	19/03/2021
Genesis Nadruku	Auckland		New Zealand	19/03/2021
Chantel Maree Eddy	Karori		New Zealand	19/03/2021
Meeke-Leigh Bezuidenhout	Auckland	1010	New Zealand	19/03/2021
Ashley Gurr	Auckland		New Zealand	19/03/2021
Unus Annus	Auckland	1150	New Zealand	19/03/2021
Izzie Williams	Auckland		New Zealand	19/03/2021
Jonathan Bailey	Christchurch		New Zealand	19/03/2021
Elizabeth Szarka	Red Hill	3937	Australia	19/03/2021
Chris Cowman	Palmerston North	4414	New Zealand	19/03/2021
Serene Stewert	Cambridge	3432	New Zealand	19/03/2021
yameena zaidi	Auckland		New Zealand	19/03/2021
Phil Kirkland	Stocksfield	Enj NE437NG	UK	19/03/2021
Rebecca Moors	Auckland		New Zealand	19/03/2021
Jairna Harris	Christchurch		New Zealand	19/03/2021
Alex Alastoy	Christchurch	8011	New Zealand	19/03/2021
harrison kingan	Christchurch		New Zealand	19/03/2021
Tara Southern		6109	Australia	19/03/2021
keira conboy	Auckland	1010	New Zealand	19/03/2021
Mtv Unplugged	Auckland	1010	New Zealand	19/03/2021
Apurva Anandakrishnan	Auckland		New Zealand	19/03/2021
Joey McDonald	Christchurch		New Zealand	19/03/2021
Jennifer Fisher	Sydney	2000	Australia	20/03/2021
Adelle Nancekivell	Wellington		New Zealand	20/03/2021
Jessica Yao	Auckland	1010	New Zealand	20/03/2021
Dusty-lee Ford	Brisbane	4000	Australia	20/03/2021
Carter Travis	Brisbane	4000	Australia	20/03/2021
Mez Ford	Melbourne	3121	Australia	20/03/2021
Amy Anderson	Maroochydore	4558	Australia	20/03/2021
Hannah Doecke	Hervey Bay	4655	Australia	20/03/2021
Christopher McGrath		4173	Australia	20/03/2021
Campbell Dawson		4031	Australia	20/03/2021
Pieter Evert	Brisbane	4170	Australia	20/03/2021
Joanne Ckis	Lakemba	2195	Australia	20/03/2021
Elisabeth Kantor	Brisbane	4000	Australia	20/03/2021
Savannah Thill-Turke	Sydney	2000	Australia	20/03/2021
Tiffany Hogan	Randwick	2031	Australia	20/03/2021
Xiaoyu Fan	Auckland		New Zealand	20/03/2021
Carolyn Birch	Perth	6001	Australia	20/03/2021
Alycia Addie	Rangiora	7440	New Zealand	20/03/2021
Jess Quayle	Auckland		New Zealand	20/03/2021
Bumwhole Jackson	Christchurch	8011	New Zealand	20/03/2021
ava rongo	Whangarei		New Zealand	20/03/2021
Vaibhav Ekambaram	Wellington	6021	New Zealand	20/03/2021
John Hamilton	Wellington	6021	New Zealand	20/03/2021
Nick Evans Morgan	Wellington	6021	New Zealand	20/03/2021

Judith Hiri	Tauranga	3110	New Zealand	20/03/2021
Raghav Srinivasan			New Zealand	20/03/2021
Erica Akuhata	Auckland		New Zealand	21/03/2021
John Riley	Wellington	6021	New Zealand	21/03/2021
Dulcie Riley	Wellington	6021	New Zealand	21/03/2021
John Skilton	Napier	4110	New Zealand	21/03/2021
tara olding		4211	Australia	21/03/2021
Manu mason Panga	Auckland	1148	New Zealand	21/03/2021
Sara Lennon	Wellington		New Zealand	21/03/2021
Jorden Worsnop	Napier	4144	New Zealand	21/03/2021
Cadia Annandale	Wellington	6021	New Zealand	21/03/2021
Chris Brinkmann	Gisborne	4010	New Zealand	21/03/2021
Michael Sione	Wellington	6021	New Zealand	21/03/2021
Michael King	Wellington	6021	New Zealand	21/03/2021
Dave Kent	Wellington	6021	New Zealand	21/03/2021
Scott Shadbolt	Amberley		New Zealand	21/03/2021
Gillian McComb			Australia	21/03/2021
Ghalya Al jaber	Auckland	1010	New Zealand	21/03/2021
Peter Amarasinghe	Christchurch		New Zealand	21/03/2021
Erin Callaghan	Sydney	2000	Australia	21/03/2021
Jade Goggins	Brunswick East	3057	Australia	21/03/2021
Jason Littlewood		2487	Australia	21/03/2021
Gabriele Van Gerven		4128	Australia	21/03/2021
Robert Burns	Wellington	6012	New Zealand	21/03/2021
Jessica Hansford	Brisbane	4000	Australia	21/03/2021
your dom	Perth	6001	Australia	21/03/2021
Madeleine Chomlak		3125	Australia	21/03/2021
James Moon	Marcoola	4564	Australia	21/03/2021
Toni-Marie Jennings		2528	Australia	21/03/2021
Mike Mcilraith	Christchurch	8013	New Zealand	21/03/2021
Leanne Bennett	Richmond	3121	Australia	21/03/2021
Aida Az		2913	Australia	21/03/2021
Charlotte Dawson	Drouin	3818	Australia	21/03/2021
Nigel & Bev Holmes	Wollongong	2527	Australia	21/03/2021
Ira Longo		3187	Australia	21/03/2021
james plunkett		2113	Australia	21/03/2021
Johanna Zolg		4370	Australia	21/03/2021
quoc88@live.com.au Ly	Belrose	2085	Australia	21/03/2021
Brian Li	Brisbane	4122	Australia	21/03/2021
Darcie Condon	Lowood	4000	Australia	21/03/2021
Ahmad Odat	Girraween	2145	Australia	21/03/2021
Josephine Snowden		4510	Australia	21/03/2021
Marlon Boustead	Endeavour Hills	3802	Australia	21/03/2021
Rachael Dewis	Adelaide	5000	Australia	21/03/2021
Emma Quan		2232	Australia	21/03/2021
Judith Rae		3030	Australia	21/03/2021
Tainya Collins	Brisbane	4506	Australia	21/03/2021
Lauren Chandler	Blacktown	2148	Australia	21/03/2021
Nicki Lee	Adelaide	5072	Australia	21/03/2021
Maree Sulter	Mount White		NSW Australia	21/03/2021

Bianca Gillett	Geelong	3220	Australia	21/03/2021
Peter James	Waterloo	2017	Australia	21/03/2021
Natalia Meek	Hamilton		New Zealand	21/03/2021
Lorraine Binnington	Byron Bay	2481	Australia	21/03/2021
Abigail Desta	Melbourne	3000	Australia	21/03/2021
Saxon Bowles	West End	4101	Australia	21/03/2021
Ruby Hdjehd	Invercargill		New Zealand	21/03/2021
Colin Batch	Cairns	4870	Australia	21/03/2021
Dana Filipovic	Northcote	3070	Australia	21/03/2021
Ruth Boniface	Melbourne	3004	Australia	21/03/2021
Mackenzie Thomson	Maitland	2320	Australia	21/03/2021
Gabrielle Manguerra	Townsville	4815	Australia	21/03/2021
Karen Dwyer		4122	Australia	21/03/2021
Lance Shearer	Auckland	1148	New Zealand	21/03/2021
Hannah Beinke		5096	Australia	21/03/2021
Annie Jacobs	Gold coast	4224	Australia	21/03/2021
Amelia D	Adelaide	5001	Australia	21/03/2021
Lachlan Perry	Adelaide	5000	Australia	21/03/2021
Alyssa Phelan	Nowra	2540	Australia	21/03/2021
Kim Griscti		2784	Australia	21/03/2021
Katelin McCarthy	Mildura	3500	Australia	21/03/2021
Margaret Crawford	Lower Hutt	5042	New Zealand	21/03/2021
Su Johnson		4160	Australia	21/03/2021
Abood Naaman	Sydney	2000	Australia	21/03/2021
Jenny Francis		3196	Australia	21/03/2021
Olivia Lee	Ryde	2112	Australia	21/03/2021
Adam Hoare	Kiama	2533	Australia	21/03/2021
Betti Wille		2480	Australia	21/03/2021
Jenny Allan	Heathcotr	3523	Australia	21/03/2021
Chelsea Smith		4128	Australia	21/03/2021
Monty Ryan	EVANDALE	5069	Australia	21/03/2021
Amelia ristic	Melbourne	3020	Australia	21/03/2021
henry steele	Wellington	6021	New Zealand	21/03/2021
Shayna Wiese	Victor Harbor	5211	Australia	21/03/2021
Alfred Winkelmeier		2228	Australia	21/03/2021
Kristie Mcbride	Sydney	2001	Australia	21/03/2021
Matt Grieves	Rockhampton	4702	Australia	21/03/2021
Jacques Brun	Pointe-du-Chêne	E4P-4Z9	Australia	21/03/2021
Renae Whittaker	Palmwoods	4555	Australia	21/03/2021
London Green	Coffs Harbour	2450	Australia	21/03/2021
sarah davis	Sydney	2176	Australia	21/03/2021
kylie thurlow	kirwan	4817	Australia	21/03/2021
Natalie Billings	Cheltenham	3192	Australia	21/03/2021
Leo Fountain	Hobart	7053	Australia	22/03/2021
Ike Fisher	Brisbane	4000	Australia	22/03/2021
Maddison Eastell	Brisbane	4000	Australia	22/03/2021
Alexis Dover	Brisbane	4000	Australia	22/03/2021
Zahli Davies	Brisbane	4164	Australia	22/03/2021
Lucy Finch			Australia	22/03/2021
Kerrie Marler	Highgate Hill	4101	Australia	22/03/2021



carolyn knight		3081 Australia	22/03/2021
Emily Gaelic	Robina	4226 Australia	22/03/2021
sharna travers	Brisbane	4055 Australia	22/03/2021
Robert Mitchell	Atherton	4883 Australia	22/03/2021
Farah Sheikh	Rooty Hill	2766 Australia	22/03/2021
Isabelle Thompson	Saint Marys	2760 Australia	22/03/2021
Ryan Maniago	Rooty hill	2766 Australia	22/03/2021
Sophie Shephard	Dalby	4405 Australia	22/03/2021
Jason Bond	Cannon Hill	4170 Australia	22/03/2021
Jonathan Church	Wellington	6021 New Zealand	22/03/2021
Vandana jennifer Puli	Melbourne	3000 Australia	22/03/2021
Chrystal Gervacio	Sydney	2761 Australia	22/03/2021
Siena Wynne	Sydney	2000 Australia	22/03/2021
Damian Philipsen	Wellington	6021 New Zealand	22/03/2021
Patricia Booth	Melbourne	3178 Australia	22/03/2021
Alexander Thorning	Nicholls	2913 Australia	22/03/2021
Debra Rosicky		2480 Australia	22/03/2021
Jasmine Greenwood	Wyndhamvale	3024 Australia	22/03/2021
Judy Betteley	Walkerston	4751 Australia	22/03/2021
Michelle Crawford	Invercargill	9810 New Zealand	22/03/2021
Lyn McHugh	Wellington	6011 New Zealand	22/03/2021
Shanza Khan	Auckland	1148 New Zealand	22/03/2021
Barbara Hay	Wellington	6022 New Zealand	22/03/2021
Kimmi Draper		New Zealand	22/03/2021
Simone' Geldenhuys		New Zealand	22/03/2021
Lorraine Driskel	Wellington	New Zealand	22/03/2021
Neville draper	Porirua	5024 New Zealand	22/03/2021
Ashley Maxwell	Nelson	New Zealand	22/03/2021
Vae Vaa	Wellington	6021 New Zealand	22/03/2021
Esme Daniel	Palmerston North	4410 New Zealand	22/03/2021
Mandy Worsley	Wellington	6021 New Zealand	22/03/2021
Helen Brignole	Lower Hutt	5042 New Zealand	23/03/2021
Andrew Shingleton	Hamilton	3214 New Zealand	23/03/2021
Callum Worsley	Wellington	6021 New Zealand	23/03/2021
Kimberley Campbell	Wellington	6021 New Zealand	23/03/2021
Lucy Smith	Hamilton	New Zealand	23/03/2021
Jamie Smith	Christchurch	8011 New Zealand	23/03/2021
hugh jass	Auckland	1010 New Zealand	23/03/2021
Karen Morehu	Wellington	6021 New Zealand	23/03/2021
Bev Cochrane	Paraparaumu	New Zealand	23/03/2021
Dave Brett	Porirua	New Zealand	23/03/2021
Jenny Engelbrecht	Porirua	5024 New Zealand	23/03/2021
Graeme Calder	Christchurch	8011 New Zealand	23/03/2021
Pebble Spaghetti	Auckland	New Zealand	23/03/2021
Karen Barrow	Tokoroa	New Zealand	23/03/2021
Dean Le	Panania	2213 Australia	23/03/2021
Kelly Boylan	Forest Grove	Orl 97116 US	23/03/2021
Raewyn Baldwin	Auckland	New Zealand	23/03/2021
John-Paul Holden	Lower Hutt	5042 New Zealand	23/03/2021
Mike Kinsella	Auckland	New Zealand	23/03/2021

Stephen Xu	Christchurch		New Zealand	23/03/2021
jean chen	Auckland		New Zealand	23/03/2021
Puneet Kaur	Auckland		New Zealand	23/03/2021
Russ Drewry	Wellington	6021	New Zealand	23/03/2021
bree casey	Auckland	1148	New Zealand	23/03/2021
Aaron Jonassen	Auckland	1010	New Zealand	23/03/2021
isaac hudson	Wellington		New Zealand	23/03/2021
Robert Marsh	Wellington	6021	New Zealand	24/03/2021
Luke Elliott	Wellington	6021	New Zealand	24/03/2021
Haz Newbury	Christchurch	8011	New Zealand	24/03/2021
Georgina Wallace	Christchurch	8011	New Zealand	24/03/2021
Felix Rudkin	Christchurch	8023	New Zealand	24/03/2021
Caroline Paulsen	Dunedin	9054	New Zealand	24/03/2021
Kevin Watts	Blenheim	600	New Zealand	24/03/2021
Lusi Heath	Wellington		New Zealand	24/03/2021
Andrew HAWORTH	Whangarei	112	New Zealand	24/03/2021
Angus Webby	Lower Hutt	5042	New Zealand	24/03/2021
Natasha Cairns	Thames		New Zealand	24/03/2021
James McFarlane	Auckland	1010	New Zealand	24/03/2021
veronica white	Auckland		New Zealand	24/03/2021
David Thompson	Auckland	1010	New Zealand	24/03/2021
Sophie cook	Palmerston north		New Zealand	24/03/2021
Emma-rose Frampton	Hamilton	3214	New Zealand	25/03/2021
Eugene Blankenbyl	Auckland	1148	New Zealand	25/03/2021
Anastasiia Zaitceva	Auckland	1150	New Zealand	25/03/2021
Naaman McClintock	Auckland		New Zealand	25/03/2021
Jaxkie Hazelhurst	Christchurch	8013	New Zealand	25/03/2021
Nikki Liu	Auckland		New Zealand	25/03/2021
lanying chen	Whangarei	110	New Zealand	25/03/2021
Satnam Randhawa	Auckland		New Zealand	25/03/2021
Noel Genova	Auckland	1010	New Zealand	25/03/2021
JINYU cao	Christchurch		New Zealand	25/03/2021
Kirtish Karlekar	Wellington	6021	New Zealand	25/03/2021
Vikas Shokeen			New Zealand	25/03/2021
Anna Liu	Auckland	1010	New Zealand	25/03/2021
DAN LI	wellington		New Zealand	25/03/2021
Jeremy Clayton	Christchurch	8011	New Zealand	25/03/2021
Ravi Stuart	Auckland		New Zealand	26/03/2021
Meiling Shang	Auckland		New Zealand	26/03/2021
Rayleigh Xu	Auckland	1010	New Zealand	26/03/2021
Zac Kingi	Auckland		New Zealand	26/03/2021
Emma Butcher	Auckland		New Zealand	27/03/2021
John McKechnie	Dover	CT16	UK	27/03/2021
charles matu	Auckland	1148	New Zealand	27/03/2021
Sumit Thind	Auckland		New Zealand	27/03/2021
Avpreet Bal	Blenheim		New Zealand	27/03/2021
Peter McCarthy	Wellington	6021	New Zealand	28/03/2021
monique webster	Auckland	1010	New Zealand	28/03/2021
Judy Triplow	Bentleigh East	3165	Australia	28/03/2021
Hunter Norfolk	Hamilton		New Zealand	28/03/2021

Leon Crosby	Salamander Bay	2317	Australia	28/03/2021
Kevin Harper	Auckland		New Zealand	28/03/2021
will drysdale	Karrinyup	6018	Australia	28/03/2021
Elke Eckhard		5162	Australia	28/03/2021
Eliza Dennis	Geraldton	6570	Australia	28/03/2021
Lexye Anne La-Spad	Dianella	6059	Australia	28/03/2021
Amalia Stevenson	Hastings	4120	New Zealand	28/03/2021
Ruby Rose	Auckland	1148	New Zealand	28/03/2021
Jess Davis	Wellington	6021	New Zealand	28/03/2021
Amelia Hutton	New Plymouth		New Zealand	28/03/2021
Joseph Downer	Auckland	1010	New Zealand	28/03/2021
Ema Tairakena	Rotorua		New Zealand	29/03/2021
Simon Wall	Wellington	6021	New Zealand	29/03/2021
Kaelin McRoberts	Hamilton		New Zealand	29/03/2021
Kellz Dixon	waikato		New Zealand	30/03/2021
ty tube roblox	Upper Hutt	5018	New Zealand	30/03/2021
Amanda Stott	Upper Hutt	5018	New Zealand	30/03/2021
Georgia Marsh	Stokes Valley	5019	New Zealand	30/03/2021
Emily Thorn	Wellington	6021	New Zealand	31/03/2021
Annette Richards	Wellington	6021	New Zealand	31/03/2021
Rachael Llewellyn	Rotorua	3010	New Zealand	31/03/2021
Charlie Mariano			New Zealand	31/03/2021
Cathy Bentley	Auckland	1150	New Zealand	31/03/2021
Amy Schulz	Wellington, Wellington, New Zealand		New Zealand	1/04/2021
Kane Montgomery	Wellington	6021	New Zealand	1/04/2021
Krissy N	Wellington	6021	New Zealand	1/04/2021
Eugene Lee	Wellington	6021	New Zealand	1/04/2021
Ali Vb	Yarraville	3013	Australia	1/04/2021
Michelle Thomas			New Zealand	1/04/2021
Peter Carpenter	Melbourne	3977	Australia	1/04/2021
Shannon —	Brisbane	4000	Australia	1/04/2021
Rebecca Bell	adelaide	5095	Australia	1/04/2021
zeffi Home		3176	Australia	1/04/2021
baba bo	Ascot Vale	3032	Australia	1/04/2021
Shelley Neill		3163	Australia	1/04/2021
Sandra Reynolds		4211	Australia	1/04/2021
Finnin Robb		2617	Australia	1/04/2021
Codie Campbell (Leonard)	Orange	2800	Australia	1/04/2021
Felicity Farmer	Pakenham	3810	Australia	1/04/2021
Paul Heywood	BELMONT	3216	Australia	1/04/2021
Jacob Polanske	Harrismith	6361	Australia	1/04/2021
Lonny Schwiersch	Maroochydore	4558	Australia	1/04/2021
ryan foster		4558	Australia	1/04/2021
Donna Noakes		5162	Australia	1/04/2021
byron richards	Roselands	2196	Australia	1/04/2021
Luke Brand	Australia	5114	Australia	1/04/2021
Katherine Parlane	Palmerston North		New Zealand	1/04/2021
Jason moorby		3156	Australia	1/04/2021
Abel Bennett	Sydney		Australia	1/04/2021
Gopalan Raveendran	Blacktown	2148	Australia	1/04/2021

Katina Baker		2229 Australia	1/04/2021
Vonika Kumar		4213 Australia	1/04/2021
dayle w		3977 Australia	1/04/2021
Loris Kingcott	Ryde	2112 Australia	1/04/2021
Bianca Su	Perth	6110 Australia	1/04/2021
Sarah LoGiudice	Sydney	2000 Australia	1/04/2021
Amanda Mellican	Perth	6000 Australia	1/04/2021
Klara Tjerkstra	Perth	6111 Australia	1/04/2021
Jack Rose	Northcote	3070 Australia	1/04/2021
Fleur Navarro	Sydney	2000 Australia	1/04/2021
Adam Hall		2464 Australia	2/04/2021
Deepak Merchant		3029 Australia	2/04/2021
Dominic Burns		New Zealand	2/04/2021
renae thomas	Wanganui	New Zealand	2/04/2021
tama fenton	Auckland	New Zealand	2/04/2021
Anthony McMahan	Auckland	1148 New Zealand	3/04/2021
Jason Krivan	Wellington	6021 New Zealand	3/04/2021
Rachel Krican	Wellington	6021 New Zealand	3/04/2021
Nick Krivan	Christchurch	8011 New Zealand	3/04/2021
Rob Birnie	Christchurch	8011 New Zealand	3/04/2021
Christine Fildes	Auckland	1148 New Zealand	3/04/2021
Vaughan Baylis	Wellington	6021 New Zealand	3/04/2021
Susan Harder	Auckland	2012 New Zealand	3/04/2021
Graham Yarrall	Dunedin	9059 New Zealand	3/04/2021
Alan Krivan	Tauranga	3110 New Zealand	3/04/2021
Jessica Hammelburg	Auckland	New Zealand	3/04/2021
Jazzy Coutts	Auckland	New Zealand	3/04/2021
Rob Nelson	Auckland	1010 New Zealand	4/04/2021
Lexus Nuku	Wellington	6021 New Zealand	4/04/2021
Brooke Hall	Auckland	1010 New Zealand	4/04/2021
Amy Thwaites	Auckland	1148 New Zealand	5/04/2021
Moray Thwaites	Hillcrest	3610 South Africa	5/04/2021
Amandeep Kaur	Tauranga	3112 New Zealand	5/04/2021
Megan Wright	New Plymouth	4312 New Zealand	5/04/2021
Kerry Nicholson	Auckland	1148 New Zealand	5/04/2021
phil hawkes	Wellington	6021 New Zealand	5/04/2021
Alan Ni	Nelson	New Zealand	5/04/2021
Scott Mitchell	Upper Hutt	New Zealand	6/04/2021
Anne Dempsey	Dunedin	9011 New Zealand	6/04/2021
Isaac Murray	Wellington	New Zealand	6/04/2021
Elsa Piq.	Wellington	6022 New Zealand	6/04/2021
Tanya Karpenko	Wellington	6021 New Zealand	6/04/2021
Michael Mason	Christchurch	8011 New Zealand	7/04/2021
Hariata Kopu	Rotorua	New Zealand	7/04/2021
Taylor Wilkins	Wellington	6021 New Zealand	7/04/2021
Chris Mckenzie	Auckland	New Zealand	7/04/2021
John Graham	Christchurch	New Zealand	8/04/2021
Larrisia Huriwai	Auckland	1148 New Zealand	8/04/2021
Mana Wimutu	Wellington	6021 New Zealand	8/04/2021
Pardeep Kaur	Christchurch	New Zealand	8/04/2021

Janene Marriott	Feilding	4655	New Zealand	8/04/2021
Sara Barnes	Mt Eden		New Zealand	8/04/2021
Ngapera Tipuna	Hamilton		New Zealand	8/04/2021
Angela Ashe	Auckland	1150	New Zealand	8/04/2021
krystal martin	Auckland		New Zealand	8/04/2021
Mina Smith	Rotorua		New Zealand	8/04/2021
Michelle Rata	Auckland		New Zealand	8/04/2021
Alex Henry	Auckland	1023	New Zealand	8/04/2021
Waina Pairama			New Zealand	8/04/2021
kurt anderson	Upper Hutt	5018	New Zealand	8/04/2021
shaun whinn	Wellington		New Zealand	8/04/2021
Justin Van der werff	Upper Hutt	5018	New Zealand	8/04/2021
sharon neal	Tauranga	2110	New Zealand	9/04/2021
stephanie Uys	Auckland		New Zealand	9/04/2021
Myaah Kahu	Tauranga		New Zealand	9/04/2021
Keeley Andrews	Christchurch		New Zealand	9/04/2021
Richard Kelly	Wellington	6021	New Zealand	9/04/2021
Christien Franich	Auckland	612	New Zealand	10/04/2021
Jarred Stephens	Wellington	6021	New Zealand	11/04/2021
Timothy Warwick	Wellington	6021	New Zealand	11/04/2021
Michael Hobbs	Christchurch	8013	New Zealand	11/04/2021
lisa leckie	wellintonr		New Zealand	11/04/2021
Lynnette Tonkin	Wellington	6021	New Zealand	11/04/2021
Yannick Devos	Wellington	6021	New Zealand	11/04/2021
George Samuel	Christchurch	8011	New Zealand	11/04/2021
Roger knight	auckland		New Zealand	11/04/2021
Beryl Kirk	Mangaroa, Upper Hutt		New Zealand	11/04/2021
Ronald Thomas	Wellington	6021	New Zealand	11/04/2021
darren yuile	Wellington		New Zealand	11/04/2021
Ilavarasu Rajendran	Wellington	6021	New Zealand	11/04/2021
Stuart Wilson	Lower Hutt	5011	New Zealand	11/04/2021
Gael Harper	New Plymouth		New Zealand	11/04/2021
George Bingham	UPPER HUTT	4130	New Zealand	11/04/2021
Rachael Barber	Christchurch	8011	New Zealand	11/04/2021
Lauren P	Upper Hutt	5018	New Zealand	11/04/2021
Lynda Winnie	Upper Hutt		New Zealand	11/04/2021
Brendan Ganley	Auckland	1148	New Zealand	11/04/2021
Ross Colebrooke	Wellington	6021	New Zealand	11/04/2021
Murray Thomas	Dannevirke		New Zealand	11/04/2021
Kaia Williams	Hamilton	3214	New Zealand	11/04/2021
Jill Perriam	Christchurch		New Zealand	11/04/2021
Philip Leslie	Lalor Park	2147	Australia	11/04/2021
Carla Mangubat	Napier		New Zealand	11/04/2021
kirsty clarke	Christchurch	8041	New Zealand	11/04/2021
Petar Thomas	East Lismore	2480	Australia	11/04/2021
Jewels Reti	Ngaruawahia		New Zealand	11/04/2021
James Henry	Glen Waverley	3150	Australia	11/04/2021
Teresa Saunders	Upper Hutt		New Zealand	11/04/2021
Leo Fortunato	Mount Waverley	3149	Australia	11/04/2021
Michelle Jelley	Upper Hutt		New Zealand	11/04/2021

CHRISTOPHER WOOD	Brisbane	4000 Australia	11/04/2021
Chloe Davis		2575 Australia	11/04/2021
Brooke Adams	Perth	6000 Australia	11/04/2021
Izzy Mathews		5143 Australia	11/04/2021
christine rotzel	Tauranga	3110 New Zealand	11/04/2021
Andrea Fraser	Wellington	6022 New Zealand	11/04/2021
Christine Pettengell	Upper Hutt	New Zealand	11/04/2021
Nick Holcroft	Wellington	6021 New Zealand	11/04/2021
Megan Holcroft	Wellington	6021 New Zealand	11/04/2021
Jamie Watts	Wellington	6021 New Zealand	11/04/2021
Phil Wansbrough	Wellington	6021 New Zealand	11/04/2021
Aaron Hawke	Lower Hutt	5010 New Zealand	11/04/2021
Joshua Garrayy	Auckland	1148 New Zealand	11/04/2021
Daniel Adaway	Wellington	6021 New Zealand	11/04/2021
Steve Findlay	Wellington	6021 New Zealand	11/04/2021
Margaret Williamson	Wellington	New Zealand	11/04/2021
Liz Lee	Hamilton	3210 New Zealand	11/04/2021
Alain Nacario	Porirua	5022 New Zealand	11/04/2021
Dean Cook	Wellington	6021 New Zealand	11/04/2021
Cain O'Brien	Wellington	6021 New Zealand	11/04/2021
Judith Balchin	Palmerston North	4410 New Zealand	11/04/2021
Andrea Scanlan	Wellington	6021 New Zealand	11/04/2021
Mike McGrath	Wellington	6035 New Zealand	11/04/2021
Wayne Stevens	Wellington	New Zealand	11/04/2021
Graham Hay	Greymouth	New Zealand	11/04/2021
Mark Stout	Hamilton	3420 New Zealand	11/04/2021
Erena Daniels	Auckland	New Zealand	11/04/2021
John Oxlade	Auckland	1010 New Zealand	11/04/2021
Cleve Prescott	Christchurch	New Zealand	11/04/2021
Paul Wilkin	Wellington	6021 New Zealand	11/04/2021
Rachel Beattie	Wellington	6021 New Zealand	11/04/2021
Ingrid Kennedy	Wellington	6011 New Zealand	11/04/2021
Allison Sivorarath	Lower Hutt	5042 New Zealand	11/04/2021
Karyn O'leary	Wellington	6021 New Zealand	11/04/2021
Craig Strang	Woodend	7604 New Zealand	11/04/2021
Mel Griffiths	Wellington	6021 New Zealand	11/04/2021
Debbie Bashaw	Wellington	6021 New Zealand	11/04/2021
Denvon Huang	Auckland	1010 New Zealand	11/04/2021
Michelle Black	Westport	New Zealand	11/04/2021
Rob England	Porirua	5024 New Zealand	11/04/2021
Miles Cooper	Wellington	6021 New Zealand	11/04/2021
Kerry Scutt	Upper Hutt	5018 New Zealand	11/04/2021
nathan barnes	Oamaru	New Zealand	11/04/2021
Milan Dulovic	Wellington	New Zealand	11/04/2021
Joyce Kapui	Auckland	New Zealand	11/04/2021
David Abell	Christchurch	8011 New Zealand	11/04/2021
Deborah Taylor	NewPlymouth	New Zealand	11/04/2021
Frances Ransley	Tauranga	3118 New Zealand	11/04/2021
Gail Lawrence	Auckland	New Zealand	11/04/2021
Russell Morgan	Napier	4144 New Zealand	11/04/2021

Kimberlea Gartner	Dunedin		9054 New Zealand	11/04/2021
Maddi Sism	Perth		6001 Australia	11/04/2021
Fiona Scott	Upper Hutt		New Zealand	11/04/2021
John Robinson	Belfast	BT6	UK	11/04/2021
Hilary Gardiner	Auckland		1010 New Zealand	11/04/2021
Shane Stratford	Napier		4144 New Zealand	11/04/2021
Kellie Jewell	Wellington		6021 New Zealand	11/04/2021
Jimmy Chopsticks	Melbourne		3004 Australia	11/04/2021
Elle Pikos	Doreen		3754 Australia	11/04/2021
Deveraux Jewell	Wellington		6021 New Zealand	11/04/2021
Roger Holdway			3943 Australia	11/04/2021
William Michael	Broadmeadows		3047 Australia	11/04/2021
Paul Kubat			4567 Australia	11/04/2021
Anastasia Zitarosa	Palm beach Sydney		2108 Australia	11/04/2021
Stephen Boullon	Feilding		3330 New Zealand	11/04/2021
Daniel hayes			3058 Australia	11/04/2021
Kristen Harris	Auckland		1010 New Zealand	11/04/2021
Philip Twigge	Palmerston North		4410 New Zealand	11/04/2021
Sean Busuttill	Melbourne		Australia	12/04/2021
Alexanne Jobbins	Pymble		2073 Australia	12/04/2021
Chris Whitby	Morningside		4170 Australia	12/04/2021
nicole way	Coolum Beach, Sunshine C		4573 Australia	12/04/2021
Brian Andersen	Wellington		6021 New Zealand	12/04/2021
Suneith Sukumar	Melbourne		3805 Australia	12/04/2021
Lloyd Cross	Whangarei		New Zealand	12/04/2021
Paul Thomas	Christchurch		New Zealand	12/04/2021
Sally Lake			3138 Australia	12/04/2021
Pheobe Stewart	Brisbane		4000 Australia	12/04/2021
Samantha Davies			4301 Australia	12/04/2021
David Webb	Auckland		1148 New Zealand	12/04/2021
Fred Gear	Christchurch		8022 New Zealand	12/04/2021
ashleigh hjorth	Hamilton		New Zealand	12/04/2021
Srry cant say	Brisbane		4121 Australia	12/04/2021
Dennis Burton	Lincoln		7608 New Zealand	12/04/2021
Stephanie Matthews	Auckland		New Zealand	12/04/2021
Richard Norton	Auckland		1148 New Zealand	12/04/2021
Mary Pope	Auckland		2024 New Zealand	12/04/2021
Georgia Ingleton	Wellington		1150 New Zealand	12/04/2021
Allan McGhie	Wellington		6021 New Zealand	12/04/2021
Arthur Nicholas	Christchurch		8011 New Zealand	12/04/2021
Bain Russell	Tauranga		New Zealand	12/04/2021
Lee Winkler	Sydney		2000 Australia	12/04/2021
Thomas Wills			Cook Islands	12/04/2021
Shayne Bruce			6330 Australia	12/04/2021
Carl Hayson	Queenstown		New Zealand	12/04/2021
Allan Clark			2478 Australia	12/04/2021
Tony Smith	Buffalo		New Zealand	12/04/2021
Brendan Kelly	Beaconsfield		3807 Australia	12/04/2021
Jenna Kennedy	Sydney		2001 Australia	12/04/2021
Juliette Keily	GyMEA Bay		2227 Australia	12/04/2021

Melissa Scott		3976	Australia	12/04/2021
Ben Sewell	Christchurch	4310	New Zealand	12/04/2021
Brandon Korner		5166	Australia	12/04/2021
Malcolm Nabbs	Wellington	6021	New Zealand	12/04/2021
Donna Schiphorst	Upper Hutt	5018	New Zealand	12/04/2021
mary ong	Prestons	2170	Australia	12/04/2021
Neil Burt	Hamilton	3214	New Zealand	12/04/2021
Jason Tomasi	Wellington	6011	New Zealand	12/04/2021
Phil Brewer	Christchurch	8013	New Zealand	12/04/2021
Cassandra Farah	Sydney	2000	Australia	12/04/2021
Stu Williamson	Wellington	2012	New Zealand	12/04/2021
Leonard Brown	Surry Hills	2010	Australia	12/04/2021
Gabrysia Miziniak			Australia	12/04/2021
Dylan Taylor	Engadine	2233	Australia	12/04/2021
Ty Newman	emerald	4720	Australia	12/04/2021
Steve O'Donoghue	Tauranga		New Zealand	12/04/2021
Richard McNair	Te Puke		New Zealand	12/04/2021
Darryl Aitken	Greymouth	7805	New Zealand	12/04/2021
Narelle Upton	Inala	4077	Australia	12/04/2021
Troy Hunt	Wellington	6021	New Zealand	12/04/2021
Jan Hooper	Adelaide	5211	Australia	12/04/2021
Bettina Grau	Ipswich	4563	Australia	12/04/2021
Lil M	Lillian Rock	2480	Australia	12/04/2021
Dave Dixon	Wellington	6021	New Zealand	12/04/2021
Osbourne Rozas	Auckland		New Zealand	12/04/2021
Lynne Mclaughlan	Wellington		New Zealand	12/04/2021
Donna Leddy	Wellington	6021	New Zealand	12/04/2021
Josh Danao	Townsville	4817	Australia	12/04/2021
Daniel O'Brien	Adelaide	5000	Australia	12/04/2021
Charlie Barraclough	Wellington		New Zealand	12/04/2021
LemonsTo	Yellows		Australia	12/04/2021
Dave Walsh	Hamilton	3214	New Zealand	12/04/2021
ling chen		2216	Australia	12/04/2021
Maddison O'Brien			Australia	12/04/2021
Caroline Woollams	Wellington	5019	New Zealand	12/04/2021
Gemma Dowd	Melbourne	3001	Australia	12/04/2021
Georgia Piniros	Picnic point	2213	Australia	12/04/2021
Kohen Taylor	Peakhurst	2210	Australia	12/04/2021
Sam Currie	Papamoa Beach	3118	New Zealand	12/04/2021
maya garcia	Newcastle	2300	Australia	12/04/2021
Wyatt Lane	Emerald	4000	Australia	12/04/2021
Stephanie May	Upper Hutt123		New Zealand	12/04/2021
Michael Woodland	Ballarat	3350	Australia	12/04/2021
Lili Christophers	Adelaide	5001	Australia	12/04/2021
Gregg Adams	Whanganui	4500	New Zealand	12/04/2021
Byron Newton	Wellington		New Zealand	12/04/2021
jason edwards	Wellington		New Zealand	12/04/2021
Yeah Nah		1234	Australia	12/04/2021
Jack Kerswill	Wolverhampton	WV5 8HH	UK	12/04/2021
Carolanne O'Connor		6058	Australia	12/04/2021



Brent Delaney	Lower Hutt	New Zealand	12/04/2021
Ruby Voyzey	Boat Harbour	2316 Australia	12/04/2021
Sarah Larnach	Wellington	6021 New Zealand	12/04/2021
SILVER JOHNSON	Wellington	6021 New Zealand	12/04/2021
David Burr	Auckland	1148 New Zealand	12/04/2021
Bridget Burgoyne	Melbourne	3000 Australia	12/04/2021
Lynette Hannan	Riddells Creek, Victoria	3431 Australia	12/04/2021
Matt Wilson		New Zealand	12/04/2021
Amber Curry	Chipping Norton	2170 Australia	12/04/2021
Missy Walhalla	Melbourne	3001 Australia	12/04/2021
Laura Allen	Christchurch	8011 New Zealand	12/04/2021
Ayla Greenwell	Sydney	2000 Australia	12/04/2021
Nicholas Peck	Te Awamutu	3800 New Zealand	12/04/2021
Sarah Bailey		2262 Australia	12/04/2021
Steven Crundwell	Christchurch	8013 New Zealand	12/04/2021
Amy Smith	Coffs harbour	2450 Australia	12/04/2021
Charlie Fisher	Sydney	2000 Australia	12/04/2021
Jackson Yan	Sydney	2155 Australia	12/04/2021
Veronica Tran	brisbane	4124 Australia	12/04/2021
Antony Everson	Palmerston North	4410 New Zealand	12/04/2021
Kane Ertas	Adelaide	5001 Australia	12/04/2021
Bronté Turpin	Mount Lawley	6050 Australia	12/04/2021
Lisa Clifford	Auckland	1010 New Zealand	12/04/2021
Alan Paton	Moss Vale	2577 Australia	12/04/2021
jennifer brown		3918 Australia	12/04/2021
Olga Rudyk		3207 Australia	12/04/2021
Jobin Joseph	Punchbowl	2196 Australia	12/04/2021
Lisa Grindlay	Wellington	6021 New Zealand	12/04/2021
Wendy Dugmore	Perth	6000 Australia	12/04/2021
Silvia Braham	Gold Coast QLD	4226 Australia	12/04/2021
Zahra Mohammadi	Adelaide	5000 Australia	12/04/2021
Rene Bonn	Melbourne	3000 Australia	12/04/2021
Teah Burrin	Lower Hutt	New Zealand	12/04/2021
Raema Inglis	Auckland	1010 New Zealand	12/04/2021
Stuart Capon	Auckland	1010 New Zealand	12/04/2021
grant bremner	Whangarei	New Zealand	12/04/2021
Emma Johns	Wellington	6021 New Zealand	12/04/2021
Dianne Musgrove	Palmerston North	4414 New Zealand	12/04/2021
Mike Mckenzie	Lower Hutt	5012 New Zealand	12/04/2021
Ross Cronin Cronin	Whangarei	110 New Zealand	12/04/2021
Dave Carter	Christchurch	8011 New Zealand	12/04/2021
Jayden Bartlett	Napier	4144 New Zealand	12/04/2021
Allie Carroll	Wellington	6021 New Zealand	12/04/2021
Dale Coffey		6056 Australia	12/04/2021
Crix Rayner	Brisbane	4000 Australia	12/04/2021
Hayden Climie	Auckland	1148 New Zealand	12/04/2021
Carlos Gali	Surfers Paradise	4217 Australia	12/04/2021
Joseph Kuan	Sydney	2218 Australia	12/04/2021
Kane Munro	Wellington	6021 New Zealand	12/04/2021
Angel Fisher	Sydney	2000 Australia	12/04/2021

Wayne Green	Wellington	4737	New Zealand	12/04/2021
Jee Kim	Sydney	2111	Australia	12/04/2021
Anna-Maria Fradelakis	Wellington	6021	New Zealand	12/04/2021
Ngaire Taute	Merrylands	2160	Australia	12/04/2021
Carl Leenders	Silverstream		New Zealand	12/04/2021
A herrmann	sydney	2000	Australia	12/04/2021
Anthea Huntly Wairua	Bunbury	6230	Australia	12/04/2021
alisha snow	Sydney	2000	Australia	12/04/2021
Katie Young	Wellington	6021	New Zealand	12/04/2021
Kyle Pohe	Wellington	6021	New Zealand	12/04/2021
Deanne Marie KIREKA	Napier		New Zealand	12/04/2021
Bodhi dey	Kenthurst	2156	Australia	12/04/2021
Logan Haydon	Wagga wagga	2000	Australia	12/04/2021
Craig Sandstrom		2112	Australia	12/04/2021
Chloe Clark	Sydney		Australia	12/04/2021
Tara Woods	Cairns	4870	Australia	12/04/2021
Dallas Sowden	Manningham	5086	Australia	12/04/2021
Rodney Parker	Sydney	1001	Australia	12/04/2021
Tara Synnott		2230	Australia	12/04/2021
dakota witheridge			Australia	12/04/2021
Tony Andrew		2145	Australia	13/04/2021
Ann Dowling		2299	Australia	13/04/2021
Sean Singleton	Wellington		New Zealand	13/04/2021
Gordon Bagley	Auckland	1010	New Zealand	13/04/2021
Nina Barbo	Melbourne	3000	Australia	13/04/2021
Anthony Bartsch	Adelaide	5085	Australia	13/04/2021
Ian Piper	Wellington		New Zealand	13/04/2021
ruby woodgate	central coast	2110	Australia	13/04/2021
David Parsons	Auckland		New Zealand	13/04/2021
Dave Gaskin	Hastings	4120	New Zealand	13/04/2021
John Conroy	Melbourne	3095	Australia	13/04/2021
Raewyn Johns	Wellington		New Zealand	13/04/2021
Harlan Summers	Palmerston North	4410	New Zealand	13/04/2021
Czelene Villanueva	Sydney	2000	Australia	13/04/2021
sasha barr	Sydney	2000	Australia	13/04/2021
kevin godwin	Porirua	5010	New Zealand	13/04/2021
Peter Gibson	Wellington	6021	New Zealand	13/04/2021
Amanda Downie	Buderim	4556	Australia	13/04/2021
Kenn Johnstone	Wellington		New Zealand	13/04/2021
Ace Nguyen	Perth	6050	Australia	13/04/2021
Sonia Szewczuk	Cairns	4868	Australia	13/04/2021
doris yang			New Zealand	13/04/2021
Sarah Entwistle	Townsville	4810	Australia	13/04/2021
Bernardine Timmins		4107	Australia	13/04/2021
Tiffany Kolbert	Pennant Hills	1715	Australia	13/04/2021
Xifeng Yuan	Sydney	2212	Australia	13/04/2021
Andrew Hall	Levin	5510	New Zealand	13/04/2021
Kylie Burling	Auckland	1010	New Zealand	13/04/2021
Dorian McAdam	Lower Hutt	5010	New Zealand	13/04/2021
Glynnys Allen	Wellington		New Zealand	13/04/2021

Jason Armstrong	Oberon	2787	Australia	13/04/2021
Grace Matthews	Sydney	2000	Australia	13/04/2021
Pamela Rontzi	Bankstown	2200	Australia	13/04/2021
Amelia Iannucci	Pennant Hills	2120	Australia	13/04/2021
Alistaire Hall	Auckland	1010	New Zealand	13/04/2021
Yara Othman	Sydney	2000	Australia	13/04/2021
Paul Le Roy	Wellington	6021	New Zealand	13/04/2021
Tania Budimir	Cambridge Park	2747	Australia	13/04/2021
Owen Andrews	Melbourne	3001	Australia	13/04/2021
Michael Kerry	Brisbane	4000	Australia	13/04/2021
Graham Robb	Wellington	6021	New Zealand	13/04/2021
Gordon Hislop	Wainuiomata	5014	New Zealand	13/04/2021
Bethany Wu	Sydney	2000	Australia	13/04/2021
Maximus Morrison	East Perth	6892	Australia	13/04/2021
Marcelle Daniels	Kangaroo Flat	3555	Australia	13/04/2021
Theo Gordon	Wellington	6021	New Zealand	13/04/2021
Jasmin Taylor	Ho	5165	Australia	13/04/2021
Obbae X			Australia	13/04/2021
Shelley Manderson	Beechboro	6063	Australia	13/04/2021
Ross placing		2262	Australia	13/04/2021
Katie Violic	Perth	6001	Australia	13/04/2021
Geoff Sims	Ellenbrook	6069	Australia	13/04/2021
Elena Anikeev	Sydney	2763	Australia	13/04/2021
Saskia Heald	Hamilton	3214	New Zealand	13/04/2021
Sasha Bundhoo	Zetland	2017	Australia	13/04/2021
Lucy Slevison	Melbourne	3146	Australia	13/04/2021
Caron Isaac		5019	Australia	13/04/2021
Harry Tear		2602	Australia	13/04/2021
Seth Bollenhagen	Adelaide	5001	Australia	13/04/2021
Jahanzaib Ali	Sydney	2000	Australia	13/04/2021
Sylvia Daniels	Merrylands	2160	Australia	13/04/2021
Greg Guppy	Australind	6233	Australia	13/04/2021
Peter Williams	Wellington	6037	New Zealand	13/04/2021
Noeline Leary	Gold Coast	4217	Australia	13/04/2021
Jasmine Mansfield	Brisbane	4000	Australia	13/04/2021
Nick Brown	Dunedin	9059	New Zealand	13/04/2021
Vincent Murphy	Maroochydore	4558	Australia	13/04/2021
Daniela Koutlis	Wallan	3756	Australia	13/04/2021
Ruby West.			Australia	13/04/2021
Benjamin Peter Nigro	Wellington		New Zealand	13/04/2021
Sanette Van Vollenstee	Mount Maunganui		New Zealand	13/04/2021
Paul Singleton	Wellington	6021	New Zealand	13/04/2021
Maria Sanchez	Sydney	2000	Australia	13/04/2021
Jessica Samuels	Bundaberg	4670	Australia	13/04/2021
David Treloar		5211	Australia	13/04/2021
Gabrielle Angeles	Brisbane	4000	Australia	13/04/2021
Mark Bays	Melbourne	3000	Australia	13/04/2021
Phanitty Uwu	Lower Hutt		New Zealand	13/04/2021
Keith Watt	Auckland	1010	New Zealand	13/04/2021
allan Ritchie	eNMORE	2042	Australia	13/04/2021

Jarrold Hudson	Dunedin	New Zealand	13/04/2021
feline briones	Adelaide	5114 Australia	13/04/2021
Amanda Shrimpton	Raymond Terrace	2324 Australia	13/04/2021
Justin Graham	Lower Hutt	5011 New Zealand	13/04/2021
Sean Bates	Wellington	6021 New Zealand	13/04/2021
Callum Robertson	Wellington	6021 New Zealand	13/04/2021
Rebecca Bennett	Upper Hutt	5018 New Zealand	13/04/2021
Caroll smyth	AUCKLAND	New Zealand	13/04/2021
Blair Hughes	Wellington	6021 New Zealand	13/04/2021
Nicole Johnson	Hamilton	New Zealand	13/04/2021
Erwin Zurvas	Sarina	4737 Australia	13/04/2021
Meisam Kahkeshan	Perth	6000 Australia	13/04/2021
Georgia B	Brisbane	4000 Australia	13/04/2021
Nina-Rae Saunders	suffolk park	2481 Australia	13/04/2021
Samantha Bendall		2043 Australia	13/04/2021
Rene Saluz	Auckland	New Zealand	13/04/2021
flightsmith3@hotmail.com	Co Saint Lucia	4067 Australia	13/04/2021
Jael Johnson	Broome	6725 Australia	13/04/2021
Aaron McDonald	Brisbane	4000 Australia	13/04/2021
Reg Barlow	Auckland	1010 New Zealand	13/04/2021
Leigh Williamson	Brisbane	4000 Australia	13/04/2021
Vicki Cameron Couling	Wellington	6012 New Zealand	13/04/2021
Teagen Thorburn		3340 Australia	13/04/2021
Dave Thomas	Melton	3337 Australia	13/04/2021
Sophie Veitch	Melbourne	3152 Australia	13/04/2021
Violet Sambrooks	Brisbane	4006 Australia	13/04/2021
cassidy stephens	boronia	3155 Australia	13/04/2021
Matthew Liddell	Wellington	New Zealand	13/04/2021
Tiana Brown	Wollongong	2000 Australia	13/04/2021
James Laughton	Brisbane	4000 Australia	13/04/2021
Kiel Lobe	Ewingsdale	2481 Australia	13/04/2021
Ella Rose	Blacktown	2147 Australia	13/04/2021
Aria Kitchener		Australia	13/04/2021
Celia Billing	Auckland	1010 New Zealand	13/04/2021
Kelly Kennedy	Sydney	1001 Australia	13/04/2021
barry jessop	masterton new zealand	5842 New Zealand	13/04/2021
Sophie Hart		Australia	13/04/2021
Jenny Ginsberg	Cottles Bridge	3099 Australia	13/04/2021
Tayla Warriner	Christchurch	8141 New Zealand	13/04/2021
Sarah Murray		2000 Australia	13/04/2021
Alison Martin		2321 Australia	13/04/2021
kathryn mccallum	Melbourne	3051 Australia	13/04/2021
John Kavanagh	Banksia	2216 Australia	13/04/2021
Kathy Cvetkovski	Perth	6001 Australia	13/04/2021
g lkjg	Melbourne	3001 Australia	13/04/2021
Cristiana Ylagan	Melbourne	3004 Australia	13/04/2021
amy likely	Hamilton	4007 Australia	13/04/2021
Alison Laurie	Paekakariki	5034 New Zealand	13/04/2021
Rupert Veitch		3185 Australia	13/04/2021
Allen Crise		Melbourne Australia	13/04/2021

Deb Calligaro	Bowen	4805	Australia	13/04/2021
Daniel Town	Christchurch		New Zealand	13/04/2021
Michelle Hart	Auckland		New Zealand	13/04/2021
Laurie Rose	Sydney	2001	Australia	13/04/2021
Tim Harkness	Wellington	6021	New Zealand	13/04/2021
Elly Bursky	Bondi	2026	Australia	13/04/2021
Karen Hardie	Wellington		New Zealand	13/04/2021
phil martin	Wellington, Wellington, New Zealand		New Zealand	13/04/2021
Donna Wheeler		4165	Australia	13/04/2021
Iain Clague	Auckland		New Zealand	13/04/2021
Margaret Davis	Wellington	6021	New Zealand	13/04/2021
Timothy Zwart	Wellington	6021	New Zealand	13/04/2021
Diane Hopkinson	Auckland		New Zealand	13/04/2021
Jessica Manning	Coffs Harbour	2450	Australia	13/04/2021
Caitlin Grace	Central Coast	2250	Australia	13/04/2021
Karen Old	Whangarei	632	New Zealand	13/04/2021
Ella Veleba	Liverpool	2170	Australia	13/04/2021
Alysia Sumanada	Brunswick	3056	Australia	13/04/2021
Edward Manly	Hassall Grove	2761	Australia	13/04/2021
Steve Mitchell	Dural	2158	Australia	13/04/2021
Jarryd Sargent	Melbourne	3136	Australia	13/04/2021
Lily Foster	Melbourne	3190	Australia	13/04/2021
Hamish McGregor	Wellington	6011	New Zealand	13/04/2021
evelyn cameron	Adelaide	5001	Australia	13/04/2021
Bridget McC	Brisbane	4000	Australia	13/04/2021
Olivia scott	Melbourne	4001	Australia	14/04/2021
Deb Bird	Auckland	1148	New Zealand	14/04/2021
Kira Sullivan	Brisbane	4000	Australia	14/04/2021
Asriel Potter	Coorparoo	4151	Australia	14/04/2021
Jess Chadburn		4216	Australia	14/04/2021
Hannah Anderson	Auckland		New Zealand	14/04/2021
Lucy Ma	Sydney	2000	Australia	14/04/2021
Angela Goerling		6025	Australia	14/04/2021
Elizabeth Fong	Melbourne	3000	Australia	14/04/2021
Jean Sydenham	Tauranga	3110	New Zealand	14/04/2021
Susan McDonald	Prahran	3181	Australia	14/04/2021
Angie Goodmil	Melbourne	3000	Australia	14/04/2021
jane mcmillan	Auckland	1010	New Zealand	14/04/2021
Isabelle Powell	East Maitland	2323	Australia	14/04/2021
Olivia Waardyk	Rockhampton	4701	Australia	14/04/2021
Rianne Cristobal	Perth	6001	Australia	14/04/2021
Isabelle Duro	Brisbane	4001	Australia	14/04/2021
daniel mitchell	Wellington		New Zealand	14/04/2021
Kim Worth	Redland Bay	4165	Australia	14/04/2021
Keira Lobegeiger	Ipswich	4305	Australia	14/04/2021
Angela Aromin	Hamilton	3214	New Zealand	14/04/2021
Shae Walsh	Castle Cove	2069	Australia	14/04/2021
Jean Van Held	Doncaster	3108	Australia	14/04/2021
Ebonie Turkilsen	Bowen	4805	Australia	14/04/2021
emma savill		2481	Australia	14/04/2021

Bbjbv Bdbd	Bbbb	nbhg	Australia	14/04/2021
Allen Travers	Brisbane	4000	Australia	14/04/2021
David Waters	Brisbane	4000	Australia	14/04/2021
Sifu Wu	Brisbane	4000	Australia	14/04/2021
Jennifer Lowe	Hawthorne	4171	Australia	14/04/2021
Alyssa Nerney	Brisbane	4000	Australia	14/04/2021
Michael Taylor	Currumbin Valley	4003	Australia	14/04/2021
erin satherley	Upper Hutt		New Zealand	14/04/2021
Sanjay Sircar		2602	Australia	14/04/2021
Stella Mason	Sunbury	3429	Australia	14/04/2021
Darneet Chahil	Melbourne	3000	Australia	14/04/2021
Connor Wilks	Auckland	1010	New Zealand	14/04/2021
ruby Mclver	Carlton	3053	Australia	14/04/2021
Peter Collins	Adelaide	5241	Australia	14/04/2021
Jordee Newman	Deer Park	3023	Australia	14/04/2021
Taryn Haynes	Parklands	6180	Australia	14/04/2021
Jakob Inwood	Mandurah	6210	Australia	14/04/2021
Olivier Quon-Legault	Vancouver	V5Y 2G5	Canada	14/04/2021
Mark Cunnington	Capalaba	4157	Australia	14/04/2021
Sagar Pariyar	Deepdene	3103	Australia	14/04/2021
Brent Sargeant	Whanganui	4500	New Zealand	14/04/2021
Al Bealing			New Zealand	14/04/2021
Nicholas Cull	Waikanae Beach		New Zealand	14/04/2021
Ruby Martel	Sydney	2000	Australia	14/04/2021
Vicki Bealing	Wellington	6021	New Zealand	14/04/2021
Kirri Chandler	Belmont	3216	Australia	14/04/2021
Jordan Grigg	Mildura	3500	Australia	14/04/2021
Mark Else	Palmerston North	4410	New Zealand	14/04/2021
Tilly Herron	Brisbane	4000	Australia	14/04/2021
Jaron McLeod	Brisbane	4122	Australia	14/04/2021
Lucas Duong	Palmerston North		New Zealand	14/04/2021
Darryl Peterson	Napier		New Zealand	14/04/2021
Chris Hamilton	Wellington	6021	New Zealand	14/04/2021
Madeline Lam	Melbourne	3001	Australia	14/04/2021
Jeff Ashby	Peka Peka	3432	New Zealand	14/04/2021
Jemima Dundon	Blackheath	2785	Australia	14/04/2021
Elizabeth Robinson		4066	Australia	14/04/2021
Leigh Eames		3862	Australia	14/04/2021
Chris Kas	Wellington	6021	New Zealand	14/04/2021
Luke Langford	Perth	6065	Australia	14/04/2021
John Gore	Auckland	1148	New Zealand	14/04/2021
Mike Biggans	Wellington	6021	New Zealand	14/04/2021
Shane Joyce	Coorparoo	4151	Australia	14/04/2021
shani goldsbro	Rosny Park	7009	Australia	14/04/2021
Amelia Hutchings	Brisbane	4014	Australia	14/04/2021
Mark Dougan		6330	Australia	14/04/2021
Keira Lester	Auckland		New Zealand	14/04/2021
James Orme	Brisbane	4000	Australia	14/04/2021
Sophie Haines-owen	Wellington		New Zealand	14/04/2021
Sarah Aldridge	Brisbane	4000	Australia	14/04/2021

kristi mcierey		6210 Australia	14/04/2021
lisa bruce		4507 Australia	14/04/2021
roy adams	upper hutt	New Zealand	14/04/2021
Jingshi li	Sydney	2000 Australia	14/04/2021
Rita Iuliano	Tuross Head	2537 Australia	14/04/2021
Michelle Stewart	Brisbane	4000 Australia	14/04/2021
Fairus Olana		5037 Australia	14/04/2021
caity shanks	Christchurch	New Zealand	14/04/2021
Hilary Williams	Frankston	3199 Australia	14/04/2021
Zoe Jefferies	Whangarei	112 New Zealand	14/04/2021
Helana Scott-Jones	Lower Hutt	5042 New Zealand	14/04/2021
Muddassir Chowdhary	Brisbane	4000 Australia	14/04/2021
Kelsey May	Littlehampton	5250 Australia	14/04/2021
Levi Smith	Lower Hutt	5014 New Zealand	14/04/2021
Oliver Robertson	Durack	830 Australia	14/04/2021
Ottilie Nichols	Wellington	6021 New Zealand	14/04/2021
Lynda Mansell	Wellington	6012 New Zealand	14/04/2021
lucy grevillea	Sydney	2221 Australia	14/04/2021
Sue Austin		4031 Australia	14/04/2021
Shari Parker		4879 Australia	14/04/2021
lucy parker	sunshine coast	4557 Australia	14/04/2021
Leanne Thornton	Goulburn	2580 Australia	14/04/2021
Luke Scoot	Brisbane	4000 Australia	14/04/2021
Sonia Mckee	Park ridge south	4125 Australia	14/04/2021
Helen Grenfell		3555 Australia	14/04/2021
Victoria Vu	Sydney	2000 Australia	14/04/2021
Daniela MacAulay		2095 Australia	14/04/2021
Nancy Peterson	Kaitaia	410 New Zealand	14/04/2021
Michele Stewart	Whangarei	New Zealand	14/04/2021
Dave Marchant	Lower Hutt	5042 New Zealand	14/04/2021
Kate Lannen	Herston	4006 Australia	14/04/2021
Maddy Shaw	perth	Australia	14/04/2021
Charmaine Duggen		2500 Australia	14/04/2021
Fabian Oyola	West End	4101 Australia	14/04/2021
Tia Willson	Caboolture	4510 Australia	14/04/2021
Ewa Maria Krukowska	Woodpark	2164 Australia	14/04/2021
Vassilios Lygiros	Chicago	Illii 60643 US	14/04/2021
u/ EyeOfTheMemes	Burwood	3125 Australia	14/04/2021
Bevan Jackson	Perth	6001 Australia	14/04/2021
tony webster	toowoomba	4350 Australia	14/04/2021
Jack White	Sevin	2147 Australia	14/04/2021
John Knap	Wellington	6021 New Zealand	14/04/2021
Alfonso Tenorio	Point Cook	3030 Australia	14/04/2021
shannon adams	Brisbane	4000 Australia	14/04/2021
sonya Smith	Lower Hutt	New Zealand	14/04/2021
George Plimmer	Wellington	6021 New Zealand	14/04/2021
Mell Sinnerton	Mandurah	6210 Australia	14/04/2021
Kishore Simha	Hamilton	New Zealand	14/04/2021
Susan Slater	Wellington	New Zealand	14/04/2021
Rox Orange	Dannevirke	4930 New Zealand	14/04/2021

Leighton Davies	Wellington		New Zealand	14/04/2021
Frank Slee	Wellington	6021	New Zealand	14/04/2021
Matilda Hawker	Sydney	2000	Australia	14/04/2021
Ian Miller	Auckland		New Zealand	14/04/2021
Rob Mooar	Palmerston North	4410	New Zealand	14/04/2021
Leigh Hooper	lower hutt		New Zealand	14/04/2021
Peter Hawke	Wellington	6021	New Zealand	14/04/2021
Cat Dickens	Auckland	1010	New Zealand	14/04/2021
Phillip Dunn	Brisbane		Australia	14/04/2021
Fiona Fleming	Auckland	1010	New Zealand	14/04/2021
Geoff Hass	Brisbane	4000	Australia	14/04/2021
Darren Weston	Christchurch	8011	New Zealand	14/04/2021
Riley Petersen	Brisbane	4061	Australia	14/04/2021
Lindsay Bray	Dunedin		New Zealand	14/04/2021
Jake Southey	Auckland	1010	New Zealand	14/04/2021
Macgregor Haines		2017	Australia	14/04/2021
Helen Burfield-Mills	Wellington	6021	New Zealand	14/04/2021
Malcolm Bourke	Farrer	2607	Australia	14/04/2021
Kelvin Napier	Wellington	6021	New Zealand	14/04/2021
Alex Hockley	Wellington		New Zealand	14/04/2021
Lesley Millard		4005	Australia	14/04/2021
Graham Dredge	Christchurch	8013	New Zealand	14/04/2021
Thamazine Edson	Lower Hutt	5010	New Zealand	14/04/2021
Susan Ottesen	Sydney	2000	Australia	14/04/2021
Julie Shanks	Christchurch	8013	New Zealand	14/04/2021
caitlin oh	Hamilton	4007	Australia	14/04/2021
Tina Harnett	Christchurch	8013	New Zealand	14/04/2021
Mark Adams	Rotorua		New Zealand	14/04/2021
Simon Farac	Auckland	1148	New Zealand	15/04/2021
Kayla burton	Wellington		New Zealand	15/04/2021
VIK sarakula	Sans Souci	2219	Australia	15/04/2021
Dalemore Goodman	New Plymouth	4310	New Zealand	15/04/2021
Chris Mcfie	Christchurch	8011	New Zealand	15/04/2021
Alana Le Comte	Wellington	6012	New Zealand	15/04/2021
lianne Boucher	Auckland	1072	New Zealand	15/04/2021
Brent Phillips	Wellington		New Zealand	15/04/2021
Pam Butwell	Wellington	6021	New Zealand	15/04/2021
Lisa McGregor			New Zealand	15/04/2021
George Hewitt	Lower Hutt		New Zealand	15/04/2021
Mark Whitehead	Auckland	1010	New Zealand	15/04/2021
Roger Fawbert	Auckland		New Zealand	15/04/2021
Sharron Tassell	lower hutt		New Zealand	15/04/2021
Julie Cameron	Wellington	6021	New Zealand	15/04/2021
Ron Love	Lower Hutt	5011	New Zealand	15/04/2021
Amanda trass	palmerston		New Zealand	15/04/2021
Aster London	Christchurch	8011	New Zealand	15/04/2021
Sara Sahagian	Christchurch	8042	New Zealand	15/04/2021
Charlie Mears	Christchurch	8011	New Zealand	15/04/2021
Judi Kercher	Palmerston North	3204	New Zealand	15/04/2021
Margaret Subritzky	Upper Hutt		New Zealand	16/04/2021



Angie Perez-cagara	Auckland	1041	New Zealand	16/04/2021
Savanna Lynch	Palmerston North	4412	New Zealand	16/04/2021
Christine Bautista	Auckland	1010	New Zealand	16/04/2021
Ashley Lowe	Christchurch		New Zealand	16/04/2021
Timothy Bee	Christchurch	8013	New Zealand	16/04/2021
Dennis Howe	Wellington	6021	New Zealand	16/04/2021
Stephen Mclay	Wellington	6021	New Zealand	16/04/2021
Caden Scott	Auckland	1150	New Zealand	16/04/2021
Dylan Cee			New Zealand	16/04/2021
Avril Booyesen	Auckland		New Zealand	16/04/2021
Lily-Jean Meyrick	Auckland	1024	New Zealand	16/04/2021
M C	Auckland	1010	New Zealand	16/04/2021
Jayda Laloo	Lower Hutt	5011	New Zealand	16/04/2021
Sabina Pregl	Wellington		New Zealand	16/04/2021
Lumo Sane	Levin	5510	New Zealand	16/04/2021
Liam Mckinney	Christchurch		New Zealand	16/04/2021
Ashleigh Cummings	Auckland	1010	New Zealand	16/04/2021
Ella Nguyen	Auckland		New Zealand	17/04/2021
William Vaughan	Christchurch		New Zealand	17/04/2021
Cilia-Marie Po'e	Auckland		New Zealand	17/04/2021
Sam North	Auckland		New Zealand	17/04/2021
Debbie Bulla	Perth	6082	Australia	17/04/2021
hayley milne	Wellington		New Zealand	17/04/2021
Marie Lizurek	Tauranga		New Zealand	17/04/2021
Mia Davis	Auckland	1010	New Zealand	17/04/2021
Amber Baddeley	Tauranga		New Zealand	17/04/2021
CrazyComedyKid :)	Christchurch		New Zealand	17/04/2021
Crisie Clark	Whangarei		New Zealand	17/04/2021
Gus McMillan	Auckland	1148	New Zealand	17/04/2021
Grace Stewart	Christchurch	8042	New Zealand	17/04/2021
Emily Hickling	Halswell		New Zealand	17/04/2021
Gianna Thomson	Hamilton		New Zealand	17/04/2021
David Rothschild	Lyneham	2602	Australia	17/04/2021
Josephine Lea	Auckland		New Zealand	17/04/2021
Peach Solayzia	Christchurch		New Zealand	17/04/2021
Charmaine Antigo	Wellington		New Zealand	17/04/2021
Amber Woolcock	Lower Hutt		New Zealand	17/04/2021
Scarlett Ritchie	Auckland		New Zealand	17/04/2021
chelsea mcintosh	Havelock North	4130	New Zealand	17/04/2021
Ataahua Hohaia	Hamilton	3214	New Zealand	18/04/2021
Harper Graham	Tauranga		New Zealand	18/04/2021
francesca sigal	Wellington		New Zealand	18/04/2021
Maddison Roscoe	Auckland	1010	New Zealand	18/04/2021
Ronan Harbott	Palmerston North		New Zealand	18/04/2021
jack guinibert	Auckland	1010	New Zealand	18/04/2021
Lena Faisal	Hamilton	3214	New Zealand	18/04/2021
Alister Richardson	Palmerston North	4410	New Zealand	18/04/2021
Seren White	Whakatane		New Zealand	18/04/2021
Hanna Baldwin	Wellington		New Zealand	18/04/2021
Roger Whitmarsh	Auckland	1010	New Zealand	18/04/2021

Angela Nunez	Christchurch		New Zealand	18/04/2021
Clay Kokai	Tauranga	3110	New Zealand	18/04/2021
Serisa Laloata	Christchurch		New Zealand	18/04/2021
Sidak Paul	Hamilton		New Zealand	18/04/2021
A Person	Auckland		New Zealand	18/04/2021
Cameron M Bell	Auckland	1010	New Zealand	18/04/2021
Kieta Marsters	Rotorua		New Zealand	18/04/2021
Carl Arnold	Napier		New Zealand	18/04/2021
Robert Hamilton	Auckland	1010	New Zealand	18/04/2021
lucy howard	Auckland		New Zealand	18/04/2021
Toni Atkins	auckland		New Zealand	18/04/2021
Manpreet Singh	Auckland		New Zealand	18/04/2021
Anthony Gaskin			New Zealand	18/04/2021
Avee Belhamine	Hamilton	3214	New Zealand	18/04/2021
Fiona Brennan	Putaruru		New Zealand	19/04/2021
Jim McKelvie	Dunedin		New Zealand	19/04/2021
Conan Butler	Auckland		New Zealand	19/04/2021
Jessica Miller	Auckland	1010	New Zealand	19/04/2021
Margot Gnonlonfoun	Richmond	3121	Australia	19/04/2021
Bianca Barrington	Wellington		New Zealand	19/04/2021
Jeong Whan Lee	Auckland	1010	New Zealand	19/04/2021
Jyoti Talekar	Carlingford	2118	Australia	19/04/2021
Samuel Galpin	Auckland	1010	New Zealand	19/04/2021
Jessie McCulloch	Sydney	2220	Australia	19/04/2021
stephen holmes	Westmead	2145	Australia	19/04/2021
Julius Hamprecht	Curl Curl	2096	Australia	19/04/2021
Tabitha McCrory	Colyton	2760	Australia	19/04/2021
tilly murphy	Coburg	3058	Australia	19/04/2021
Pat Flynnogan	Balwyn North	3104	Australia	19/04/2021
Jamie Sellar	Belfield	2191	Australia	19/04/2021
Olivia Sinclair	Porirua	5026	New Zealand	19/04/2021
Marcus Brown	New Plymouth		New Zealand	19/04/2021
andrew AUCKLand	Auckland		New Zealand	19/04/2021
Yes Yes	Auckland	1010	New Zealand	19/04/2021
Jupiter Kerr	Tauranga	3110	New Zealand	19/04/2021
Kate Meadows	Rangiora		New Zealand	19/04/2021
Sarah Tesfay	Auckland		New Zealand	19/04/2021
Ella Kraft	Whangarei		New Zealand	19/04/2021
Evie McInteer	Hastings		New Zealand	19/04/2021
Nicole Gibson	Christchurch	8011	New Zealand	19/04/2021
molly campbell	christchurch		New Zealand	19/04/2021
Heather Garside	Christchurch	8023	New Zealand	19/04/2021
Andrew Pascall	Wellington		New Zealand	19/04/2021
Yara Shmisany	Auckland		New Zealand	19/04/2021
Sarah Parker	Napier		New Zealand	19/04/2021
Oisin Calder	Nelson	7010	New Zealand	20/04/2021
Nate Jacomb	Wellington	6021	New Zealand	20/04/2021
Bella Moran	Christchurch		New Zealand	20/04/2021
Miranda Harle	Upper Hutt	5019	New Zealand	20/04/2021
Gwen Chaloner	Auckland	1010	New Zealand	20/04/2021

Rochelle Dalziel	Wellington	6037	New Zealand	20/04/2021
Amelia Grace	Nelson	7045	New Zealand	20/04/2021
Charlie Moore	Boronia	3155	Australia	20/04/2021
Emma Hyde			New Zealand	20/04/2021
Nadia Leibowitz	Brisbane	4000	Australia	20/04/2021
Howard Adams	Dunedin		New Zealand	20/04/2021
Joshua Van Rixel	Auckland		New Zealand	20/04/2021
Liam Murdoch	Auckland	1010	New Zealand	20/04/2021
josh old			New Zealand	20/04/2021
Geoff Wood	Palmerston North	4410	New Zealand	20/04/2021
Kennedy Currie	Auckland		New Zealand	20/04/2021
izzy kitty	Tauranga	3110	New Zealand	20/04/2021
Amber Henry	Wellington	6021	New Zealand	20/04/2021
Eater Miner	Dunedin	9059	New Zealand	20/04/2021
Bev McIntyre	Wellington	6021	New Zealand	21/04/2021
lauren marlow	Wellington	6021	New Zealand	21/04/2021
Jessica Sherwood	Kawerau		New Zealand	21/04/2021
Culture CHCHange			New Zealand	21/04/2021
Ayesha I Looyestyn	Christchurch		New Zealand	21/04/2021
Shenali Thuring	Auckland		New Zealand	21/04/2021
Melissa Sayer	Christchurch	8141	New Zealand	21/04/2021
Tania Takiaho	Auckland		New Zealand	21/04/2021
Grayson Stanway			New Zealand	21/04/2021
Vanessa Tam	Christchurch		New Zealand	21/04/2021
Yasas Wijeratna	Hamilton		New Zealand	21/04/2021
Devon Atiga	Kawakawa bay		New Zealand	21/04/2021
Sam O'Carroll	Christchurch		New Zealand	22/04/2021
Craig Lovegrove	Waitakere		New Zealand	22/04/2021
Alexei Volkov	Auckland		New Zealand	22/04/2021
Cat West	New Plymouth	4310	New Zealand	23/04/2021
Bonnie Lin	Auckland		New Zealand	23/04/2021
@pretzelniche on insta Oof			New Zealand	23/04/2021
Warren Vance	Christchurch	8011	New Zealand	23/04/2021
Jacob Wright	Sydney	2000	Australia	23/04/2021
Zed Lui	Melbourne	3000	Australia	23/04/2021
Emily Grant	Hamilton		New Zealand	23/04/2021
Olivia Shaw	Brisbane	4300	Australia	23/04/2021
Tayce Brown	Brisbane	4064	Australia	23/04/2021
Gail Rogers	Papatoetoe	1003	New Zealand	23/04/2021
Justin Lucas	North Gosford	2250	Australia	23/04/2021
Phil DEVITT		2120	Australia	23/04/2021
Emma Cunningham	Emerald	3782	Australia	23/04/2021
Ian Thompson		2546	Australia	23/04/2021
Vasundhra Rathi	Constitution Hill	2145	Australia	23/04/2021
Stuart Dow	Maitland	2320	Australia	23/04/2021
JOHN RUSKIN	Brisbane	4511	Australia	24/04/2021
Simon Plummer	Auckland		New Zealand	24/04/2021
Monica Haddad	Sydney	2146	Australia	24/04/2021
Gaby hirst			New Zealand	25/04/2021
Bob Allen	Bouchette		Canada	25/04/2021

carl frederiksom	Wellington		New Zealand	26/04/2021
Kiaya-Jayne Carson	Hastings	4120	New Zealand	26/04/2021
Isabella Evans	Winton		New Zealand	26/04/2021
James Lancaster	Christchurch		New Zealand	26/04/2021
Ben Hollis	Carterton	5791	New Zealand	26/04/2021
Ava rose	Auckland		New Zealand	27/04/2021
Emma Flett	Hamilton		New Zealand	27/04/2021
george baker	wellington		New Zealand	27/04/2021
Robyn Fendall	Waitakere	604	New Zealand	27/04/2021
Ethan Loveridge	Wellington	6021	New Zealand	28/04/2021
Dangelo Haimau	Auckland	1010	New Zealand	29/04/2021
Shelley Dainton	Gore		New Zealand	29/04/2021
Jack Corbin	Auckland	1010	New Zealand	29/04/2021
Molly Hjert	Wellington		New Zealand	29/04/2021
Katrina Khokhar	Sunbury	3429	Australia	1/05/2021
Chris Read	Wellington	6021	New Zealand	1/05/2021
Jeremy Gush	Lower Hutt	5011	New Zealand	2/05/2021
Riba Grealley	Masterton	5810	New Zealand	10/05/2021
Vik Fern	Wellington	6021	New Zealand	11/05/2021
Ros Wech	Christchurch	8013	New Zealand	12/05/2021
John Spoth	Melbourne	3000	Australia	13/05/2021
Alex Pahl	Wellington	6021	New Zealand	16/05/2021
Joshua Campbell	Wellington	6021	New Zealand	16/05/2021
Kieran Osullivan	Wellington	6021	New Zealand	16/05/2021
Terry Coxon	Palmerston North	4410	New Zealand	21/05/2021
Erin Laws	Wellington	6021	New Zealand	22/05/2021
Andrew Verissimo	Auckland	1011	New Zealand	25/05/2021
Joel Jackson	Wellington	6021	New Zealand	27/05/2021
Yunke Cui	Hamilton	3216	New Zealand	3/06/2021
Maya Blandford	Browns Bay		New Zealand	3/06/2021
Ngahuaia Taukamo	Auckland		New Zealand	3/06/2021
Tegan Gross	Horsham	3401	Australia	3/06/2021
kev stones		3135	Australia	3/06/2021
Addie R	The Gap	4061	Australia	3/06/2021
Karen Miller		3555	Australia	3/06/2021
Elna Abdulwahab		3500	Australia	3/06/2021
delixae bakemi	Melbourne	3001	Australia	3/06/2021
Sarbjit Bangar	Melbourne	3000	Australia	3/06/2021
Tom Armstrong	Carnes Hill	2171	Australia	3/06/2021
Connor Dixon	Gold Coast	4209	Australia	3/06/2021
Diya Ebey	Perth	6000	Australia	3/06/2021
Tiega Orr	Bermagui	2546	Australia	3/06/2021
riley gillespie	Cabramatta	2166	Australia	3/06/2021
Annalise Madaschi	Sydney	2000	Australia	3/06/2021
Heidi Harrison	Perth	6000	Australia	3/06/2021
Anastasia Triantafillopoulos	Thornbury	3071	Australia	3/06/2021
Jessica Upton	Kyogle	2145	Australia	3/06/2021
Margarita Ramfos	Adelaide	5001	Australia	3/06/2021
Liam Carpenter	Darwin	810	Australia	3/06/2021
Mike Parker	Napier City	4144	New Zealand	3/06/2021

Jean Francis	Tauranga	3110 New Zealand	3/06/2021
Serena Sandor		4211 Australia	3/06/2021
Dars Makowiecki		4217 Australia	3/06/2021
Harshjot Bindra	Tarneit	3029 Australia	3/06/2021
Ayla Emmerson		3939 Australia	3/06/2021
Ty Honey		Australia	3/06/2021
Liz Rob	Glen Waverley	3150 Australia	3/06/2021
Daniel Butturini	Brisbane	4000 Australia	3/06/2021
Lucas Theodorou	Keysborough	3173 Australia	3/06/2021
Nicholas Conomos	Sydney	2000 Australia	3/06/2021
Georgina Baker		4566 Australia	4/06/2021
Mark Fraser		2508 Australia	4/06/2021
Lena Preissler	Brisbane	4000 Australia	4/06/2021
Kevin Brims	Sydney	2000 Australia	4/06/2021
Rhys Cleland	Slacks Creek	4127 Australia	4/06/2021
Darren Gs		3910 Australia	4/06/2021
Therese Fisher	Brisbane	4061 Australia	5/06/2021
Kai Khaw	Wellington	6021 New Zealand	6/06/2021
April Christie	Wellington	6021 New Zealand	6/06/2021
Vipanjot Kaur	Wellington	6021 New Zealand	6/06/2021
Brent Hopley	Christchurch	8011 New Zealand	6/06/2021
Trish Tupangaia	Wellington	6021 New Zealand	6/06/2021
Emma Tupangaia	Wellington	6021 New Zealand	6/06/2021
Gregory Day	Wellington	6021 New Zealand	6/06/2021
Alex Beckett	Wellington	New Zealand	6/06/2021
Kim Gibbs	Wellington	6021 New Zealand	6/06/2021
Shirley Te Whaiti	Napier	4110 New Zealand	6/06/2021
Terri Hape	Wellington	6021 New Zealand	6/06/2021
Sienna Kasieli	Auckland	1010 New Zealand	6/06/2021
Anne Smith	Lower Hutt	5042 New Zealand	6/06/2021
adam read	auckland	New Zealand	9/06/2021
Steve Young	Christchurch	8013 New Zealand	12/06/2021
Stephen Pritchard	Wellington	6021 New Zealand	12/06/2021
Richard Hill	Wellington	6022 New Zealand	13/06/2021
Taiese Iopu		Australia	13/06/2021
Hester van der Straaten	Albany	6330 Australia	13/06/2021
Aiden Wilson	Auckland	New Zealand	13/06/2021
Melannie Mcdonald	Brisbane	4101 Australia	13/06/2021
Kolusion Lyndon	Hamilton	New Zealand	13/06/2021
Fazia Pearson	Melbourne	3000 Australia	13/06/2021
Ashley-Jae Stowe	Whangarei	New Zealand	13/06/2021
Tamara Bailey	Auckland	New Zealand	13/06/2021
Andrew Dickison	Christchurch	New Zealand	13/06/2021
Adam Glover	wellington	99709 New Zealand	15/06/2021
Tim Toulmin	Upper Hutt	6037 New Zealand	15/06/2021
H W	Auckland	New Zealand	17/06/2021
Cory-Lee Van Ree-Keepa	Naenae	New Zealand	22/06/2021
Tanya Day	Kurmond	2757 Australia	24/06/2021
Sarah Driffill	Palmerston North	New Zealand	24/06/2021
Emma Wimpory	Auckland	New Zealand	24/06/2021

Clancy Quirk	Traralgon	3844	Australia	24/06/2021
veroniqa viernes	Christchurch	8011	New Zealand	24/06/2021
emily hallman	armidale	2350	Australia	24/06/2021
Taciana Pereira de Lima Eggleton			New Zealand	24/06/2021
Judi Pullen	Melbourne	3004	Australia	24/06/2021
Julia Hansen	Whanganui		New Zealand	24/06/2021
Duncan Appleton	Upperhutt		New Zealand	28/06/2021
Matthew Renner	Sydney	2000	Australia	3/07/2021
Wikus Pretorius	Lower Hutt		New Zealand	4/07/2021
Moir Ross	Wellington	0	New Zealand	7/07/2021
Betty Ross	Wellington	6021	New Zealand	7/07/2021
Gtaeme Harlow	Wellington	6021	New Zealand	7/07/2021
Nelly Rentta	Wellington	6021	New Zealand	16/07/2021
Murray Thessman	Lower Hutt	5042	New Zealand	21/07/2021
Aiden Swan	Auckland		New Zealand	21/07/2021
Hue Le Phan	Melbourne	3025	Australia	21/07/2021
Sabine Julieka Danelon	555 22	2142	Australia	21/07/2021
Sairusi Momoedonu	Sydney	2001	Australia	21/07/2021
David Jabbour	Sydney	2000	Australia	21/07/2021
Michael Henly	Adelaide	5095	Australia	22/07/2021
Lorraine Bartlett	Chiswick	3806	Australia	22/07/2021
Kasey Hoskins	Thornbury	3071	Australia	22/07/2021
Chiara Mastra			Australia	22/07/2021
Marek Turski-Szendzielarz	Williamstown	3016	Australia	22/07/2021
Raymond T L Misinale		2173	Australia	22/07/2021
Matthew Brown		2209	Australia	22/07/2021
Sean Campbell	sydney	2043	Australia	22/07/2021
Aradia Rose			Australia	22/07/2021
Dawn Anderson	Sydney	2000	Australia	22/07/2021
Bryan Lim	Perth	6148	Australia	22/07/2021
Hayley Woolsey	Brisbane	4121	Australia	22/07/2021
I y n lin	Camberwell	3124	Australia	22/07/2021
Lucas Hetebry	Sorell	7172	Australia	22/07/2021
DARIA HADLEY	Guyra	2365	Australia	22/07/2021
hen hah	sydney	2000	Australia	22/07/2021
Catriona Gath		6311	Australia	22/07/2021
Elisa Kendall	Upwey	3158	Australia	22/07/2021
Merv Renton		5014	Australia	22/07/2021
Paul Maher		2319	Australia	22/07/2021
Karl D'Arcy-Wright	Upper Hutt		New Zealand	28/07/2021
Tamsyn Snowdon	Hamilton		New Zealand	28/07/2021
Tom Smith	Hamilton	3210	New Zealand	29/07/2021
Russell Bidgood	Melbourne	3001	Australia	29/07/2021
Samuel Tharratt	Te Awamutu	1010	New Zealand	30/07/2021
Blake Jackson	Wellington		New Zealand	1/08/2021
Alexander Gordon	Wellington		New Zealand	4/08/2021
Logan Loye	auckland		New Zealand	12/08/2021
Ashleigh Ward		4209	Australia	15/08/2021
Erin Logan	Sunshine Coast	4558	Australia	15/08/2021
Paul Appleby	Randwick	2031	Australia	15/08/2021

Nyah Chittock	Christchurch		New Zealand	15/08/2021
Tara wrigley		2429	Australia	15/08/2021
James Pead	Valley View, Adelaide, SA	5093	Australia	15/08/2021
Letitia Yates	Ballarat	3350	Australia	15/08/2021
N A	Shepparton	3630	Australia	15/08/2021
Jazmine Cameron		2481	Australia	15/08/2021
Yo Mamba	Bateau Bay	2261	Australia	15/08/2021
David Billing	Auckland		New Zealand	15/08/2021
Margaret Papalois		301	Australia	15/08/2021
Nathan Crowe		3053	Australia	15/08/2021
Kayly Haigh		2420	Australia	15/08/2021
Brittney Cevac		3172	Australia	15/08/2021
Summer Donnelly	Sydney	2000	Australia	15/08/2021
Shami Oshana	Gladesville	2111	Australia	15/08/2021
Anthea Groessler	Salisbury	4109	Australia	15/08/2021
Coco Peter	Adelaide	5001	Australia	15/08/2021
Vania Martins	Glenfield	2167	Australia	15/08/2021
Debby Willette	Greencastle	46135	Australia	15/08/2021
Nakita Fearn	Christchurch		New Zealand	15/08/2021
Erin Baxter	Sydney	2170	Australia	15/08/2021
Mary Howe	Grovedale	3216	Australia	15/08/2021
Karen Mackey		2264	Australia	15/08/2021
Charlotte Duce	Harrismith	6361	Australia	15/08/2021
Brady Gray	Croydon	3136	Australia	15/08/2021
Elijah Manzini	Sydney	2567	Australia	15/08/2021
Tony Braggins	Wellington	6021	New Zealand	15/08/2021
Dani Pipilakis		3178	Australia	16/08/2021
Hayley Hales		2528	Australia	16/08/2021
Emily Nguyen	Kilaben Bay	2283	Australia	16/08/2021
Sean Kusel	Auckland	1010	New Zealand	16/08/2021
Cameron Seay	Lower Hutt	5042	New Zealand	16/08/2021
Kate Fermin	Auckland	1010	New Zealand	16/08/2021
Philip Johnstone		2223	Australia	16/08/2021
Katie Girvan	Upper Hutt		New Zealand	21/08/2021
Dean Stewart	Auckland		New Zealand	11/09/2021
Heather B	Melbourne		Australia	11/09/2021
Steven Tubb	Sale	3850	Australia	11/09/2021
Jules Vel			Australia	11/09/2021
Helen Richardson	Sydney	2000	Australia	11/09/2021
Linda Heagney			New Zealand	11/09/2021
Jacob Griffith	Penrith, NSW, Australia	2749	Australia	11/09/2021
Roxy Havard		2068	Australia	11/09/2021
Deborah Ryan	Upper Hutt		New Zealand	11/09/2021
Ritisha Mistry	welligton		New Zealand	11/09/2021
Kate Riddick	Christchurch		New Zealand	11/09/2021
John Woodall			New Zealand	11/09/2021
David Woodall	Christchurch	8041	New Zealand	11/09/2021
Heather Howard	Lower Hutt	5010	New Zealand	12/09/2021
Graeme Lyon	Lower Hutt		New Zealand	12/09/2021
Graham Badger	Woking	Enj GU21	UK	12/09/2021

Tony Ward	Lower Hutt		New Zealand	13/09/2021
Kavya Sanem			New Zealand	13/09/2021
Miroslava Jurcik		2099	Australia	13/09/2021
Lyri Ter	Auckland		New Zealand	13/09/2021
Lincoln Manning	Adelaide	5001	Australia	13/09/2021
Eva Beesley	Alderley	4051	Australia	13/09/2021
Connor Chapman	Colac	3250	Australia	13/09/2021
Charles Fitzpatrick	Bendigo	3550	Australia	13/09/2021
Tania Ranoldo		3000	Australia	13/09/2021
Julie Zhu		2220	Australia	13/09/2021
Lucas Hitchin	Newcastle	2300	Australia	13/09/2021
Brayden Younger	MANDURAH	6210	Australia	13/09/2021
Cameron Fenech	Clayton	3168	Australia	13/09/2021
Michelle Barton		2259	Australia	13/09/2021
Andrea Fern	Perth	6000	Australia	13/09/2021
Larry Lo	Hinchinbrook	2168	Australia	13/09/2021
Nicky Luo	Auckland		New Zealand	13/09/2021
Jasmeen Kaur	Auckland		New Zealand	13/09/2021
Bill Penney			New Zealand	13/09/2021
Terence Abdon			New Zealand	13/09/2021
Saniya Chaudhari	Auckland		New Zealand	13/09/2021
Laura Thompson			New Zealand	13/09/2021
Dav Nicastro	Melbourne	3000	Australia	13/09/2021
Courtney JJ		2251	Australia	13/09/2021
Dara Knezevic	Adelaide	5033	Australia	13/09/2021
Gyan Kumar	Rozelle	2039	Australia	13/09/2021
Adrian Stewart	Wollongong	2517	Australia	13/09/2021
Kim G	Sydney	2000	Australia	13/09/2021
ragna defreitas		4019	Australia	14/09/2021
Samia NADER	Moorebank	1875	Australia	14/09/2021
Debra wright	Hill Top	2575	Australia	14/09/2021
isobel williams	Victoria	3977	Australia	14/09/2021
Katrina Fuller-Green	Terrigal	2260	Australia	14/09/2021
Kirralee Moylan	Belmore	2192	Australia	14/09/2021
Hairy Ding dong	Ballarat	3350	Australia	14/09/2021
Tracey Ritchie	Edensor Park	2176	Australia	14/09/2021
M Cowley	Sydney	2745	Australia	14/09/2021
Jaiden Thornton	Tatura	3206	Australia	14/09/2021
Amani Neate	Perth	6001	Australia	14/09/2021
Chantelle Mowbray	East Maitland	2323	Australia	14/09/2021
Craig Hesse	Keysborough	3173	Australia	14/09/2021
Sarah Berelowitz	Rose Bay	2029	Australia	14/09/2021
Jasmine Aboughattas	Hawthorn	3122	Australia	14/09/2021
Jodi Phillips		2031	Australia	14/09/2021
Simone White		3103	Australia	14/09/2021
Sarah Badaruddin Jalil	Kuala Lumpur	4878	Australia	14/09/2021
Angelee Fitzgibbons	Sydney	2233	Australia	14/09/2021
Damien Burge		2905	Australia	14/09/2021
Polina Tokitsis	Alexandria	1435	Australia	14/09/2021
M K	Sans Souci	2219	Australia	14/09/2021



Ozlem Urludag	Ropes Crossing	2760	Australia	14/09/2021
Margaret Lee	Cranbrook	4814	Australia	14/09/2021
dylan manthorpe	port lincoln	5606	Australia	14/09/2021
Elisha Davis	Brisbane	4000	Australia	14/09/2021
Nick Valentini	Melbourne	3004	Australia	14/09/2021
Lily Faull	Adelaide	5159	Australia	14/09/2021
Dominique Radnai		2011	Australia	14/09/2021
Maria-Cristina E	Kellyville	2155	Australia	14/09/2021
Donna Burns	Preston	3072	Australia	14/09/2021
John Loureiro			Australia	14/09/2021
Jasmine Soldado	Sydney	2073	Australia	14/09/2021
Scott Bonham	Elizabeth Vale	5112	Australia	14/09/2021
Jasmine Price	Berowra	2081	Australia	14/09/2021
Jasmine Yoo	Caversham	6055	Australia	14/09/2021
Royce Bennett			Australia	14/09/2021
Sharif Khan	Orange	2800	Australia	14/09/2021
Kerry Spoelma	Peakhurst	2210	Australia	14/09/2021
Chloe Li	Concord	2137	Australia	14/09/2021
Jack Field	Wellington		New Zealand	15/09/2021
Marvin Jones			New Zealand	19/09/2021
Alison Lewis	Auckland		New Zealand	24/09/2021
Marie Groves	Melbourne	3174	Australia	11/11/2021
Kathleen Haskell	Auckland		New Zealand	11/11/2021
Navdeep Singh			New Zealand	11/11/2021
Sharon Humphrey	Taranaki		New Zealand	11/11/2021
SinghGagandeep Sanghagagar	New Plymouth		New Zealand	11/11/2021
Jasmine Speechley	Sydney	2046	Australia	11/11/2021
Elena Hantes			Australia	11/11/2021
Kim geilman	Perth	6112	Australia	11/11/2021
Georgia Moulton	Balwyn North	3104	Australia	11/11/2021
Chloe Loader	Merimbula	2548	Australia	11/11/2021
Robert Saini	Eltham	3095	Australia	11/11/2021
Cam Pawson			New Zealand	25/11/2021
Roxy Langeveldt	Upper hutt		New Zealand	5/02/2022
Fiona Woodhouse	Upper hutt		New Zealand	24/04/2022
Declan Ingram		2615	New Zealand	5/06/2022
Lucy Neville	Wellington	6022	New Zealand	5/06/2022
Robyn Campbell	lower hutt		New Zealand	5/06/2022
john Leahy	upperhutt		New Zealand	5/06/2022
Paul Reynolds	Upper Hutt	5018	New Zealand	5/06/2022
Reid Hebden			New Zealand	6/06/2022
Stacey Oliver	Wellington		New Zealand	6/06/2022
liam sullivan	upper hutt		New Zealand	18/06/2022
Michael Johnson			New Zealand	19/06/2022
aNASTACIA kIRK	Auckland		New Zealand	19/06/2022
Sabin Perkins	dunedin		New Zealand	20/06/2022
Matthew Butler	Wellington	6011	New Zealand	28/06/2022
Dave Kerse			New Zealand	2/07/2022
Josh Lindsay			New Zealand	3/07/2022
Denise Laing	Lower Hutt		New Zealand	3/07/2022

ICECOLD SomeDude	Hoppers Crossing	3029	Australia	3/07/2022
Mickie Lynch	Ipswich	4305	Australia	3/07/2022
Vicki Jones	Ryde	2112	Australia	3/07/2022
Dianne Kerse			New Zealand	4/07/2022
Jess newton			New Zealand	4/07/2022
Lynley Johnson		5065	Australia	4/07/2022
heidi wilson			New Zealand	4/07/2022
Frank Poprawa	Sydney	2767	Australia	4/07/2022
Cuckin Funt	Canberra	2600	Australia	4/07/2022
Athena Elizabeth	Adelaide	5047	Australia	4/07/2022
Will Stringer	Melbourne	3000	Australia	4/07/2022
Elyce Bates		2285	Australia	4/07/2022
Lili Pown	Sydney	2000	Australia	4/07/2022
Joy Watters	Pascoe Vale	3044	Australia	4/07/2022
Elsie Veronica Flor	Canberra	2612	Australia	4/07/2022
Blake Robinson	Auckland		New Zealand	19/07/2022
Brad Lovejoy	Richmond	3121	Australia	21/07/2022
emma smith	Brisbane	4000	Australia	21/07/2022
Oliver Meade		2320	Australia	21/07/2022
stace bawden	Brisbane	4580	Australia	21/07/2022
Phoenix Mcgann	Melbourne	3000	Australia	21/07/2022
Leeroy Hart	Burwood	2134	Australia	21/07/2022
Htar Khin	Tempe	2044	Australia	21/07/2022
Alexander Naidos	Melbourne	3000	Australia	21/07/2022
Darcy Omeara	Perth	6015	Australia	21/07/2022
Raquel Henson		2154	Australia	21/07/2022
Diwen Yu	Sydney	2141	Australia	21/07/2022
Sarah Abdah	Melbourne	3000	Australia	21/07/2022
Aida Abdah	Melbourne	3000	Australia	21/07/2022
Arthur Theodoropoulos		2206	Australia	21/07/2022
Kathleen Pace	Perth	6112	Australia	21/07/2022
Michael Costello	Sydney	2214	Australia	21/07/2022
Naoise Bower			Australia	21/07/2022
Tony Zheng	Hurstville	2220	Australia	21/07/2022
Belinda Smithers	Canberra	2600	Australia	21/07/2022
Milena Stojcevska		3021	Australia	21/07/2022
The guy21 Hydarbeg	Coodanup	6210	Australia	21/07/2022
Charlie K	Adelaide	5137	Australia	21/07/2022
Peter Misich	Wellington		New Zealand	9/08/2022
Fiona Standen	Wellington		New Zealand	13/08/2022
Kendall Herbert	Wellington		New Zealand	15/09/2022
Neil Haverfieldl			New Zealand	18/09/2022
Cagan Burrows			New Zealand	18/09/2022
Christian Woods			New Zealand	20/09/2022
Rob Harrison			New Zealand	24/09/2022
Joe West			New Zealand	2/10/2022
Sharon Parlane			New Zealand	2/10/2022
Logan McLean	Wellington	6021	New Zealand	2/10/2022
Stephen kemp	Kogarah	2217	New Zealand	3/10/2022
Aden Holmes			New Zealand	3/10/2022

Moiri Hika		New Zealand	5/10/2022
Daniel West	Wellington	6021 New Zealand	8/10/2022
Jacqui Derham		New Zealand	13/10/2022
Shayne Fairbrother		New Zealand	14/10/2022
Julie Cowan	Wellington	New Zealand	30/10/2022

Name	City	State	Postal	Country	Date	Comment
geoff tookey	Raglan			New Zealand	11/03/2021	"I am a volunteer on a local steam railway and know how important this is."
Kevin Boyd				New Zealand	11/03/2021	"We do not want OUR HISTORY WIPED OUT."
Brendon Lee Craig	Haumoana			New Zealand	11/03/2021	"For future generations to come"
McSkimming	Lower Hutt			New Zealand	11/03/2021	"This railway is a part of our history and needs to be retained"
Shannan Stafford- Hyde	Palmerston North			New Zealand	11/03/2021	"I'm utterly sick of these so called "developments" ruining amazing locations of interest and great kiwi icons!!!"
Elizabeth King	Invercargill		9810	New Zealand	11/03/2021	"It needs to be protected for future generations to enjoy" "I'm appalled to think Council have so little consideration for such a vibrant recreational and tourist facility that is not a drain on ratepayers. Any excuses that it will not affect future viability of Silverstream Railway are not valid as other such promises have been shown to be. If Council thinks it such a great idea put the idea out to a referendum and prove it. Each time I have returned to NZ Silverstream Railway has been my only point of interest in the Hutt Valley"
Les Downey	Brisbane		4114	Australia	11/03/2021	interest in the Hutt Valley"
Michael Shearer	Auckland			New Zealand	11/03/2021	"That is horrible, as a volunteer at another heritage railway, this needs to stop."
William Hall	Christchurch		8041	New Zealand	11/03/2021	"It makes sense"
Jacinda Ardern	Auckland		1010	New Zealand	11/03/2021	"Be Kind"
Paul Sanderson	Taupo		3110	New Zealand	12/03/2021	"We need to save out heritage"
George Powrie	Tauranga			New Zealand	12/03/2021	"I can."
Scotty Rankin	Auckland, New Zealand			New Zealand	12/03/2021	"Heritage rail needs to be protected in any way it can." "I am Signing this Petition because am a believer in Saving Railways around New Zealand."
Wayne Bardsley	Dunedin		9059	New Zealand	12/03/2021	"Save this resource for future generations.Then the railway can show case a slice of new zealand's past history."
Robert webber	Hamilton			New Zealand	12/03/2021	"This is a great asset for the local area and the rest of New Zealand and must be protected for the future ."
kenneth ferris	nelson .			New Zealand	12/03/2021	"It's a immersive piece of history that deserves to live on to show and teach new generations of how things used to be"
Thomas Baker	Wellington			New Zealand	12/03/2021	"We need to protect our heritage"
Chris Clark	Wellington			New Zealand	12/03/2021	"This is a part of Upper Hutt we should not let go, no development should be put in place"
Sharon Clark	Upper Hutt, Wellington, New Ze			New Zealand	12/03/2021	place"

					"I have loved the UH railway since I was a child, it's a shame to think all of the land near the tracks will be ruined with another overcrowded subdivision, like "Wallaceville Estate".
Shannon Maher	Upper Hutt	5018	New Zealand	12/03/2021	Greenspaces in our city need protection."
Mike Burke	Wellington		New Zealand	12/03/2021	"Keep this land free for SSR and as a public reserve for future generations."
Mike Tobin			New Zealand	12/03/2021	that goes into keeping these operations running, I totally do not support this land swap, and neither should anyone else."
Fiona Bayliss	Wellington		New Zealand	12/03/2021	"Leave our green areas within cities alone; make city living so much nicer. And don't threaten this heritage railway - it is our heritage, now and for future generations!"
Lindsay Challis	Christchurch		New Zealand	12/03/2021	"SSR is a wonderful asset and deserves to be able to grow, not be limited by idiots in councils."
Brett Lilley	Whakatane		New Zealand	12/03/2021	"Turning the reserve into housing will result in the Railway being closed as a result of new house owners objecting to its operation."
Raewyn Connolly	Hamilton		New Zealand	12/03/2021	"Raewyn Connolly"
Steve Martin	Auckland	1010	New Zealand	12/03/2021	"We must protect our heritage from the blight of suburbanisation."
Gordon Bartram	Christchurch	8024	New Zealand	12/03/2021	"The Railway is an established and valuable community resource. Its future should not be threatened by this land swap. This is entirely wrong by the Council."
Victoria Nation	Upper Hutt		New Zealand	12/03/2021	"We need to keep these great attractions for our future generations. Keep some land natural and not full of homes."
Denis Cains	Upper Hutt		New Zealand	12/03/2021	"I'm signing because too much land is being taken for housing where recreation is needed, Silverstream Railway is need for this & the people who put the time & effort into the project."
Mark Dakin	Dunedin		New Zealand	12/03/2021	"We need to save the history of New Zealand and areas where items of history are set for community to enjoy. These places have a significant value to the communities and people who operate them and this should be recognized!"
Kawe Roes	Tāmaki Makaurau		New Zealand	12/03/2021	"The SSR is one of a few heritage rail operators in New Zealand. It maybe small but the beautiful bush and historic equipment needs to be ensured there no threat to it exists. I've been there as a child and have taken my children there. Please Upper Hutt Council do the right this and look after this icon."
Christine Clarkson	Lower Hutt	5011	New Zealand	13/03/2021	"Silver Stream Railway should stay as is!"
Jack Stanton	Auckland	1010	New Zealand	13/03/2021	"This seems very in democratic and short sighted of the Upper Hutt city council"

Jack Stanton	Auckland	1010	New Zealand	13/03/2021	"This seems very undemocratic and short sighted of the Upper Hutt City Council"
Keith Clark	Wellington		New Zealand	13/03/2021	"Im signing the petition because family worked on the railway, including the incline. And the swap seems like a bad deal for environmental and people reasons."
Murray Renton	Dunedin		New Zealand	13/03/2021	"Your a pack of nazi wankers only worried about lining your own pockets."
Shannon Walsh		6230	Australia	13/03/2021	"Protect the silverstream Spur for future generations!"
					"I bring me children here regularly, if it's part of our activities for my train mad boys. There is no where else where I can safely take mu children to see how these amazing engines work The benefits and joy they bring to the community is invaluable; especially for those families with children with special needs, who are obsessed with the beauty of these is trains.The work, love and care that is put into the trains is phenomenonal and I'm certain that the friendships made, and community of support that surrounds those that are working on the SSR is invaluable. I think of my own elderly father (who doesn't live in this province) and how lonely he is without something to keep him active. The SSR provide the volunteers with a community of support which, as we all know, is infinitely valuable for mental health and especially elderly/retired men's mental health. Providing spaces for people to work and play together is crucial to building community, and if Covid has taught us anything, it's that friendships and c"
Heidi Wruck	Wellington		New Zealand	13/03/2021	
Barry Pulford	Hastings	4120	New Zealand	13/03/2021	"This heritage railway must be protected. End of story!"
John Pemberton	Matamata		New Zealand	13/03/2021	"Why ruin something that is perfect already."
Janene Homan	Eketahuna		New Zealand	14/03/2021	"I believe these iconic rail journeys should be saved and protected for future generations"
					"As someone involved with other rail heritage organisations in the South Island, I strongly oppose this land swap. The opinions of a few new homeowners in this low density development could cause the closure of this iconic attraction that entertains entertainment to hundreds of thousands, and provides a social space for dozens of men, including retired men.The housing of 1 person per 100 square meters (average) in these subarban developments is doing far more harm than good. Invest in medium density infill developments rather than low density greenfield."
Matthew Morison	Kaiapoi		New Zealand	14/03/2021	

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Camille Hanrahan-Tan	Ashbury	2193	Australia	14/03/2021	"Every green space and community group is precious. We should be caring for and preserving these spaces now and always."
Val Burr	Palmerston North	4410	New Zealand	14/03/2021	"If this land was set aside as a reserve, so it should stay a reserve. Reserve status should definitely not occur without consultation with the local communities that stand to lose it's various benefits (ecology, recreation etc.)."
Natasha Colbourne	Upper Hutt	6642	New Zealand	14/03/2021	"There are far better more ecologically friendly options than this. We need to be offering more high density housing close to amenities. Not more over sized exclusive properties up hills!"
karen hilleard	Upper Hutt		New Zealand	14/03/2021	"This is a special area that many families enjoy, past, present and hopefully future. My children visited and now my grandchildren enjoy going. Come on UHCC, leave it alone for future generations to enjoy."
Kevin Ching	Rangiora		New Zealand	14/03/2021	"we need to preserve this for future generations."
Vicki McCabe	Lower Hutt		New Zealand	14/03/2021	"If the original intention was the land should be set aside as a reserve the council surely have a moral obligation to fulfil that intention..."
Julian Warren	Auckland		New Zealand	14/03/2021	"It is a poor deal without consultation"
Stephen Zvillis		7030	Australia	15/03/2021	"Heritage railways need protection from Greens backed NIMBY campaigns, especially when the railway was there first."
Tilly Kleine Deters	Tauranga	3110	New Zealand	15/03/2021	"It a heritage railway run by dedicated volunteers with beautiful unique scenery and wildlife, shouldn't be turned into residential."
Scott Aitken	Hamilton	4140	New Zealand	15/03/2021	"My grandfather fought hard for the environment, and I must continue that fight wherever I can"
Robert Cochrane	Wanganui		New Zealand	15/03/2021	"We cannot loose this important piece of regional & NZ Heritage."
Anne Aspinall	Auckland		New Zealand	15/03/2021	"Where will all the precious native NZ animals go next? Humans are pushing them further and further away just for greed."

Dominic Baron	Wellington		New Zealand	16/03/2021	"It is essential to stop this ill-judged swap. Not only does it threaten a true taonga of the community but it will disrupt the ecological corridor that links across the valley. Stop this vandalism now!"
Jocelyn McCaw	Upper Hutt		New Zealand	16/03/2021	"This is part of Upper Hutt history...fabulous fun for our future generations, and part of our history...bugger the houses..."
Michael Christianson	Limerick		Ireland	16/03/2021	"Used by me as kid and now my kids love it"
Darryl Ward	Paraparaumu	5032	New Zealand	16/03/2021	"Silver Stream Railway is one of the Wellington Region's best kept secrets. Don't ruin it."
Tom McAlpine	Dunedin		New Zealand	16/03/2021	"Keep the right balance between supporting nature and human life." "The council should not be giving valuable community land to a private developer so they can make a huge profit and ruin the uniqueness of the area. Community owned land needs to be protected for future generations."
Caroline Wilkinson	Wellington	6021	New Zealand	18/03/2021	
Sara Lennon	Wellington		New Zealand	21/03/2021	"I believe in keeping our beautiful land to be enjoyed now and by future generations." "Environment comes first. Climate change is real. We need to protect our wild places for the generations yet to come to survive."
Barbara Hay	Wellington	6022	New Zealand	22/03/2021	
Kimmi Draper			New Zealand	22/03/2021	"It's a special piece of history that the kids love" "It is vital that we keep areas for tourism and recreation that have been part of the area for many years."
Lorraine Driskel	Wellington		New Zealand	22/03/2021	
Mike Kinsella	Auckland		New Zealand	23/03/2021	"I value the facility in its present form"
Shaun Whinn	Wellington		New Zealand	08/04/2021	"This is stupid. Should stay as it is. Family enjoyment."
Beryl Kirk	Mangaroa, Upper Hutt		New Zealand	11/04/2021	"This is just plain not right" "I'm signing this petition as I would like to see a beautiful green rural communities for my grandchildren and their children to grow up in. Not infill housing :("
Teresa Saunders	Upper Hutt		New Zealand	11/04/2021	
Christine Pettengell	Upper Hutt		New Zealand	11/04/2021	"it is meant to be a reserve, you can never get it back once it's lost" "The railway is an important part of the Valleys history & keeping this area free of development maintains a recreational space for all to use."
Stephen Boullon	Feilding	3330	New Zealand	11/04/2021	
Fred Gear	Christchurch	8022	New Zealand	12/04/2021	"I fully support the Silverstream Railway in their battle to prevent this land transfer." "This is a decision that Negativity effects the community and yet we have been kept in the dark and lied too."
Matt Allen			New Zealand	12/04/2021	
Dale Coffey		6056	Australia	12/04/2021	"We dont need houses there plenty of other places to put them."



Dave Gaskin	Hastings	4120	New Zealand	13/04/2021	"It should retain Reserve status so that the Heritage Railway can be preserved for future Generations."
Dorian McAdam	Lower Hutt	5010	New Zealand	13/04/2021	"The railway has more important heritage gain than building houses in the area, and this debate has been on before and the answer was obvious. Yes to the railway, no to houses."
Tania Budimir	Cambridge Park	2747	Australia	13/04/2021	"There's no more land left to take. Where does it stop? Think about future generations."
Benjamin Peter Nigro	Wellington		New Zealand	13/04/2021	"This Railway brings joy to so many people, let's protect it !" "I love stream trains. They are part of the heritage of many countries. Please keep this line open."
Maria Sanchez	Sydney	2000	Australia	13/04/2021	"This needs to keep running. Leave some history for others to enjoy"
Caroll smyth	AUCKLAND		New Zealand	13/04/2021	"The railway is our heritage leave it alone. The new houses people will complain about the smell and noise like many other Areas in NZ and have it shut down."
Vicki Cameron	Wellington	6012	New Zealand	13/04/2021	"We need to protect this sort of stuff"
Couling	Wellington		New Zealand	13/04/2021	"I have a great interest in railways and think this is very important to save."
Matthew Liddell	Wellington		New Zealand	13/04/2021	"We don't need to loose even more of our history please"
barry jessop	masterton new zealand	5842	New Zealand	13/04/2021	
Daniel Town	Christchurch		New Zealand	13/04/2021	
Deb Bird	Auckland	1148	New Zealand	14/04/2021	"once this is gone you can never have it back... it is something to treasure....not bulldoze"
Al Bealing			New Zealand	14/04/2021	"There's more to life that making money. Let's consider the environment for once."
Jeff Ashby	Peka Peka	3432	New Zealand	14/04/2021	"... heritage needs protection ..."
Mike Biggans	Wellington		New Zealand	14/04/2021	"Grew up hearing the toots of the trains every weekend! Keep the heritage!"
roy adams	upper hutt		New Zealand	14/04/2021	"Its time councils started taking notice of what the people want we must save this"
Michele Stewart	Whangarei		New Zealand	14/04/2021	"I support reserves and the railway folk"
Leigh Hooper	lower hutt		New Zealand	14/04/2021	"Leigh hooper"
Lindsay Bray	Dunedin		New Zealand	14/04/2021	"Because how grandchildren need to be able to see it and use it"
Sharron Tassell	lower hutt		New Zealand	15/04/2021	"i think its disgusting of uhcc"
Conan Butler	Auckland		New Zealand	19/04/2021	"Save the railway!!!"
Heather Garside	Christchurch	8023	New Zealand	19/04/2021	"This green reserve land should stay as public land as intended. Anything that compromises Silverstream Railway is not ok. This wonderful volunteer run enterprise should be supported and the land protected."
Geoff Wood	Palmerston North	4410	New Zealand	20/04/2021	"I support the Silver Stream Railway and its future viability."
John Spoth	Melbourne	3000	Australia	13/05/2021	"Fair go NZ!"

Deborah Ryan    Upper Hutt  
Graeme Lyon    Lower Hutt

New Zealand    11/09/2021    "While Upper Hutt may need more houses - it shouldn't come at the cost of native forest - save the spur it's so much more than a few pine trees"  
New Zealand    12/09/2021    "It's an important part of nature's forest connecting across the valley."



# SILVER STREAM RAILWAY

HERITAGE RAILWAY

## Silver Stream Railway Submission on: Plan Change 49 Open Space, Variation 1 Silverstream Spur Appendices

Appendix number	Referred to in Submission Paragraph Number	Title of document/file name
1	2	Appendix 1 Plan Change 49 SSR Submission
2	5	Appendix 2 Plan Change 49 Further Submission SSR
3	6	Appendix 3 Spur road specific submissions
4	10	Appendix 4 Spur Resource Consent Forestry
5	11	Appendix 5 Future of Silverstream Forestry
6	15	Appendix 6 Spur letter to UHCC regarding road
7	16	Appendix 7 GTC further submission to PC 49
8	19	Appendix 8 PFG meeting minutes 19 April 2016
9	19	Appendix 9 PFG meeting minutes 3 May 2016
10	20	Appendix 10 Zoning Map 1976 with road
11	21	Appendix 11 UHCC Objection
12	22	Appendix 12 UHCC Cross Objection
13	23	Appendix 13 Town Belt Map 1984
14	24	Appendix 14 Land Use Appraisal 1987
15	25	Appendix 15 HPDCC Letter #1
16	26	Appendix 16 UHCC Policy Meeting Memo
17	27	Appendix 17 Note to Policy Meeting Memo
18	28	Appendix 18 LGAA1978
19	29	Appendix 19 Reserve Fund UHCC
20	30	Appendix 20 Spur Financial 1990 accounts
21	31	Appendix 21 UHCC DSR#4 notification and draft map
22	32	Appendix 22 Land Professionals Fax
23	33	Appendix 23 UHCC reply to LP Fax
24	34	Appendix 24 Memo to Mayor CE CS
25	35	Appendix 25 DSR#4 Summary of Submissions
26	36	Appendix 26 Uh Leader 10 March 1992
27	38	Appendix 27 UHCC Forestry Consent Application
28	39	Appendix 28 UHCC Judicial Forestry Consent
29	42	Appendix 29 Policy Committee Public Excluded Minutes 5 December 2001
30	43	Appendix 30 Letter to Rural Fire Authority
31	44	Appendix 31 Letter from Rural Fire Authority
32	45	Appendix 32 Report Silverstream Forestry and City Environmental Enhancement
33	46	Appendix 33 Silverstream Spur Reserve and City Environmental Enhancement
34	48	Appendix 34 UHCC Silverstream Spur Reserve Regeneration
35	49	Appendix 35 Letter from F&BUH

36	50	Appendix 36 Reply to F&BUH letter
37	51	Appendix 37 Behind the Scenes Sale prep work from April 2007
38	52	Appendix 38 GTC Sale and Purchase July 2007
39	53	Appendix 39 Misc development agreements UHCC and GTC
40	54	Appendix 40 Annual Plan Submission SSR
41	55	Appendix 41 Spur Assessment of concerns raised
42a	56	Appendix 42a SSR LGIOMA Request declined
42b	56	Appendix 42b Letter to Mayor regarding Spur Purchase

17 September 2021



**SILVER STREAM  
RAILWAY**  
HERITAGE RAILWAY

To: Upper Hutt City Council, Submission on: Plan Change 49 – Open Spaces Review

Name of submitter: Silver Stream Railway Incorporated

Address: Reynolds Bach Drive, Stokes Valley, Stokes Valley, Lower Hutt 5019.

Attention: Jason Durry

Phone: 0221560874

Email: [gm@silverstreamrailway.org.nz](mailto:gm@silverstreamrailway.org.nz)

### **Silver Stream Railway Submission on: Plan Change 49 – Open Spaces Review**

Silver Stream Railway Incorporated (SSR) is a registered charity operated by volunteers, preserving rolling stock and infrastructure from New Zealand's vast railway history, with operations for the community being the public interface and means of raising funds for this preservation effort. The society was founded in 1956, registered as an incorporated society in 1967 and has occupied the land in Silverstream since 1974. This land is the site of the former Wellington to Wairarapa railway which was closed in 1954 and subsequently reinstated and developed by society volunteers over the last 50 years.

Silver Stream Railway supports the general intent of Plan Change 49 however there is a glaring omission from the zoning changes, being the exclusion of the Silverstream Spur (Legal description SO34755) from this plan change, with the reason given as being the uncertainty around future development form, deeming it "out of scope". SSR strongly disagree with this statement, it is clear that the reason the Spur is free from development is that Upper Hutt City Council saw value its retention, hence why it is now the owner and it needs to be included in the review.

It has become increasingly obvious during the research that SSR members have been undertaking on the history of the Spur and in particular UHCCs ownership tenure, that the Spur was always destined to be designated a reserve area, although for reasons we have yet been unable to establish that has not happened to date.

SSR consider that Plan Change 49 is the optimum time for this process to finally happen, there is no point in delaying what will inevitably happen any longer. Completing this process now will also be a major exercise in good public relations for council, proving that they can do what the community wants after listening to the overwhelming evidence presented by a number of different interest groups from the community that has been provided in recent times.

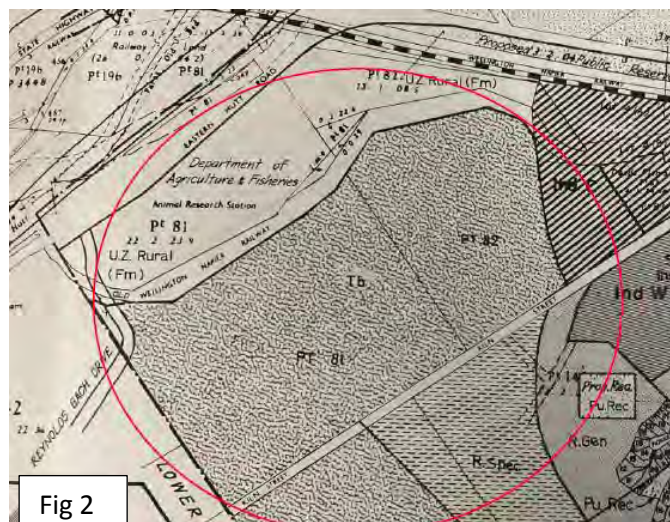
This submission will outline some of the evidence that we have located to date that proves beyond any doubt, that UHCC purchased the Silverstream Spur, to ensure its retention as a visual amenity for the community, contrary to what some poorly researched recent UHCC commissioned reports have indicated. SSR have other major concerns regarding the proposed development on the Spur but for the purpose of this submission we have focused on its Natural Open Space potential.

As part of the District Scheme review that began in 1976 Upper Hutt City Council lodged an objection to a plan to rezone the Silverstream Spur to enable residential development, strikingly similar to what is currently being proposed, shown in figure 1 below and attached. Upper Hutt City Council lodged an objection to this plan for a number of reasons including the development being a disruptive element in the visual buffer. It was further suggested that the land should be designated as recreation reserve. A copy of the full UHCC submission is included with this submission



UHCC also cross objected to a developer which is still trying to get the Spur to this day, with the cross objection reinforcing what was stated earlier, but in fuller terms, again stating that the Spur should be designated as scenic reserve. For your information, the Quarantine Station was located on Eastern Hutt Road, and is now the area of the Silverstream industrial Park (410 Eastern Hutt Road). A full copy of this cross objection is attached to this submission.

By 1984 when the scheme review was complete, the Spur had been zoned in its entirety as Rural Town Belt. Refer Fig 2. These maps are attached.



In 1987 the Heretaunga Pinehaven District Community Council (HPDCC) commenced proceedings to bring the Spur under council ownership, the Spur having been given to Landcorp for disposal after being declared surplus by the Ministry of Works. The letters from this period clearly state the intentions for the Spur, with reserve, and passive recreation being mentioned within. A selection of these letters are attached.

Valuations were completed by both Landcorp and UHCC (UHCC having taken over administration of the HPDCC in 1988/89). Both of these valuations mention the Spurs potential for reserve uses, the market value at the time also reflecting this status. These valuations are attached.

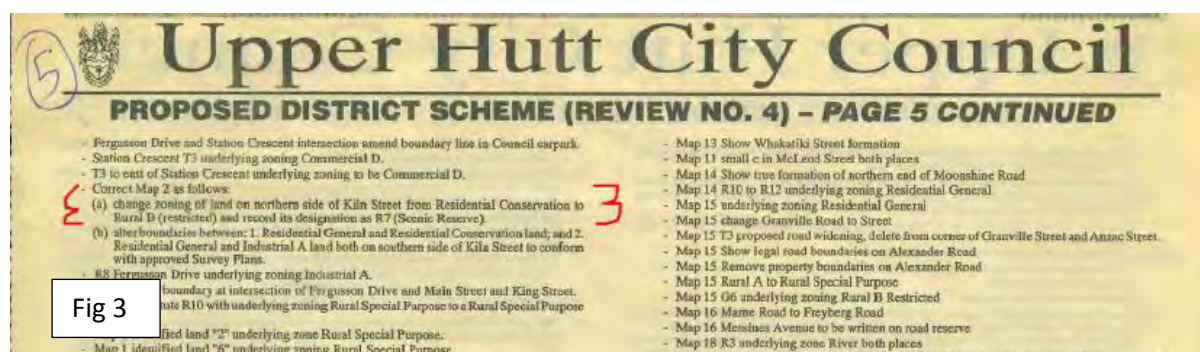
The sale was concluded in late 1989/90 with the purchase price being paid out of the UHCC Reserves Fund. The act in force at the time the Local Government Act 1974 and its amendments states : "The council shall apply all reserves contributions received under this Part of this Act for the following purposes: (a) For the purchase of land to be held as public reserves, subject to the Reserves Act 1977, in the locality in which the land included in the scheme plan is situated and for the improvement and development as reserves of the land so purchased" It goes on to give other examples where the fund could be used but this part is clearly what UHCC intended. The UHCC reserve fund documents at the time indicate as they were required to state how the money should be used, the creation of reserves or maintenance of existing being at the core of this fund.

After purchase by UHCC, the parks and reserves department commenced developing a "Landcorp Spur Management Plan", the being previously owned by Landcorp it was often referred to in council documents at the time as the Landcorp spur. To date we have not located a copy of this.

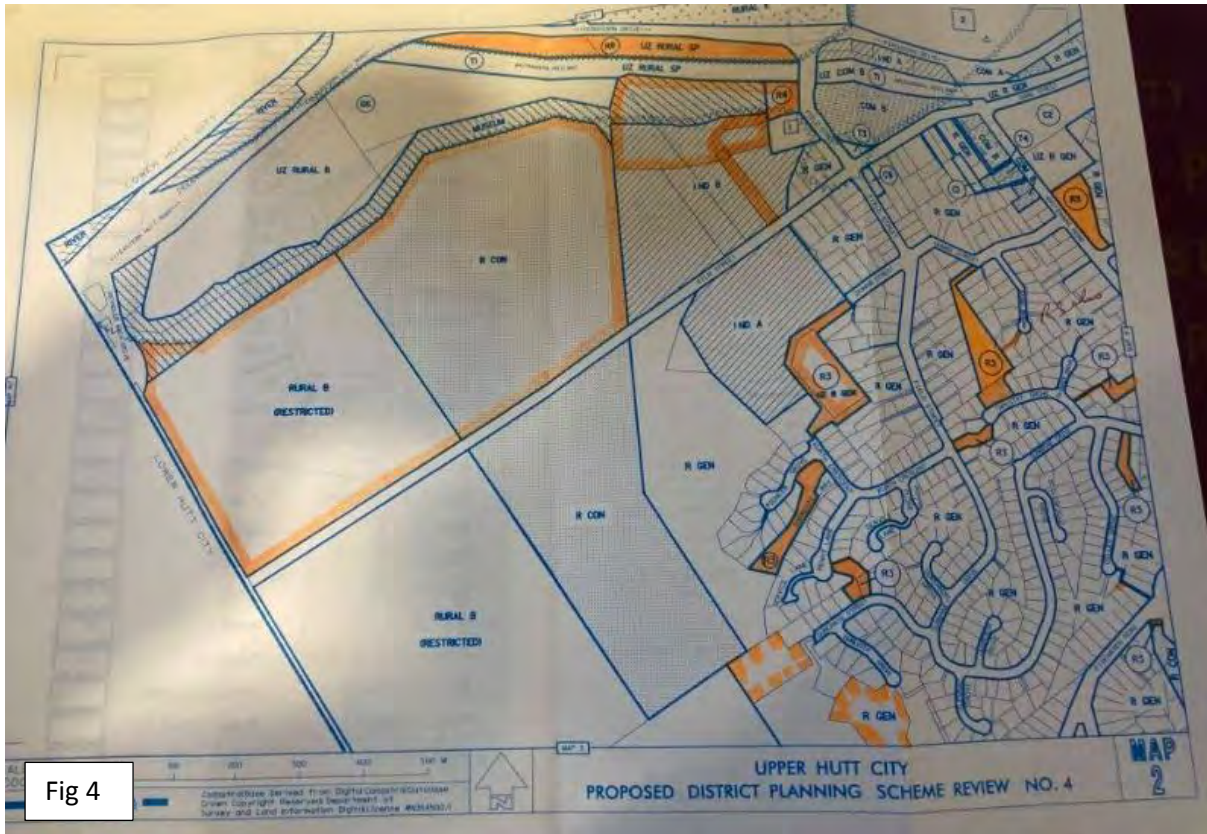
At around the same time as purchase a District Scheme Review was initiated, to replace the previous review completed in 1984, bringing all land in the Upper Hutt region under one scheme, the Heretaunga Riding previously being part of the by now abolished Hutt County. A scheme statement was prepared that outlined that Rural B (Restricted) would replace Rural Town Belt for areas of the former Hutt County District Scheme.

Recently research efforts have been focusing on the apparent change of zoning over part of the Spur at this time. The research has so far produced more questions than answers however it has raised an area that does appear to show that a simple error at that time has propagated into the current situation that we find ourselves in at the moment, and having to spend countless hours lobbying for.

As part of the District Scheme Review #4 a list of submissions was published in the Upper Hutt Leader on the 10<sup>th</sup> of March 1992. This includes the statement as part of an Upper Hutt City Council Submission as shown in Figure 3.



We have also located a series of maps in UHCC archives that are highlighted with these highlighted sections matching the other corrections shown as figure 4



It shows the only land zoned Residential Conservation to the north of Kiln Street, being the Eastern End of the Silverstream Spur. This change sought to designate the land in its entirety as Scenic Reserve.

At the time of compiling this report we have not been able to find an answer as to why this was not undertaken. This however further confirms our hypothesis that the change of zoning was not undertaken correctly and the Spur should already be designated as a reserve.

Further information is contained in the UHCC resource consent application seeking to enable forestry on the Spur. Ironically if they had undertaken the District Scheme Review as it had intended this consent application would have been unnecessary, as forestry is a permitted activity under the Rural B zoning. This application and subsequent report presented to the Council's judicial committee again clearly spells out the original intentions for the lands purchase, and about its post forestry use *"Upon harvesting in approximately 30 years, if the site is not replanted for a further harvest, then it should be returned to native bush. This would ensure the landscape and amenity value of the site is continued"*. It also mentions at length its potential for use by the community: *"Combined with the native bush buffer and existing native areas, the site could develop into a valuable local resource and an attractive passive recreation area, which members of the public should be allowed to access at all times"*.

From this point in time UHCC's interest in the Spur diminished, the abandonment of the forestry project not long after planting, followed by several attempts to divest its self of its interest in the Spur. It has been clear that no real attempt has been made by UHCC to add context to how it came to be the guardians of the Spur, excepting one council memo that on face value appears to show potential for residential development. However when read in conjunction with the other documents from both before and after purchase the intention becomes abundantly clear. Research is continuing with several other areas of council involvement to be studied in greater detail.



**The future.** Parts of the spur that have not been enveloped in Pinus Radiata have flourished in abundant native vegetation, over half the site now is either young native or established indigenous trees. The area is already functioning as part of an ecological corridor that extends across the valley at this point, being the narrowest point in this part of the Hutt Valley. Silver Stream Railway, in conjunction with Forest and Bird Upper Hutt, UHCC and other interested community groups would like to commence a project to gradually remove the Pine plantation using a mixture of cut and leave, extraction for commercial gain, and poisoning to protect the established understory in places, followed by areas of replanting, expanding the areas already flourishing with native vegetation and coupled with ongoing maintenance to remove any wilding pines that will re-establish themselves. In conjunction with this work, there is the potential for walking and or cycling track access and lookouts to be established so everyone can enjoy the spur as was originally envisaged. Such a future is what the community has been seeking and deserves now and is likely to be enabled with minimal cost to Council, the removal of parts of the forestry project will be the most costly.

**Relief Sought.** Silver Stream Railway request that the Silverstream Spur (Legal Description SO34755) is included in Upper Hutt City Councils Plan Change 49 and is rezoned in its entirety as Natural Open Space with an official designation as a reserve under the Reserves Act 1977. This submission will be accompanied by a petition signed by over 2400 people calling for this change, which will be presented to Council at the time the report on this plan change is considered. After 31 years of waiting, the people of Upper Hutt both now and in the future deserve to be able to enjoy our Spur as the gateway to Upper Hutt without the dark cloud of development that have been enveloping it over the last decade or more.



16 November 2021



# SILVER STREAM RAILWAY

HERITAGE RAILWAY

To: Upper Hutt City Council, Further Submission on: Plan Change 49 – Open Spaces Review

Name of submitter: Silver Stream Railway Incorporated

Address: Reynolds Bach Drive, Stokes Valley, Stokes Valley, Lower Hutt 5019.

Attention: Jason Durry

Phone: 0221560874

Email: [gm@silverstreamrailway.org.nz](mailto:gm@silverstreamrailway.org.nz)

This Further Submission is:

- made as a person representing a relevant aspect of the public interest
- In support of submission number 27 made by Silver Stream Railway Incorporated
- Seeking the whole of that submission be allowed
- Advising the submitter does wish to be heard in support of this submission
- Advising this submission is not a joint case

A number of events have happened regarding the Spur since our original submission in September

They are:

- Abandonment of the MOU with Guildford Timber Company.
- Granting of permission to a contractor to remove pine trees from the western end of the Spur during 2022.
- Preliminary discussions with a contractor to remove the remainder of the pine trees from the Spur.
- Stating on the Southern Growth Area webpage that the Spur is no longer being considered for sale, and *“would most likely be enhanced over time with the felling of the pine trees and replaced with native trees planted in their place. This land could also be set aside as a public reserve and ecological corridor.”*

Silver Stream Railway is pleased that progress is being made on the retention of the Spur as a public space, but remain strongly opposed to the severing of the Spur in half for the construction of a 25,000m<sup>2</sup> road and infrastructure corridor. This level of opposition is widespread in the community for a number of very valid reasons, which will remain until this idea is also dropped.

The railway is also delighted with the recent decision to allow the removal of a section of pines growing adjacent to the railways property, and will go a long way to protecting the assets we have in that area from damage if one of these trees were to fall. We understand that discussions are centred around the replanting of this area with natives once the removal work is complete which is to be applauded. SSR wish to be involved with any future work on pine tree removal on the Spur, which will need to be carefully managed to ensure the railway does not suffer any damage as a result of this work.

Further research by Silver Stream Railway and others since the original submission to Plan Change 49 was made reinforces the points made in that submission, most notably regarding the rezoning of the land in the 1990's which can now be pointed out was an error by Upper Hutt City Council that has not been corrected. The Spur was also set to be designated as a Scenic Reserve, a fact that is now being ignored.

The previous submission had located evidence of a submission made by the Upper Hutt City Council to its District Scheme Review #4, which stated *“Change zoning of land on northern side of Kiln Street from Residential Conservation to Rural B (Restricted) and record its designation as R7 (Scenic Reserve).”* At that time this information had only just been located and it was submitted that further research would be undertaken to gain an understanding of this statement.

It has now been found that this change was brought about out after submissions had closed, by a developer who was undertaking preliminary work for the Sylvan Way subdivision at the end of Kiln Street. This developer wrote a fax to UHCC on the 21<sup>st</sup> of February 1992 and pointed out that they had made an error on the draft planning maps on his property and had also made an error with the zoning on the land to the north of his property (Silverstream Spur) which was based on assurances by council staff that the cost sharing arrangement for the extension of Kiln Street would be solely for the benefit of the Sylvan Way subdivision, and not for development on the Spur. A copy of this fax is attached with this Further Submission. A phone call was also made to Mr Warwick Wyatt who wrote the fax who filled in the missing pieces for us.

This fax received a reply from the City Planner on the 25<sup>th</sup> of February 1992 confirming that indeed the Spur had been rezoned incorrectly and it would be altered. A copy of this memo is attached with this Further Submission.

Another memo was sent to the Mayor, Chief Executive and City Solicitor about the mistakes, with the following comments in relation to the Spur: *“The ex Hutt County Green Belt area bounded yellow on the attached map should be designated R7 Scenic Reserve and not Residential Conservation”*, it goes on to say after outlining the other errors, *“These errors will simply be altered on the zoning map”*. A copy of this memo and the map with the now faintly disenable yellow bordering is attached to this Further Submission.

While the previous submission only included a copy of the Upper Hutt Leader Newspaper publicly notifying the submissions made to District Scheme Change #4, and calling for further submissions, a copy of the original letter from the City Solicitor which was sent to the Upper Hutt Leader on the 3<sup>rd</sup> of March 1992 has been located, along with the Summary of Requests for Alterations which includes the note about correcting the zoning on the spur and its designation as a Scenic Reserve. A copy of this letter is attached with this Further Submission.

Silver Stream Railway firmly believe that its submission calling for the Silverstream Spur (Legal Description SO34755) to be included in Upper Hutt City Councils Plan Change 49 and that it is rezoned in its entirety as Natural Open Space with an official designation as a reserve under the Reserves Act 1977 is allowed, and the mistakes of the past be corrected once and for all. The evidence backing up the statements that have been made throughout our campaign to have the Spur protected for future generations is overwhelming and that the intent of purchase by Upper Hutt City Council was to designate the Spur in its entirety as a reserve.

Silver Stream Railway and its many supporters will continue our campaign until this objective is finally realised.



## Appendix 3 Spur road specific submissions

Submissions and Further Submissions specifically mentioning a road

Original Submissions:

### #13 Tony Chad

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**My submission is that:**

The Silverstream Spur should be included in PC49 and should be designated "Natural Open Space." This land was originally purchased for Reserve purposes by UHCC around 1998. UHCC has been underhand in its dealings with this community-owned asset - from changes to its zoning from the original "Reserve" to its secretive dealings with the Guildford Timber Company resulting in a Memorandum of Understanding (2016) and various dealings behind closed doors. There has been no public consultation nor agreement to go down this path with Guildford. The Silverstream Spur should be enhanced by removing the exotic pines and continuing with the natural regeneration of native bush. It occupies a natural ecological corridor between the Western and Eastern Hills and links reserve land and open space between Keith George Memorial Park, Trentham Scenic

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Reserve and other forested areas on both sides of the Hutt River, North and South. For many years Forest & Bird has been extensively planting native trees in this area of the Valley, enhancing an aesthetic entranceway to Upper Hutt and restoring degraded habitats. We need to continue with this good work on the Spur, strengthen the trapping of pests and retain it for future generations. The Spur will be a sorely needed oasis in future, when the tops of the Pinehaven Hills are in housing, the St Pats land is in housing, and there are multi-storey residential buildings near transport hubs such as Silverstream Station and Heretaunga Station. This Council should stick with the original plan for the Spur and keep it as Reserve / Natural Open Space. Their consideration of roading and/or houses on this land is a betrayal of the stewardship to which they were entrusted.

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**I seek the following decision from the local authority:**

To declare the Silverstream Spur a protected "Natural Open Space", included in PC49; there must never be public roading nor houses on the Spur.

## Submission 14 Save Our Hills (Upper Hutt ) Incorporated.

"Southern Hills Overlay". This was denied by Council, who also disregarded objections from submitters to the proposed SGA in the 2016 Land Use Strategy consultation. This is not democratic decision-making. Council can rectify this by including the Silverstream Spur in its entirety (approx. 35ha) in the "Natural Open Space Zone" in Plan Change 49. 3. Council also uses the recent Wellington Regional Growth Framework (WRGF)

consultation as justification for an infrastructure corridor, including a road (see General Counsel's report on the UHCC/GTC MOU to UHCC to the upcoming Extraordinary Council meeting next week on 22 September 2021) connecting Kiln Street to the SGA (which can only mean through the Silverstream Spur). SOH thinks this is somewhat disingenuous, because the majority of submissions on the WRGF opposed development on the SGA and Spur (including any road through the Spur). Complaints to the Wellington Regional Leadership Committee (WRLC) about the SGA being retained in the final

adopted version of the WRGF were disregarded by the WRLC on the basis that complainants needed to discuss this with UHCC who put the SGA into the WRGF. Many submitters did this in the recent UHCC Long Term Plan 2021-2031 consultation only to have their submissions sidelined by UHCC. Again, this is not democratic decision-making. Council can rectify this by including the Silverstream Spur in its entirety (approx. 35ha) in the "Natural Open Space Zone" in Plan Change 49.

### I seek the following decision from the local authority:

SOH requests that Council rectify the omission of the Silverstream Spur from this Plan Change 49 by including the Silverstream Spur [legal description Part Section 1, SO 34755, comprised in Computer Freehold Register WN47A/214] in its entirety (approx. 35ha) to be zoned as "Natural Open Space".

## Further Submission #1 Peter Ross

Hi everyone,  
I am advising you, as instructed by Upper Hutt City Council (UHCC) on their PC49 website, that I have submitted to UHCC a Form 6 which states that I support your submissions on the basis of:

My being a submitter to GWRC on the proposed Southern Growth area – which I opposed on the basis of it not meeting the requirements for building high and medium density housing on a transport corridor, I have an interest in any proposal by Council and GTC to use the Silverstream Spur to open up land in the Southern Growth area, which is contrary to my submission to GWRC. I also presented a petition to UHCC signed by over 1200 people in Upper Hutt to keep the Silverstream Spur in public ownership and to not build any roads or dwellings on it,

AND

On that basis, I support those all those submissions detailed which support the retaining of Silverstream Spur as Natural Open Space (ie with an official designation as a reserve under the Reserves Act 1977).

To be clear, the submissions I supported are numbered by UHCC as follows:

S1, S3, S4, S6, S7, S10, S13, S14, S17, S23, and S27.

Regards

Peter Ross

## Further Submission # 2 Katelin Hardgrave

### Details of further submission

To **support**  /  **oppose** (tick one ☑) the submission of:

NAME OF ORIGINAL SUBMITTER Silver Stream Railway Incorporated

POSTAL ADDRESS OF ORIGINAL SUBMITTER Pennyfolds back Dr, Upper Hutt.

SUBMISSION NUMBER 27.

The particular parts of their submission that I support or oppose are:

The Retention of the Entire Silver Stream Spur  
free from any development including a  
roads.

PLEASE CLEARLY INDICATE WHICH PARTS OF THE ORIGINAL SUBMISSION YOU SUPPORT OR OPPOSE, TOGETHER WITH ANY RELEVANT PROVISIONS OF THE PROPOSED PLAN CHANGE. PLEASE USE ADDITIONAL PAPER IF NECESSARY

The reasons for my support or opposition are:

The land was purchased by VHC as a reserve &  
it should not be used to allow access  
to a subdivision to be developed  
pockets.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

I seek that the whole of the submission be **allowed**  /  **disallowed** (tick one ☑) **OR**

I seek that the following parts of the submission be allowed/disallowed:

## Further Submission # 3 Tommy Mortimer

### Details of further submission

To **support**  /  **oppose** (tick one ☑) the submission of:

NAME OF ORIGINAL SUBMITTER Silver Stream Railway Inc

POSTAL ADDRESS OF ORIGINAL SUBMITTER Reynolds Bach Drive

SUBMISSION NUMBER 27

The particular parts of their submission that I support or oppose are:

Retaining of the whole Silver Stream ~~Railway~~ Spur as a reserve.

PLEASE CLEARLY INDICATE WHICH PARTS OF THE ORIGINAL SUBMISSION YOU SUPPORT OR OPPOSE, TOGETHER WITH ANY RELEVANT PROVISIONS OF THE PROPOSED PLAN CHANGE. PLEASE USE ADDITIONAL PAPER IF NECESSARY

The reasons for my support or opposition are:

It is public land and no part of it should be given away for development of a road.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

I seek that the whole of the submission be **allowed**  /  **disallowed** (tick one ☑) **OR**

I seek that the following parts of the submission be allowed/disallowed:

## Further Submission #4 John Durry

### Details of further submission

To support  /  oppose (tick one ) the submission of:

NAME OF ORIGINAL SUBMITTER ~~REYNOLDS~~ SILVERSTREAM RAILWAY INC.

POSTAL ADDRESS OF ORIGINAL SUBMITTER REYNOLDS BATCH DRIVE UPPER HUTT.

SUBMISSION NUMBER 27

The particular parts of their submission that I support or oppose are:

TO RETAIN THE ENTIRE SILVERSTREAM SPUR  
WITHOUT A ROAD OR INFRASTRUCTURE CORRIDOR AND  
DESIGNATE THE ENTIRE AREA AS A RESERVE  
AND NATURAL OPEN SPACE

PLEASE CLEARLY INDICATE WHICH PARTS OF THE ORIGINAL SUBMISSION YOU SUPPORT OR OPPOSE, TOGETHER WITH ANY RELEVANT PROVISIONS OF THE PROPOSED PLAN CHANGE. PLEASE USE ADDITIONAL PAPER IF NECESSARY

The reasons for my support or opposition are:

BECAUSE THE WHOLE SPUR WAS BROUGHT FOR THE  
USE OF THE WHOLE COMMUNITY AS A RESERVE AND  
THIS COMMITMENT MADE BY PREVIOUS COUNCIL STAFF  
AND NEEDS TO BE FINALLY HONOURED.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

I seek that the whole of the submission be allowed  /  disallowed (tick one ) OR

I seek that the following parts of the submission be allowed/disallowed:



## Further Submission # 5 Nick Moylan

### Details of further submission

To support  /  oppose (tick one ) the submission of: Silver Stream Railway Inc.

NAME OF ORIGINAL SUBMITTER

POSTAL ADDRESS OF ORIGINAL SUBMITTER

SUBMISSION NUMBER

The particular parts of their submission that I support or oppose are:

I support that the Silverstream Spur be rezoned in its entirety as a natural open space and officially designated as a reserve under the reserves act 1977.  
~~At~~

PLEASE CLEARLY INDICATE WHICH PARTS OF THE ORIGINAL SUBMISSION YOU SUPPORT OR OPPOSE, TOGETHER WITH ANY RELEVANT PROVISIONS OF THE PROPOSED PLAN CHANGE. PLEASE USE ADDITIONAL PAPER IF NECESSARY

The reasons for my support or opposition are:

- 1) The land was originally purchased by UHCC for the purpose of making a reserve in 1990.
- 2) Any development cutting into the spur - such as a road would reduce its ecological effectiveness as a corridor and would need to stay intact as a reserve.

I seek that the whole of the submission be allowed  /  disallowed (tick one ) OR

I seek that the following parts of the submission be allowed/disallowed:

## Further Submission #6 Fraser Robertson

### Details of further submission

To **support**  /  **oppose** (tick one ☑) the submission of:

NAME OF ORIGINAL SUBMITTER **Silver Stream Railway Inc**

POSTAL ADDRESS OF ORIGINAL SUBMITTER **Reynolds Bach Drive, Upper Hutt**

SUBMISSION NUMBER **27**

The particular parts of their submission that I support or oppose are:

**Designate the silver stream spur as a reserve under the federal reserves act 1977**

PLEASE CLEARLY INDICATE WHICH PARTS OF THE ORIGINAL SUBMISSION YOU SUPPORT OR OPPOSE, TOGETHER WITH ANY RELEVANT PROVISIONS OF THE PROPOSED PLAN CHANGE. PLEASE USE ADDITIONAL PAPER IF NECESSARY

The reasons for my support or opposition are:

**The Land was originally purchased for the purpose of a reserve, No road or development should be aloud to go ahead now or in the future. It should be protected as originally intended to protect the visual appearance of the spur, along with the flora and fauna in the area.**

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

I seek that the whole of the submission be **allowed**  /  **disallowed** (tick one ☑) **OR**

I seek that the following parts of the submission be allowed/disallowed:

UPPER HUTT  
CITY COUNCIL

838-842 Ferguson Drive  
Upper Hutt  
Private Bag 903, Upper Hutt  
Tel: 044528 8799  
Fax: 044528 2992

The Property Manager  
Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

File: 350/62/308  
BRD:JKR  
kk:kkkk

Contact:  
Mr Dodson

31 March 1994

Dear Sir,

**RE: LAND USE CONSENT - KILN STREET - UPPER HUTT CITY COUNCIL**

**NOTICE OF DECISION:**

Pursuant to Section 114 of the Resource Management Act 1991, I hereby notify the decision of the Upper Hutt City Council in respect of the above application for a Resource Consent.

The full text of the decision may also be inspected at the Council's Office, Planning Division, Level 2, Civic Administration Building, 838-842 Ferguson Drive, Upper Hutt, whenever the offices are open to the public for business. Please quote Councils file reference 350/62/308.

This application was considered by the Council's Judicial Committee at its meeting on 18 March 1994. The Committee made a recommendation to Council. The recommendation was adopted as its decision by Council at its meeting last night.

The Council's decision (with reasons) is as follows:

THAT pursuant to Section 105 of the Resource Management Act 1991, Council grant consent to the undertaking of a commercial forestry operation on that part of the applicant's land (being the land described as Section 1, SO 34755 and situated at 70 Kiln Street, Silverstream), as is zoned Residential Conservation, subject to the following conditions:

- (a) That the visual debris stop barrier be planted in native vegetation and a combination of exotics, to be arranged with taller species towards the inside edge of the barrier.
- (b) That during vegetation clearance, the line be cut to follow the contours of the site as closely as possible.

- (c) That any significant groupings of native bush are to remain and be protected. In this regard, the applicant's attention is drawn to Ordinance 5.1.7 of District Plan Review No.4 and the requirement for on-site management to ensure minimal damage occurs to any such areas.
- (d) Access to the site is to be provided via the existing road off Reynolds Beach Drive.
- (e) The standard procedures of the Forestry Code of Practice (New Zealand Logging Industry Research Organisation), or its equivalent at the time of harvesting, are to be applied at all times during the operation.

**Reasons:**

1. Forestry is a permitted activity on that part of the Applicant's land as is zoned Rural B and so a Resource Consent is not required in respect of that part of the land.
2. The part of the land which is zoned Residential Conservation is appropriate for forestry development in conjunction with the balance of the land which has a Rural B Zoning.
3. The conditions imposed and the controls in the District Scheme will ensure that adverse effects emanating from the forestry use on the part of the land zoned Residential Conservation are minimised.
4. Once the forestry venture is established, the land will provide an important visual amenity as a backdrop to the surrounding area and the city's southern boundary.
5. The proposal is in accordance with the Policies and Objectives of the District Plan.

Yours faithfully,



B.R. Dodson,  
**CITY SOLICITOR.**

IN THE MATTER OF a non-complying Resource Consent Application by the UHCC for a commercial forestry project on Site 1 SO 34750 (CT 36A/176)

AND

IN THE MATTER OF Section 28 Resource Management Act 1991

**STATEMENT OF EVIDENCE BY STEVEN REX KERR, BPP (HONS) MNZPI**

**1.0 Introduction**

My name is Steven Kerr and I am currently employed as Senior Planning Officer with the Upper Hutt City Council. I hold a Bachelor of Regional Planning (Hons) Degree from Massey University, Membership to the New Zealand Planning Institute and have four years post graduate experience.

I have previous experience in forestry matters with the Taupo District Council as part of an investigative team examining milling options in the Lake Taupo catchment.

**2. This Application**

The application before Council is for the non-complying resource consent. It was notified and received 5 objections.

The proposal is to establish a commercial forestry operation on the land known as "Landcorp Spur" which is owned by UHCC. This site is 36.5ha and provides an average site for a forestry operation. It also occupies a gateway location to Upper Hutt City from the south.

The property is located at the meeting point between the hills that rise behind the eastern suburbs of the Hutt Valley and the flats of the Hutt River. It is exposed to the prevailing north west wind. The site consists mainly of short, undulating steep slopes and is heavily dissected by numerous small gullies. There are also significant sections of easy terrain on the higher parts of the property. Overall aspect of the site is to the north west, with drainage effected by very small watercourses flowing into a stream along the northwest boundary.

A heavy vegetation cover presently occupies the site. This comprises gorse, tauhinu, manuka, mixed native scrub and exotic weeds. Radiata Pine regeneration of mixed ages is also present.

Line cutting is proposed to clear the site to avoid the environmental impacts associated clearing a site. Planting densities have been recommended at 1000 stems per hectare.

Harvest of the proposed crop is recommended at the age of 30 or later due to low site fertility.

Access to the property can be from the road to the Silverstream landfill which avoids passing through any residential areas.

**3. District Plan Requirements**

The site contains 2 zones:

- (a) **Sup B (Restricted)** - forestry is a permitted activity with the proviso of forestry development notices.
- (b) **Residential Conservation** - Does not provide for forestry and a Resource Consent is required to fell trees with a trunk diameter greater than 0.2m.

**Resource Management Act 1991**

Section 104 requires Council to have regard to:

- (1) the actual and potential effects of allowing the consent
- (4) the Policies and Rules of the District Plan.

Section 106 (for non-compliance) consent cannot be given unless Council is satisfied:

- (1) the effects on the environment will be minor
- (2) Granting consent will not be contrary to the objectives and policies of the District Plan.

If any watercourses are altered etc, any structures or crossing over watercourses, or any discharge of contaminants into water are to be undertaken the appropriate resource consents from WRC are required.

**5. Assessment**

The site occupies a gateway location and therefore aesthetic are of importance. The proposed pine trees and regenerating natives will provide a greater aesthetic value in the immediate to mid-term situation than the gorse and other vegetation.

This site is very similar in comparison to the adjoining Rural B (restricted) land. Although it does provide excellent views and house sites, access at the present time and foreseeable future is not viable. The forestry proposal therefore provides a satisfactory use of this site which is in an area where similar activities are permitted and has little impact upon the nearby residential areas. It therefore does not conflict with the intentions and policies of the District Plan.

TABLE 1. EFFECTS OF PROPOSAL ON THIS SITE

EFFECTS	AFFORESTATION	HARVESTING
P O S I T I V E	<ul style="list-style-type: none"> <li>* More trees produce more O<sub>2</sub> to help off set CO<sub>2</sub></li> <li>* Retention of natives in gullies protect waterways and improve visual aspect</li> <li>* Overall visual improvement</li> <li>* Reduce erosion potential</li> <li>* Pines not as flammable as gorse</li> <li>* Site preparation method least effects on residences nearby.</li> </ul>	<ul style="list-style-type: none"> <li>* Don't use residential roads.</li> <li>* Short access to SH2.</li> <li>* Temporary reduced tree board.</li> </ul>
N E G A T I V E	<ul style="list-style-type: none"> <li>* Temporary fire risk from stacked gorse</li> <li>* Possible failure of soils at margins</li> <li>* Return fire in this area approx 5-10 years</li> </ul>	<ul style="list-style-type: none"> <li>* Could damage regenerating bush.</li> <li>* Visual scar every 30 years</li> <li>* Heavy traffic onto Ferguson Drive (temp)</li> <li>* Possible erosion, slippage, runoff in heavy rain (temp)</li> <li>* Could alter drainage pattern</li> <li>* Noise from machinery</li> <li>* Dust</li> </ul>

The calculation of a positive/negative effects ratio for the environment is:

- (1) AFFORESTATION (-) 1 (+) 2
- (2) HARVESTING (+) 3 (-) 1

This simple analysis reveals a net great difference between positive and negative effects of the entire proposal. Harvesting is approximately 2:1 to the negative and afforestation is

approximately 2:3 in the positive. The overriding factor is that effects of harvesting are in the short term whereas afforestation effects are in the mid term time frame. Also many of the negative effects are temporary and can be controlled by the environment conditions recommended in the Planning report.

This indicates that this proposal will in fact have more longer term environmental benefits than its short term negative effects.

#### **OBJECTIONS**

The Planning Report summarises the objections well and I see no point in repeating them. However, in answer to their concerns I comment as follows:

(i) MS Wyatt

Unformed Kih Street will not be used as a fire break, it was suggested that it could serve as the visual and debris barrier.

If the unformed part of Kih Street is stopped and joined with the forestry block then the 20m barrier (no harvest zone) can be contained within the site.

(ii) Steveston Railway Society

The applicant will not indemnify the society but will accept environmental management conditions. The applicant does have public liability insurance and the Consultants report recommends fire insurance.

A suitable condition has been suggested by the Council's Planner, and this is condition (b).

(iii) Bony Diner

Arbor consultants are available to comment upon this objection as they mainly relate to management issues.

(iv) Wellington Regional Council

The applicant thanks the Regional Council for their advice. Again Arbor Consultants are available to answer any questions relating to the fire risk from stacked grass, the practice of line cutting and stem densities.

(v) Matabe Mills

Planting and harvesting trees will not compromise the future options of providing for residential development on this block of land. The trees if not harvested may in fact enhance this option if viable access is found.

Arbor consultants can answer specific questions about the viability of eucalyptus trees. Their aesthetic merits is purely down to personal taste.

#### **Planning Report Recommendations**

It is requested that conditions (a) and part of (b) are deleted from the list, and that (d) is altered as discussed below.

Delete (a) because the District Plan requires this anyway and if the unformed road is stopped the applicant can later apply to have this barrier reduced as the stopped road will achieve the same outcome.

It is also requested that the last sentence of condition (b) be deleted because it is unnecessary. The 20m barrier is required by the District Plan. This will provide flexibility in the future if the District Plan requirements change.

Condition (f) is not practical because of the differences in growth rates between natives and pines. This questions the ability of the natives to be both a fence and visual screen. It

the short to mid term. Therefore a mixture of regenerating natives and pines is more practicable.

4. **Conclusion**

The Planner's report and recommendation with the changes we request provides a practicable and reasonable basis for approval. The effects on the environment will be minor and the approval will not compromise the Council's land use planning policies embodied in the District Plan.



1 October 2001  
350/80/5  
Jb/mgt/memo/forestry

## **FUTURE OF SILVERSTREAM FORESTRY**

### **PURPOSE**

This report assesses the current status of Council's forestry operation.

### **GENERAL**

The attached reports from Forme consultants paint a fairly gloomy picture of our forestry block as an "investment". The position is further complicated by the risks of either incurring high fire fighting costs or prohibitive insurance premiums due to the fire risks of the site.

The decisions to be considered at this stage can be summarised as follows:

- Given the risk to Council of covering forest losses and paying high costs for fire fighting, facing increasing fire insurance premiums or finding the forest to be uninsurable, is the projected financial return from the mature forest adequate.
- If a decision is made, not to continue with a commercial forest, what becomes of the plantings and land.

### **FIRE RISK ISSUES**

The Silverstream forestry block is a high fire risk area. It is adjacent to Silver Stream Railway, which generates a fire hazard. It is close to urban areas, so is accessible to arsonists. It is a relatively small block, with adjoining larger plantations, meaning that if a fire starts in the UHCC block, there would be a high likelihood of spread to the larger block, with correspondingly higher risk of negligence claims on the Council. It also has a significant amount of undergrowth, which increases the fire risk. Given rising average summer temperatures and the increasing size of the forest canopy as it ages, all these factors spell a very high risk of fire related costs and loss to Council.

Current insurance details are listed below:

	<b>1999</b>	<b>2000</b>	<b>2001</b>
Value of cover- fire fighting	\$20,000	\$20,000	\$20,000
Value of cover- crop loss	\$99,781	\$120,193	\$134,745
Excess	\$1,000	\$1,000	\$1,000
Cost of premium	\$428	\$500	\$500
Number of fire claims	Nil	2	2

Fire fighting costs to Upper Hutt City Council for the last fire on the spur (actually 2 separate fires) totalled \$76,000. Of this, \$40,000 was covered by insurance, with the balance falling on the forestry budget. Insurance cover for fire fighting has now been increased to \$150,000 with a \$1,200 per annum

increase in premium and it is anticipated that this level of cover would cover 90% of the likely fires. In the extreme event of a fire starting on the UHCC block, engulfing the whole plantation and spreading to the adjoining Goodwin forest, it is estimated that fire-fighting costs could be as high as \$1M. In addition there could possibly be claims from the adjoining forest owners for loss of crop, although negligence would have to be proven. Insurance cover to cover \$1M of fire fighting costs is around \$5,500 per annum and this figure (plus additional funding for undergrowth clearance) has been used later in the report when reviewing the discounted net profit figures for the operation on a more proactive risk management basis.

At present Council has been advised by the Rural Fire Authority that it does not qualify for reimbursement of fire fighting costs from the Rural Fire Fund as the plantation is "commercial forestry". The legal implications of this are discussed below.

### LEGAL IMPLICATIONS

There are two acts which govern the liability for fire related costs in rural areas:

- the Forests and Rural Fires Act; and the
- Fire Service Act 1975

In terms of Section 46 of the Forests and Rural Fires Act, if the site were used for residential or farming purposes, Council would not be liable for any fire related costs. In all other cases, whether or not the land is deemed to be a "commercial forest", the Council remains liable for a levy to cover fire-fighting costs. This Act is however not usually used to levy landowners for a fire, except for commercial forests, as in all other cases costs can be claimed from the Rural Fire Fund.

Under the Fire Service Act 1975, all rural fire-fighting costs are recoverable from the Rural Fire Fund, unless the land is deemed to be being used for commercial forestry. If Council retains the forestry block in its current state, and it falls within the "commercial forestry" definition, it will continue to be liable for fire fighting costs and losses in relation to both its own forest and possibly also adjoining plantations, if the fire starts on UHCC land. Whether or not the block is defined as "commercial forestry" hinges on whether the crop is grown for profit and whether the public is allowed access as of right.

The definition in the Fire Service Act reads:

- [(2) In this section, "commercial or semi-commercial forest area"—**
- (a) Means any area of land—**
- (i) On which trees are managed or harvested or both so that income is thereby gained; and**
  - (ii) To which the public has no access as of right;**

Given the way the land is currently zoned and managed, the Rural Fire Authority has deemed it to be "commercial forestry, and Council is liable for all fire fighting costs.

In order to remove this liability, Council would have to ensure that the trees were not classified as "commercial forestry", in which case any fire fighting costs could be claimed against the Rural Fire Fund and the financial risk to Council would be vastly reduced.

The levy provisions of the Forests and Rural Fires Act could still apply, but it actually applies anyway on all Council rural land, which is not used for residential or farming purposes, but normally fire fighting costs do not fall on Council as they can be claimed from the Rural Fire Fund under the Fire Service Act. There would appear to be only two feasible ways of completely eliminating the risk of being liable for fire related costs in terms of the Forests and Rural Fires Act:

1. To clear all pines off the site and 'farm' the land
2. To sell the land

However seeking to completely eliminate risk under the Forests and Rural Fires Act may however be too extreme a move and no such action has been contemplated for any other Council land.

The most sensible strategy if Council wishes to minimise its fire related financial risk for this property, would be ensure that any fire related costs can be claimed from the Rural fire Fund, which in essence means ceasing the "commercial forestry" operation and gaining the agreement of the Rural Fire Authority that this has in fact happened.

#### **VIABILITY OF FORESTRY OPERATION**

The current value of the forest, as assessed by Forme Consulting Group, is \$40,000 - \$60,000, with development costs prior to the Christmas fire totalling \$71,109. The new planting area (22ha) matures in 2026 and was estimated in the original report to return \$978,300 under a clearwood regime and \$850,860 for export logs (framing regime). The existing regenerating pine plantation area (5.1ha) is due for harvesting in 2009 at a value of \$100,000 (current value \$9,000).

A report prepared in 1996, showed a discounted net profit for the whole plantation of \$933,072. At that stage it was recommended that a joint venture partner be sought, but despite widespread advertising on two occasions, a willing partner could not be found.

The discounted net profit for both framing and clearwood regimes has now been reassessed, with two different levels of fire insurance in the case of the framing regime (the regime recommended by the consultant) (Appendix A). The estimated revenue from the forest is now approximately 50% of the earlier estimate, due mainly to falling log prices and poorer than expected growth rates on the site. The discounted net profit/loss figures (including the recent uninsured fire costs) show a loss for all regimes ranging from \$71,000 (framing) to \$151,000 (framing regime with increased fire insurance and fire prevention scrub clearance).

Council's expenditure to date for the forestry venture, amounts to discounted costs to June 2001 of around \$146,000, including the latest uninsured fire fighting costs. Ceasing the forestry operation now, would hold the loss at this level.

Continuing with a framing regime, without additional insurance and maintenance costs, would see Council realise the projected revenue from the forest after 2020, and could achieve a lower net discounted loss of \$71,000 mentioned above (as detailed in Appendix A).

However given the fire risks associated with the plantation, it is considered that there would be a high likelihood of some additional fire losses over the next 20

years, which would mean that this level of loss reduction would seem highly unlikely. Rather, if Council continued to run the forestry operation, even with risk reduction strategies such as higher insurance and additional scrub clearance work, it could run the risk of even higher losses than those projected in Appendix A. There is also no guarantee that a worst case scenario would not occur with its consequential liability for huge fire fighting costs and total crop loss.

On balance therefore, continuing with even the lowest risk forest management regime, would leave Council essentially where it is now in relation to forest costs (net \$151,000 unrecovered), while a higher risk operation (less insurance and ground maintenance work) could, on paper, reduce the net loss by \$80,000. Both these figures assume there are no additional fire related costs over the next 20 years and that logging prices/revenues remain constant, neither of which is at all certain.

It would seem therefore that the most prudent financial approach would be to discontinue the forestry operation, thus minimising Council's future risk and holding the level of loss at its current net discounted level of \$146,000.

### **CONCLUSION**

Discontinuing the Silverstream Spur forestry operation is therefore the preferred option both from the perspective of fire related financial risk and general profitability. Another driver in this direction is the fact that if Council continued with a forestry operation, the spur would be clear felled at the time of harvesting which would detract from the visual nature of the spur as an attractive entry to the city. This may have caused some hesitation by Council anyway in 2020 as harvesting decisions were due. The forestry project arose out of a desire to provide work for the unemployed, but this goal was never met. A decision by Council to quit the operation now is recommended.

There are a number of options for Council to consider in order to achieve this.

#### **1. Sell the land (with the forest)**

This would achieve the objective of quitting the forestry operation. However it needs also to be weighed against a desire to keep control over the visual nature of the Silverstream Spur, given that it lies at the entry to the Valley. If retention of control over the visual amenity of the land is not a priority for Council, sale is recommended. A purchaser may continue with the forestry or may clear the land for residential development. The current land value (GV) is \$45,000. It is possible that Council may not recover its full expenditure to date, in any sale, but it would completely eliminate the fire related financial risk.

#### **2. Sell the forest only, retaining the land**

It would be technically feasible to find a buyer for the forest, and to include in the contract, a responsibility for all fire related costs. The revenue from such a sale would provide a reduction in the net loss situation. It is considered though, that it would be very difficult, if not impossible to achieve a sale, particularly given the state of the forestry market and bearing in mind Council's previous attempts to find a joint venture partner. It is also possible that if the forest owner failed to pay a fire levy, the Council could still be liable as landowner. Harvesting the forest would again create a bare hillside, although presumably the forest

owner would have the opportunity to replant, depending on the lease agreement.

3. **Remove the trees and "farm" the land**

This strategy would also completely eliminate the financial risk under both acts, and achieve some positive revenue even if the trees were only removed for sale as Christmas trees. However it would also affect the visual nature of the spur, the farming activity would also affect the albeit minor, and it would also have to be acknowledged that farming is not a good fit with Council activities.

4. **Change the status of the land and forest**

The first step in this process would be for Council to resolve that the forestry venture has been abandoned, that the trees will no longer be cultivated for revenue gain and that the public has access to the site as of right. This would need to be followed by a District Plan Variation to ensure all the land was zoned as "open space" or alternatively "residential conservation" with a designation of reserve. A Management Plan would be prepared for the land to demonstrate that the trees do not represent a commercial crop and the public has access as of right.

This strategy carries a limited risk that the redefining of the forest as reserve would not be accepted by the Rural Fire Authority for some years, and the liability would remain in the interim, however if Council chose to adopt this approach, discussions would commence immediately with the Authority on these matters. Initial indications are that its acceptance could be achieved.

Once the rezoning had been carried out and accepted by the Rural Fire Authority, any liability under the Fire Service Act 1975 would be eliminated, leaving only the risk of a levy under the Forests and Rural Fires Act, which applies to all rural land excepting that used for farming. The application of this provision is remote as long as all fire related costs can be claimed through the Rural Fire Fund under the Fire Service Act 1975.

This approach would leave full control of the visual nature of the spur and all activity thereon in the hands of Council. It would also hold the financial loss at its current level.

### **SUMMARY**

Council agreed to purchase the "Landcorp Spur" in 1989, after the matter was raised by the Heretaunga Pinehaven District Council. The report from the City Solicitor at that time commented that "part of the land may have a potential for development as residential sections although a change of zoning would be required before any such development could proceed. The bulk of the land is best suited to passive reserve uses which could complement the Silverstream beautification reserve and the Keith George Memorial Park and Silverstream Scenic Reserve, which lie immediately across the Hutt River. It would also complement the Silverstream Railway Society facility as well as providing a buffer between that facility and any other development that may take place in the area of the unformed King Street".

This seems to make it clear that at that time the visual amenity of the spur was the predominant driver in its acquisition. The subsequent decision to use the

land for forestry arose to address unemployment, although it never achieved that aim, with the majority of the work being carried out by Rimutaka Prison. Recent assessment of the walkway potential of the area indicates that it could be developed in the future as a loop off the Hutt River Trail, with possible further links over private land to the eastern hills.

The benefit/risk analysis for the current forestry operation seems to indicate that the plantation should be abandoned. Council needs to consider the importance it now places on the land remaining "treed" as opposed to it being developed as residential sections or clearfelled. If Council is not concerned about development on the land, it is recommended that it be sold (option 1), however if, as the 1989 report seemed to indicate, Council views it to be a visually strategic feature for the city, it is considered that option 4 should be adopted and the land retained as reserve.

### **RECOMMENDATIONS**

1. That the report be received.
2. That the forestry operation be discontinued.
3. That, in the light of Council's original rationale for purchasing the Spur, a Variation to the District Plan be undertaken to rezone the land as 'Open Space' and that it be managed as a reserve, with public access as of right.

Jenny Bentley  
**DIRECTOR OF COMMUNITY FACILITIES**



# SILVER STREAM RAILWAY

HERITAGE RAILWAY

10 August 2021

For the attention of the Mayor, Councillors and Chief Executive.

As you are aware Silver Stream Railway Incorporated has been advocating for many years for the protection of the Silver Stream Spur from residential development since it was first proposed to sell the land back in 2014.

During this time SSR representatives have indicated in presentations and submissions to council on the matter that there was no objection to a small area of the Spur being used as a road to access any potential development on neighbouring land. Recently this aspect of the use of part of the Spur has been studied in greater detail by our members, and as a result of that research we wish to formally advise you that Silver Stream Railway Incorporated no longer support the construction of any road or access to neighbouring land on the Silverstream Spur.

It has become apparent that due to a number of factors, namely the reduction and damage to the ecological corridor function of the spur, the topography of the land, and the required standards that a road servicing a development of the proposed scale would have to meet, mean that a road will consume a far greater area than we had anticipated and would not be in keeping with the vision we see for the Spur as an amenity for whole community.

We will continue to advocate for the designation of the Silverstream Spur in its entirety as Open Space so current and future generations can enjoy the green entrance to Upper Hutt.

Yours Faithfully

A handwritten signature in blue ink, appearing to read 'Caleb Scott'. The signature is fluid and cursive, with a large initial 'C'.

Caleb Scott

President

Silver Stream Railway Inc.

## Proposed Plan Change 49 – Open Spaces | Further submission by GTC

17 November 2021

**To** Planning Policy Team, Upper Hutt City Council  
[planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**From** The Guildford Timber Company Ltd. / Silverstream Forest  
c/o 69 Rutherford Street, Hutt Central 5010  
[james@guildfordtimber.co.nz](mailto:james@guildfordtimber.co.nz)

### Introduction

The Guildford Timber Company Ltd. (GTC) wishes to make a further submission to Proposed Plan Change 49 – Open Spaces (PC49). This further submission is set out, generally, in the format of RMA Form 6 and GTC assumes this is sufficient for the purpose of qualifying as a further submission.

GTC considers that it has an interest in the proposal that is greater than the general public. GTC's substantial landholdings have been identified by the Upper Hutt City Council as the 'Southern Growth Area' (SGA) in both local and regional growth strategies. There are a number of submissions made to PC49 seeking the rezoning of the 'Silverstream Spur' as open space. The Spur is a key access point to unlock the future development potential of the SGA.

GTC does not wish to be heard in support of its submission and does not wish to make a joint case.

### Background

GTC owns Silverstream Forest ([www.silverstreamforest.nz](http://www.silverstreamforest.nz)), which is identified as a potential future residential growth area (the 'Southern Growth Area') in the Upper Hutt City Council's 2016 Land Use Strategy and the 2021 Wellington Regional Growth Framework.

The Silverstream Spur is owned by the Upper Hutt City Council and is a key point for potential future access to Silverstream Forest via Kiln St in Silverstream. GTC has a long history of engagement with the Council in relation to the Southern Growth Area and the importance of the Spur in unlocking the development potential of Silverstream Forest. A record of that is well documented on the Council website [here](#).

A summary of recent decisions made by the Council in relation to the Spur and its negotiations with GTC is provided below. This is taken directly from the Council's website at the link provided above.



## MOU conclusion and next steps - September 2021



On Wednesday 22 September, Councillors met at an Extraordinary Council Meeting to discuss and agree the Guildford Timber Company MoU conclusion and further steps in relation to the Southern Growth Area.

Council agreed to the Chief Executive sending a letter to GTC formalising the conclusion of the MoU ([📄 Conclusion of MOU and related matters](#) (PDF, 39KB)), and ending discussions with GTC about a land swap or sale of land on the Silverstream Spur. The link to the paper can be found here: [📄 Agenda Extraordinary Council 22 September 2021](#) (PDF, 17MB)

Any future development proposal for the Southern Growth Area and the Silverstream Spur for the construction of a road and infrastructure corridor, will be subject to the ordinary Resource Management Act processes like a plan change followed by a resource consent(s), but may only be a resource consent in some circumstances. This process will involve a public consultation process.

Council officers will continue to meet with GTC to continue planning for the future development of the Southern Growth Area and development of a road/infrastructure corridor across the Silverstream Spur as part of Council's responsibility to plan for growth.

As per Council's explanation on its website, Council intends to continue to meet with GTC to "continue planning for the future development of the Southern Growth Area and development of a road / infrastructure corridor across the Silverstream Spur as part of Council's responsibility to plan for growth".

Most recently, Council submitted an Expression of Interest to the Government's Infrastructure Acceleration Fund for funding toward a 'Silverstream Spur Infrastructure Corridor'. Government has now invited Council to progress through the Request for Proposal stage. This demonstrates alignment between the Council's plans for growth and the Government's position on infrastructure needed to support housing development.

The relief sought by some submitters to rezone the Silverstream Spur in order to prevent development that enables the potential for future residential development at Silverstream Forest, would be inconsistent with recent decisions made by Council and the strategic direction of local and regional housing growth strategies.

## Submission points to which GTC's further submission relates

The submitters and submission points listed in the table below are seeking the rezoning of the Silverstream Spur to open space. Most submitters suggest 'natural open space' would be appropriate.

GTC has based its position to 'support in part' the submission points below, upon the summary of the individual points provided in the Council's summary of submissions.

GTC supports 'in part' the submission points below, that relate to the Silverstream Spur and submitters seeking to have it rezoned as open space. GTC's 'in part' support is only provided on the basis that any rezoning of the Spur to open space does not compromise the ability to provide for a future road and associated infrastructure through / on the Spur, to enable potential future residential development at Silverstream Forest.

GTC opposes those parts of submissions which seek to prevent any development whatsoever on the Silverstream Spur.

Submitter number	Submitter name	Submission point	GTC - support / oppose
1	Graham Bellamy	1.1	Support in part
3	Jonathan Board	3.1	Support in part
4	Doug Fauchelle	4.1	Support in part
6	Sean Kushel	6.1	Support in part
7	Cameron Seay	7.1	Support in part
10	Mary Beth Taylor	10.4	Support in part
13	Tony Chad	13.1	Support in part
14	Save Our Hills	14.1	Support in part
17	Abbie Spiers	17.3	Support in part
23	Forest and Bird	23.6	Support in part
27	Silver Stream Railway Inc.	27.1	Support in part

## Summary

GTC's vision for Silverstream Forest includes a significant native restoration programme, and the creation of a recreational track network for walking and cycling. GTC's vision has been articulated recently in its submissions on the Open Space Strategy, the Sustainability Strategy, the Wellington Regional Growth Framework, and PC 50, and on the Silverstream Forest website.

There is a clear alignment between what some submitters to PC49 are seeking for the future use of the Silverstream Spur, and what GTC is seeking for the future use of Silverstream Forest.

GTC acknowledges that some submitters are opposed to any development on the Silverstream Spur. However, GTC considers there to be an opportunity whereby development on the Spur could act as a catalyst for the outcomes those submitters are seeking. Access through the Spur via Kiln St would create the ability to remove the Spur's pine trees and begin a comprehensive native restoration programme, and enable the creation of a recreational trail network. A coordinated native restoration programme and linked recreational network from the Spur through to Avro Rd and Whitemans Valley (which could be a partnership opportunity between UHCC, GTC and community groups) could become notable assets for the local and regional community.

James McKibbin  
General Manager, The Guildford Timber Company Ltd. / Silverstream Forest

## Silverstream / Pinehaven Focus Group Minutes

Tuesday 19 April 3:30pm – 5pm

Silverstream Reformed Church / 8 Blue Mountains Road



In attendance: Chris Cosslett (PPA), Pat Van Berkel (F&B), Simon Edmonds (SRM), Jason Durry (SRM), Mike Horner (independent), Ian Price (independent), Lloyd May (Lions Silverstream), Bob McLellan (UHT&C), Sarah Duffell (UHCC), Kate Janes (UHCC), Nic Etheridge (UHCC), Sasha Smith (UHCC), Ganesh Nana (BERL), Ralph Goodwin, Hamish Goodwin, Stephen Pattinson, Sue Pattinson, Rob Merrifield

Apologies: David Brown, Barry Ward, Ian Van Der M

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**Welcome and introductions. Intro from Ralph Goodwin, Hamish Goodwin (Guildford landowners)**

**Last meeting's minutes – taken as read. Any comments back via email. Agreed.**

### **Purpose of group**

NE outlined purpose of group to clarify position in terms of making a submission. Purpose is info sharing, exploring issues and options, increasing understanding. Group is self-determining. UHCC will provide info if/where possible. Purpose is to disseminate info, and act as a cross-reference/test group of community. The group could evolve into a type of collaborative approach with Council depending on how it evolves.

With regards to a joint submission from the group - it would need complete consensus in order to submit using the focus group banner. If not, participants could sign as an individual and reference that they are on the group. This is to make sure everyone is comfortable with the position they put forward in the formal arena. Reaching consensus is not the purpose of the group. At our last meeting we will determine the group's position, and decide whether or not to submit as a whole.

### **Processes**

Discussion on how the process works, paper distributed for explanation. Difference between Local Govt Act and RMA explained. Re the land swap – there will be 2-4 years of research, analysis, detail etc. UHCC recognised the tension between the concept and detail elements when making a decision. UHCC asked for further clarification about what detail is considered crucial in order to make a decision on the concept. Members to give NE list. UHCC to confirm it can deliver.

Question re 'bargaining power' of community/developer if LUS concept accepted. Reply – LUS signals Council's intent. It means 'amber light' for a lot of things (i.e. things to explore). Start point from which to discuss detail. Detail may mean somethings not a goer in the end. In short, no bargaining power lost. The commitment to work with the community remains the same.

Concern raised that LUS does not tie in with earlier issues and options exercise. UHCC will explore and reply at next meeting.

### **Statistics**

GN spoke to group about moderated population estimate. Base figures come from Stats NZ but BERL considers low estimates for urban centres always too low. Usually use between medium and high. Migration around the country has been considered. Opinion – medium still too pessimistic and high too optimistic. Moderated scenario determined by BERL. However, a bit risky to use one number, BERL advise Council to use a range.

Stats don't do additional review or peer review. StatsNZ also give a range, within which anything is equally likely. BERL do additional analysis of Stats figures based on the economics of the region. Also, Stats NZ projections have no economic aspect – just migration, births, deaths etc. BERL considers that growth is always influenced by economics of an area - schools, jobs, transport, amenities etc. Recent StatsNZ numbers had every centre outside AKL declining, which does not seem logical. Economics added to the Stats figures by BERL. Wgtn region economics are going OK, good job profile. UH good commuter links and amenities, will attract population. Therefore confident with moderated population scenario.

Figures are re-examined every couple of years. There's always something going on, for example Auckland house prices may start shifting people out of there in the future. Also, regional consistency is important.

### **Housing supply**

Presentation of how we got to housing supply figures. Four types:

- Urban infill – e.g Brentwood, Kiln Street. Based on projecting historical rates, with a GIS-based analysis of future capacity. Enough capacity for 20+years at current rates
- Intensification – e.g CBD, Overlay Areas, Silverstream. Apply current overlay zoning allowances – min 300m<sup>2</sup> sites or even denser, using CRD allowances. Intensification in rural areas not yet been studied, this is still a big unknown.
- Redevelopment – e.g Brown Owl School, Maidstone Tce. Desktop exercise. Take out allowance for utilities and amenities (e.g roads) and divide the balance by the minimum lot size permitted by the District Plan. Blunt, but the best we have.
- Edge expansion – e.g Guildford, Wallaceville, Gillespies Road. Strongly landowner/developer led, we take advice from them.

Main message – there is no 'one size fits all' and UHCC frequently adjust figures in response to changes in land use, supply, and zoning. Today's figures will almost certainly be adjusted before 30-year life of the LUS ends.

Group still uneasy with some aspects of exact numbers. UHCC to supply more detail and carry on discussion at the next meeting.

### **Questions to Ralph Goodwin.**

Lead with overview/background to land ownership. 92-year ownership of land. Pines no longer the best use, decision made approx. 12yrs ago to investigate residential ownership.

Land exchange philosophy goes back to principles and values of original framework document – environmentally sensitive development. GTC is conscious of community views and considers itself

an environmentally aware & sustainable developer. They would like to create a legacy development that most are proud of. There will be 135ha available for community involvement for recreation – urged the group to keep sight of that.

Question: Where exactly will development take place? GTC: Numbers exclude Silverstream Spur because GTC don't own at the moment. Initial figures were 1300 homes on 300 hectares. Following MOU with UHCC, recalculated numbers, outcome is approx. 1000 homes. After the swap GTC will have 165hectares, with approx. 40% of that used for residential development. Ecological features very important – beech, rata. Some will go into public ownership to Council. Some development will be on land over the other side of the ridge. Hamlets, neighbourhood communities, not acres of lawn. Not a Riverstone Terraces. More info will come through planning process. Work not done yet for capacity of Spur for housing. Development would contribute to more diverse city-wide housing offering.

Question: Why do you want/need Spur? GTC – will enable the development. MOU identifies opportunity to have access through and development on Spur. Would be zoned residential.

Question: Without the Spur would you proceed? GTC: Decision made around strategic objectives. Want to benefit Upper Hutt, so yes.

Question: How will the negotiating power of the Council and public be preserved? GTC happy for more involvement/interaction, but ask that rights of landowner are respected in return.

Remainder of questions for GTC will be considered at next meeting.

Take-home messages from UHCC:

- Nothing is a given/done deal. There are negotiations to be had.
- This is a long term approach.
- This is a collaborative journey, over to you if you want to be a part of it.

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**Next meeting 3 May, same time, same place**

**On the agenda for next time:**

- Continuation of questions for Ralph
- Revisit tension around concept. Key things that require clarity so a decision can be made about level of support for the concept.
- Options for city – have we made best decisions about city-wide options? More detail about where stuff would go in the city.
- Participants to email NE about what details they want re concept.

*Minutes written: 21 April 2016*



## Silverstream / Pinehaven Focus Group Minutes

Tuesday 3 May 3:30pm – 5pm

Silverstream Reformed Church / 8 Blue Mountains Road



In attendance: Chris Cosslett (PPA), Pat Van Berkel (F&B), Barry Ward (IF&B), Simon Edmonds (SRM), Jason Durry (SRM), Mike Horner (independent), Ian Price (independent), Lloyd May (Lions Silverstream), Bob McLellan (UHT&C), Sarah Duffell (UHCC), Kate Janes (UHCC), Nic Etheridge (UHCC), Sasha Smith (UHCC), Ganesh Nana (BERL), Ralph Goodwin, Hamish Goodwin, Stephen Pattinson, Sue Pattinson, Rob Merrifield, Ian van der Meulen (Reformed Church)

Apologies: David Brown, Kate Janes

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NE opened the meeting by confirming the agenda and taking a group vote on the inclusion of two agenda items

1. BM – issue of joint submission. Group voted yes, keen to investigate the possibility. BM offered to co-ordinate this by email and initiate with 3-4 questions.
2. Question put forward by StephenP re 10 mins on Floodplain management plan. Group decided they would listen if time at the end of the meeting.

NE tabled a summary of issues – what has been covered so far by the group and what is remaining for the 10<sup>th</sup>. To dos will be discussed at next meeting.

Question from SueP re discussion by the group about flooding following a directive made to this effect at the recent GW hearing. Majority view of the group is to focus discussion on LUS not flooding at the moment. Noted that GW will come to ‘representatives of Pinehaven’ after 10<sup>th</sup> May.

### Questions for Ralph Goodwin

RG noted that he considered that the first three questions of the list had been answered last time.

Question: would there be connection with Avro Road?

RG – GTC made a submission to 2007 UGS, was discussed at that time. Guildford property has an opportunity to link to Avro Road and Whitemans Valley. The site has legal access to Avro Road. There will be future investigations around alternative road into Whitemans Valley. Also may also be connections into smaller roads where the GTC property connects.

Question: What will be seen from valley floor?

RG – There is an illustration in the discussion document, viewpoint chosen was the Pinehaven reserve. Highlighted yellow is the reserve areas. Of residual 165 ha – development will be 1000 dwelling units on 40% of the land. GTC recognises both topography constraints and self-imposed ecological constraints. They want to apply the same principles onto Silverstream Spur as the rest of the development.

SP – is this correct? There are blue ‘development’ blobs on town side of ridge.

RG – Professionals have been engaged to develop a design that represents GTC principles. Cannot say right now exactly where 100 houses go, because the design is at conceptual stage. Some houses might be able to be seen, others won’t. GTC want to protect integrity of land and make an appropriate development. Likely that more visual impact information will come at a later stage.



NE – Tabled photos of other developments around Upper Hutt to gauge what the group considers might be acceptable in terms of visibility of development. The group considered this was probably delving into too much detail at this stage. The bigger question is whether this development overall is OK for Upper Hutt.

Discussion went back specifically to the visibility of future development on the GTC land. RG confirmed that the gaps in the yellow on the visualisation are where GTC don't own.

PvB - Above yellow = development?

RG – Can't give answer to that today because GTC don't know what's going to end up exactly where at the end of the process. 40% of land may be developed, so in some places there will be no development. Topography and ecology constraints will also make some areas 'no go'.

CC – Confirm that proportion of land to be developed is 40% of 165ha (i.e not including the Spur)?

RG – Yes. GTC have already held back a lot of native bush they want to protect. Considers their approach to be quite conservative, but there is also a commercial reality to the development as well.

PvB – how will rata be protected? Why is it not in a reserve or other protected status?

RG – committed to protect rata. Asked the group to have faith that GTC would also think that's a good idea! Their principles apply across the site, including land currently shown for 'development' and the Spur. A QE2 covenant or some other similar mechanism might be appropriate, but committing to that now is premature.

BW – Group should appreciate that they cannot ask for solid commitment at this stage, but should recognise GTC's optimism and commitment to environmental protection. If managed correctly, there is potentially a fantastic opportunity for enhancement of existing environments.

SueP – Expressed concern that the information is conceptual, therefore asking group to make a decision whether to support or not is not appropriate.

StephenP – asked what type of zoning might be applied to the site.

SD – not possible to say at this stage. Possibly a residential zoning as per the existing district plan, or maybe a new residential zoning might be appropriate. Existing zoning suits flat land in UH well, but this site has very different topography. This would be sorted out at Plan Change stage.

Question: If full or partial rejection of land swap – what effect will this have on development of the rest of the land? What if less land was offered?

RG – if GTC were offered something that allowed them to proceed with development of the land in accordance with their principles, all boxes were ticked and GTC had viable commercial outcome then yes, would still go with it. Noted that MOU provides for lots of movement. Both parties are committed to investigating feasibility. If land was sold, likely that next developer may still want to develop, maybe with same principles but maybe not.

SE – gave Silverstream Railway perspective re Spur land. As a neighbour their issues have been highlighted in previous submissions on other things. Railway a big attraction for valley, run by volunteers. Insurance and public liability are challenging for heritage railways. Some operations could be considered un-neighbourly e.g. noise, smoke, weekend hours. Railway already subject to a lot of stormwater discharge from Pinehaven through their property – they want a buffer zone described by catchment line. Continuance of vegetation imperative. Straight land swap as proposed

will not deliver for Railway. Want more protection of Spur, want to know if this happens whether the balance would be enough for GTC to develop?

RG – topography will probably create the buffer the railway wants. Have already done early stage work on reverse sensitivity for landfill. Would probably do the same sort of work for noise. Want to recognise the interests of neighbours.

RM – Agree with points raised by Simon, buffer zone important.

CC – fire risk would be reduced if pines/gorse replaced with less flammable native species.

StephenP – Spur is visually important, but ridge also equally important for greenery. Requested a larger version of visual from Pinehaven Park, with colour to show land owned by Guildford.

RG – difficult to do now. Noted that additional land may come into play and be able to enhance continuous belt, so outcomes may change.

StephenP – questions about the density/type of the 1000 houses, and whether mixed use was proposed.

RG – again, too soon to say. Design features would be sympathetic to the receiving environment. Envisaging diversity of housing, nestled in bush environment. Do not have information available. As for shops and offices, why not? Small commercial opportunities may well be appropriate. Noted that Titirangi was probably the closest comparison for this type of development.

Question: how did development ‘blobs’ appear on spur when GTC don’t own it?

NE: this is investigative work. A sieve analysis was done, taking out no-go areas and just demonstrating what the balance was. It’s still subject to full survey and assessment.

PvB – what evidence does UHCC have that public want development on Spur?

NE – none! Site has been included in Council surplus land disposal process. Council performing balancing act with assets and opportunities.

PvB – Re land owners on lower slopes, has GTC worked with any of them re removal of pines?

RG – worth considering. Would need to consider age/size of trees, it has to be commercially viable. This is a future exercise. Noted that HuttCC is also a neighbour.

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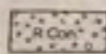
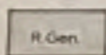
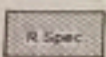
NE to sum up and send out via email and set agenda for next week. Comments to NE.

RG to answer balance of unanswered questions via email.

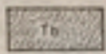
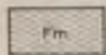
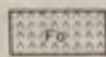
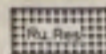
# HUTT COUNTY DISTRICT SCHEME HERETAUNGA - PINEHAVEN SECTION REVIEW No 2

## ZONING NOTATION

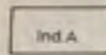
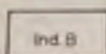
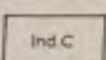
### RESIDENTIAL

-  Residential Conservation
-  General Residential
-  Special Residential

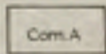
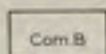
### RURAL

-  Town Belt
-  Farming
-  Forestry
-  Rural - Residential

### INDUSTRIAL

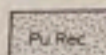
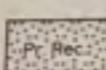
-  Industrial A
-  Industrial B
-  Industrial C

### COMMERCIAL

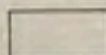

-  Commercial A
-  Commercial B

## DESIGNATED AND RESERVED AREAS



### RECREATION AREAS

-  Public Recreation
-  Private Recreation


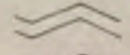


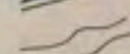
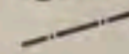
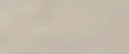
### NATIONAL AND CIVIC PURPOSES

-  National
-  Civic

### SCHOOLS

-  Existing School
-  Proposed School
- P Primary
- S Secondary

### MOTORWAY, ROADS ETC.

-  Proposed Motorway
-  Existing Road
-  Proposed Road
-  Proposed Accessway
-  Railwayland
-  Hutt River
-  Hutt County Boundary

### MISCELLANEOUS

- u.z. Underlying Zone

APPROX. SCALE; 1 : 6336 (8 chains to an inch)

THIS MAP WAS PREPARED IN JUNE, 1976

# T.P. 155/6/B

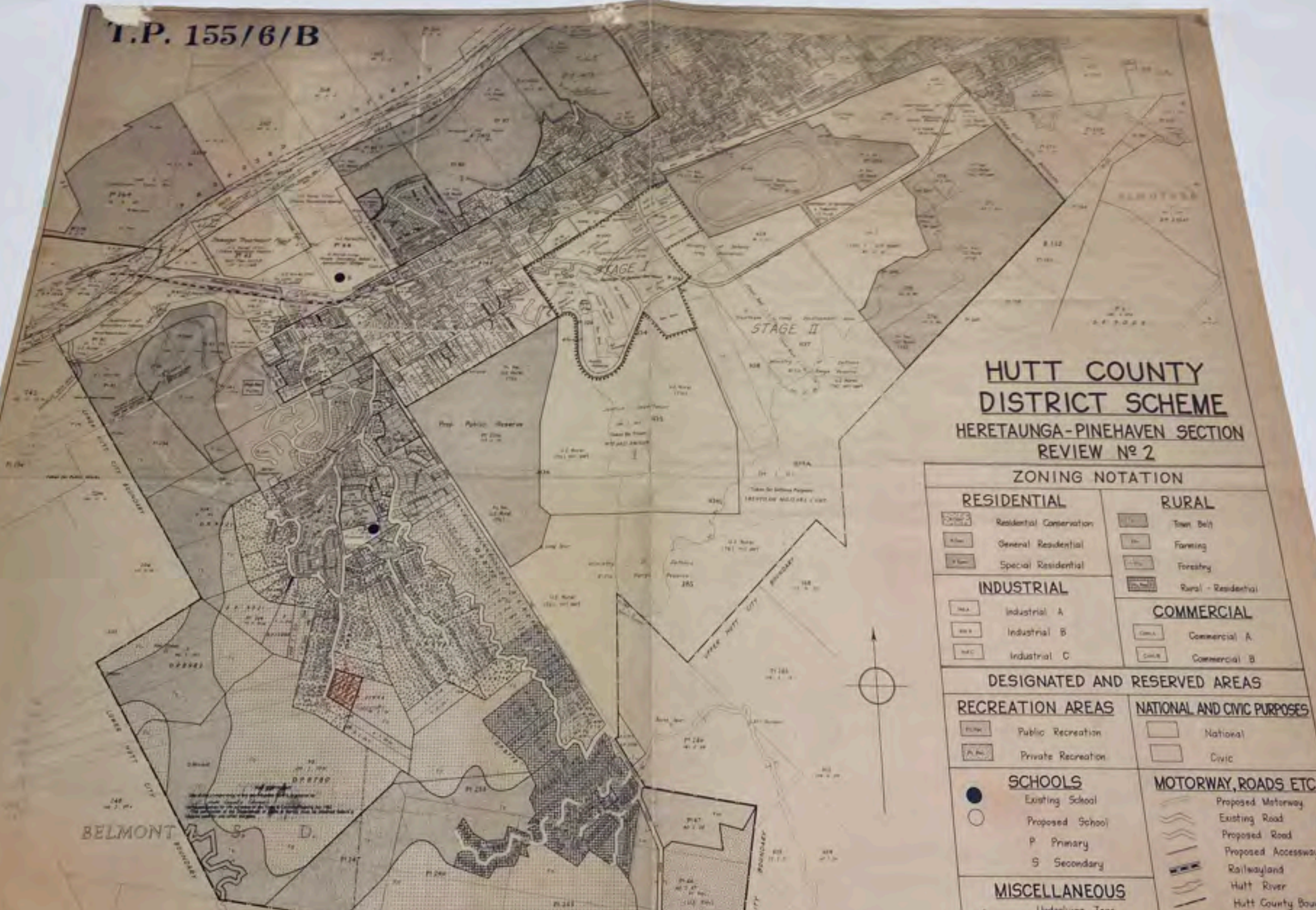
SEE ALSO  
85/113 A  
in Vertical  
Cabinet

File 13-2  
Letter 8 September 1976

Note: Superintended by  
Hutt County District Scheme, revised in  
July 1974

x 85/113b

T.P. 155/6/B



**HUTT COUNTY  
DISTRICT SCHEME  
HERETAUNGA - PINEHAVEN SECTION  
REVIEW No 2**

**ZONING NOTATION**

<b>RESIDENTIAL</b>		<b>RURAL</b>	
	Residential Conservation		Town Belt
	General Residential		Farming
	Special Residential		Forestry
<b>INDUSTRIAL</b>		<b>COMMERCIAL</b>	
	Industrial A		Commercial A
	Industrial B		Commercial B
	Industrial C		
			Rural - Residential

**DESIGNATED AND RESERVED AREAS**

<b>RECREATION AREAS</b>		<b>NATIONAL AND CIVIC PURPOSES</b>	
	Public Recreation		National
	Private Recreation		Civic

**SCHOOLS**

- Existing School
- Proposed School
- P Primary
- S Secondary

**MOTORWAY, ROADS ETC.**

- Proposed Motorway
- Existing Road
- Proposed Road
- Proposed Accessway
- Railwayland
- Hutt River
- Hutt County Boundary

**MISCELLANEOUS**

- Underlying Zone





THE TOWN AND COUNTRY PLANNING ACT 1951

Statement of Objections to the Hutt County District Scheme  
(Recommended Review No. 2)

To the County Clerk,  
Hutt County Council.

UPPER HUTT CITY CORPORATION

Objection is lodged to the proposed Hutt County District Scheme (Recommended Review No. 2).

The Council's interests are affected as adjoining Local Authority.

The specific provisions of the Recommended Review to which objection is raised and the reasons for the objections to each are as follows:-

1. The provision for a commercial B zone of 1.72 ha, adjacent to the Silverstream Railway Station.

This zone provides for 60% coverage which would permit a total commercial floor space of about 13,000 sq. metres. However, it is estimated that, assuming a catchment population of 12,000, a total of 5,000 sq. metres of shopping space only will be needed on the basis of .4 sq. metres per person. Accordingly, it is considered desirable to provide additional shopping space but that the extent should be limited.

2. The lack of provision for the parking of vehicles by commuters at Silverstream Railway Station.

With the estimated population growth in the area, there will be a need for a specific area at the Station to be set aside to provide commuter parking facilities.

3. The proposed zoning as "special residential" of the spur above the Silverstream Quarantine Station.

This spur is at the narrowest point in the gorge separating the Upper and Lower Hutt Valleys and at present is an important visual element in the green belt separating the two urban areas. The erection of houses on this spur would be a disruptive element in this visual buffer.

and would adversely affect the amenities of the area by allowing urban development in the Upper and Lower Hutt Valleys to merge. Further, development of the spur would be in conflict with the town belt policy for the Mangaroa Hills as embodied in the Regional Planning Scheme.

The above objections would be met by:-

1. A reduction in the area of the Commercial B zoning at Silverstream to approximately 0.5 ha. and the imposition of more specific controls over such commercial development.
2. The provision of commuter parking facilities at Silverstream Railway Station.
3. The re-zoning of the Silverstream spur from "special residential" to "town belt" with a designation as "recreation reserve" if appropriate.

R.J. Vine,  
TOWN CLERK.

30 November 1976

Upper Hutt City Corporation,  
Private Bag,  
UPPER HUTT.



OBJ. 293, 297  
27/9/78

STATEMENT OF EVIDENCE

File: 327/8/1  
327/8/4

21 September 1978

HUTT COUNTY DISTRICT SCHEME REVIEW NO.2  
PT.IIB HERETAUNGA RIDING - SUBMISSION  
IN SUPPORT OF OBJECTION NO.299 BY THE  
UPPER HUTT CITY COUNCIL AND OPPOSITION  
BY THE COUNCIL TO OBJECTION NO.293 BY  
GUILDFORD TIMBER COMPANY LIMITED RELAT-  
ING TO TOWNBELT ZONING AT SILVERSTREAM  
-----

1. My name is Rex Hannam and I hold the position of Town Planner with the Upper Hutt City Corporation. I hold the Diploma in Town Planning and I have had some 15½ years practical experience. This Statement of Evidence relates to Council's objection seeking a change in zoning from Special Residential to Townbelt and its designation as Scenic Reserve as well as to the Council's opposition to the objection by Guildford Timber Company Limited seeking a change in zoning from Townbelt to Special Residential of certain adjoining land.
2. The Mangaroa Hills form an important natural back-drop to the urban development in the Upper Hutt Valley and is regarded as a form of townbelt. In both the Hutt County and Upper Hutt City District Schemes those portions of the Mangaroa Hills not already in public ownership are subject to special protective measures under the District Schemes and there seems to be a strong community preference within the Upper Hutt Valley for the skyline at least to be protected from urban development.
3. The large spur behind Silverstream forms a significant feature of the Mangaroa Hills townbelt and in my view the bluff above the Silverstream Quarantine Station is especially important. Currently undeveloped, this bluff together with the Keith George Memorial Park on the other side of the valley constitutes a natural break between the urban areas in the Upper and Lower Hutt Valleys, so allowing housing on this prominent feature as currently provided for under the District Scheme would tend to bring about a merging of the two urban areas. That such a merging would significantly detract from the amenities of the area and any housing on such a prominent natural feature would be particularly disruptive. It is noted that the bulk of the ~~spur~~ bluff is owned by the Crown and it is understood will be vested as Reserve so in this regard the Council supports the objection by the Ministry of Works and Development to the zoning of the land.
4. With regard to the land owned by the Guildford Timber Company Limited, either already zoned Special Residential or for which such zoning is sought by objection, there are a number of factors which should be borne in mind. Firstly, any development on the lower portion of the spur should not be permitted where it would detract from the effectiveness of the reserve being established by the Crown over the important bluff discussed above and in this regard I would suggest that some extension of the reserve to include part of the company's land would be appropriate. Secondly, any development ~~they did~~ on the balance of the company's land should be located so as not to be visible on the skyline of the spur behind Silverstream as viewed from either the Western Hutt motorway or Fergusson Drive and also any development permitted close to the crest of the spur should be carefully controlled to avoid any buildings being obtrusively visible and to prevent excessive earthworks. Thirdly, the suitability of the land having regard to slope stability problems and the nearby Silverstream tip need to be taken into account. In the light of this, it would seem that any changes to the present zoning of the company's land would require more detailed investigation and in any case the retention of a townbelt zone over at least some of the land would seem essential if the Mangaroa Hills townbelt concept is to be realised.

1....

5. In conclusion, it is submitted that as the bluff immediately above the Silverstream Quarantine Station constitutes such an important amenity feature, it should be designated as Scenic Reserve in the District Scheme. It is further submitted that any changes in the zonings over the balance of the spur behind Silverstream as currently provided in the District Scheme, should not be made without a full evaluation of the visual impacts any development might have.

**HUTT COUNTY**  
**APPROVED DISTRICT SCHEME**  
**REVIEW NO. 2**  
**PLANNING MAPS**

PURSUANT TO A RESOLUTION OF THE HUTT COUNTY COUNCIL PASSED AT A MEETING HELD ON THE 28TH DAY OF JUNE 1984, APPROVING THE HUTT COUNTY DISTRICT SCHEME REVIEW NO.2 AND MAKING THE SCHEME OPERATIVE ON THE 4TH DAY OF JULY 1984, THE COMMON SEAL OF THE HUTT COUNTY COUNCIL WAS AFFIXED HERETO THIS 28TH DAY OF JUNE 1984 IN THE PRESENCE OF:



*R. Hoppert* CHAIRMAN


*B. J. P. Kelly* COUNTY MANAGER




## ZONING NOTATION


### RESIDENTIAL


 Residential Conservation A  
 Residential Conservation B


 Residential Special


 Residential General

### INDUSTRIAL


 Industrial A


 Industrial B


 Industrial C


 Industrial (Warehouse)

### RURAL


 Town Belt


 Farming

 Forestry

 Rural — Residential


### COMMERCIAL

 Commercial A

 Commercial B

## DESIGNATED AND RESERVED AREAS

### RECREATION AREAS

 Public Recreation

### SCHOOLS


● Existing School


○ Proposed School

P — Primary


S — Secondary


### NATIONAL AND CIVIC PURPOSES


 National


 Civic


### MOTORWAY, ROADS ETC


 Proposed Motorway

 Existing Road

 Proposed Road

 Railway Land

 Hutt River

 Hutt County Boundary

### MISCELLANEOUS

U.Z. Underlying Zone



HUTT COUNTY - APPROVED DISTRICT SCHEME  
 REVIEW NO. 2 - PLANNING MAP

SCALE: 1:5,336

SHEET 34



EASTERN HUTT

Department of  
Agriculture & Fisheries  
Animal Research Station

pt 81  
22. 2. 23. 9  
U.Z. Rural  
(Fm)

pt 82  
13. 1. 08. 5  
U.Z. Rural (Fm)

Proposed 2-2-6  
WELLINGTON NAPIER

WELLINGTON NAPIER RAILWAY

Tb

PT 81

PT 82

Ind C

KILN STREET

KILN STREET

Ind W



# Murray-North

Murray-North Limited.  
Marac House, The Terrace,  
P.O. Box 3449, Wellington, New Zealand.  
Phone (04) 724-170 Telex NZ 31368 OPINION

W274/SRK

REPORT TO THE CHAIRMAN AND MEMBERS

HERETAUNGA-PINEHAVEN DISTRICT COMMUNITY COUNCIL

POLICY AND RESOURCES COMMITTEE

SUBJECT:

LAND USE/DEVELOPMENT APPRAISAL - SILVERSTREAM

REFERENCE:

HCC FILE 155/2/6-44 8 MAY 1987

PREPARED BY:

S.R. KINNEAR, SENIOR PLANNER, MNZPI MNZIS

DATE:

18 JUNE 1987

(2) Landcorp Block

This is a large block of undeveloped hill land to the west of the Kiln Street industrial area and to the south of the Silverstream Railway. The land is a surplus Government property available for purchase and was valued at \$65000 dollars in 1984. Under the District Scheme Review as published in 1978, part of the land was zoned Special Residential and it was proposed that limited residential development be encouraged with the prospect of a scenic lookout from an elevated position. The Upper Hutt City Council objected to this development insofar as it would be a visual intrusion into the natural landscape of the hill.

(3) Amalgamated Brick and Pipe Company (Wellington) Ltd

A large block of hill land to the west of the Foodstuffs warehouse is owned by Amalgamated Brick and Pipe, being the site's original holding. Previous subdivisional work involved additional "cut and fill" work. It is that if there





Hutt County Council

**Heretaunga-Pinehaven District Community Council**

PO BOX 47-077, TRENTHAM.

31 July 1987.

Branch Office:  
2 Field Street  
SILVERSTREAM  
Phone: 279-119  
In reply please  
quote: 163/3  
163/6/3  
Personal contact:

Mr C.W. Viggars

3078L

The Branch Manager,  
Land Corporation Ltd.,  
PO Box 5052,  
WELLINGTON.

Attention: Mr M. Ryan

Dear Sir,

KILN STREET, SILVERSTREAM PROPERTY : YOUR REFERENCE FILE 38/758

It has come to my attention that an area of land comprising a spur above Silverstream may have been passed to your Corporation for disposal. The legal description is Part Sections 81 and 82, Hutt District; Certificates of Title 107/207 and 348/185.

I note that the land is designated Rural Town Belt within the County's Operative District Scheme. That designation restricts its development to uses which are generally of a recreational nature - walkways and the like. At present it is simply a gorse-covered spur.

It may be that Council could see some benefit in acquiring the land.

To enable me to determine whether this matter should be pursued, would you please advise me:

- (i) Is the land for sale?
- (ii) What is the Corporation's asking price?
- (iii) Any other comments which may assist me should I decide to report the matter to Council.

Yours faithfully,

C.W. Viggars,  
BRANCH MANAGER, ADMINISTRATION.

CWV:JKR

- 3 AUG 1987  
RECEIVED

Raffini 738821

17 August 1987



Our Ref : 38/758

Your Ref : 163/3  
163/6/3

Branch Manager  
Administration  
Heretaunga - Pinehaven District  
Community Council  
P O Box 47077  
TRENTHAM

Dear Sir

KILN STREET, SILVERSTREAM

I refer to your letter of 31 July enquiring about the above property.

The <sup>land</sup> is for sale, having recently been declared surplus to government requirements. Some of the basic details are outlined on the attached paper.

In view of the provisions of the operative District Scheme I agree the area lands itself to purchase by Council and I am prepared to enter into negotiations with you on behalf of my client. I will, of course, have to obtain a current market value so that Council is fully appraised of likely costs.

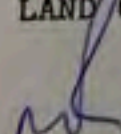
You will be aware that the Silverstream Railway Incorporated has a lease over 3.875 m<sup>2</sup> of the property and is most anxious to continue this arrangement. I have had discussions with Mr Raffin from the Railway Inc. and he seems happy for the Council to assume title, provided their lease is protected. This is also a condition of sale imposed by my client and one I assume will be of no great concern to Council bearing in mind the lands present use in relation to its designation. Details of any renegotiated lease will be entirely a matter between Council and the Railway Inc.

Please advise whether or not you wish to pursue acquisition. I will then obtain a valuation of the property.

If you have any enquiries please contact the writer.

I have sent a copy of this letter to the Railway Inc. for its information.

Yours faithfully  
LAND CORPORATION LIMITED

  
M Ryan  
for Branch Manager

B/u P4/2  
20/9/87

Wellington Branch  
McEwans Bldg  
Cnr Hutt Road and Westminster Street  
P.O. Box 5052  
Telephone (04) 710 571  
Telegraphic Code - Landcorp  
Kawharawhara  
Wellington

PLANNING COMMITTEE MEETING HELD 28/11/89  
COUNCIL MEETING 5/12/89

PROPOSED PURCHASE - LANDCORP SPUR - SILVERSTREAM

(307/12/1)

- 1. Report dated 20 November 1989 from the Office Solicitor had been previously circulated.

RESOLVED TO RECOMMEND

- 1. THAT report be received.
- 2. THAT Council agree to purchase the land known as Land Corp Spur being Part Sections 81 and 82 as shown on Survey Office plan 34755 at a price of \$59,000.

OSel 3

f

MEMORANDUM TO:

CHIEF EXECUTIVE  
via DIRECTOR, CORPORATE SERVICES

File: 307/12/1  
BD:AH

20 November 1989

RE: PROPOSED PURCHASE - LANDCORP SPUR, SILVERSTREAM

This is the a piece of land currently owned by the Crown and having an area of approximately 35.5 hectares. It is described as part Sections 81 and 82 as shown on Survey Office Plan 3475 (copy attached).

The land has a frontage to an unformed section of Kiln Street. It also has a frontage to Reynolds Bach Drive which is the access to the rubbish dump, but not a legal street. The Reynolds Bach Drive frontage is adjacent to the Silverstream Railway Society's land and in fact part of the land concerned is actually occupied by that Society.

The land is zoned "Rural Townbelt" under the Hutt County Operative District Scheme. The predominant uses in that zone are forestry and plantation developments on the one hand and, broadly, uses associated with Reserves on the other. Part of the land may have a potential for development as residential sections although a change of zoning would be required before any such development could proceed. The bulk of the land is best suited to passive reserve uses which would complement the Silverstream beautification reserve and the Keith George Memorial Park and Silverstream scenic reserve which lie immediately across the Hutt River. It would also complement the adjacent Silverstream Railway Society facility as well as providing a buffer between that facility and any other development that may take place in the area of the unformed Kiln Street.

Landcorp have had the land for sale for some time. The original asking price is understood to have been \$97,000.00. The possibility of Council purchasing the land was raised by the Heretaunga/Pinehaven District Community Council.

An independent valuation of the land was obtained from Appraisal Partners in May 1989. That firm put the market value of the land at \$36,000.00. Landcorp indicated that its Valuers (Valuation New Zealand) considered the land to be worth \$70,000.00.

It was agreed with Landcorp that the Valuers should get together to see if they could agree on a purchase figure. The Valuers eventually reported that they had reached agreement on a price of \$59,000.00 on the basis that a second legal access was available from Reynolds Bach Drive.


In fact Reynolds Bach Drive is not a legal street. Appraisal Partners would recommend a reduced price for that reason as such access may improve the value of that part of the land in the vicinity but there is no prospect of reaching agreement with either Landcorp or its Valuer on any further reduction in price.

I don't think any further reduction in price is likely to be significant as the benefits from the second frontage is not great. I believe \$59,000.00 represents a fair price for 35.5 hectares of land given the likelihood to which Council could put it.

The purchase could be funded from Council's Reserve Fund account. The account has funds in hand sufficient to meet the purchase.

**RESOLVED TO RECOMMEND:**

1. THAT this report be received.
2. THAT Council agree to purchase the land known as Landcorp Spur part Sections 81 and 82 as shown on Survey Office Plan 3475 at a price of \$59,000.00.



B.R. Dodson  
OFFICE SOLICITOR

TERRITORIAL AUTHORITY HUTT COUNTY  
D. P. 27329  
Lot 1  
James Hutt City  
James Hutt City Council  
12/2/2008  
Deposited

significant as  
great. I believe  
given the likely  
account. The

corp Spur  
3475 at a

INTERNATIONAL AUTHORITY  
HUTT COUNTY  
R. Barwick

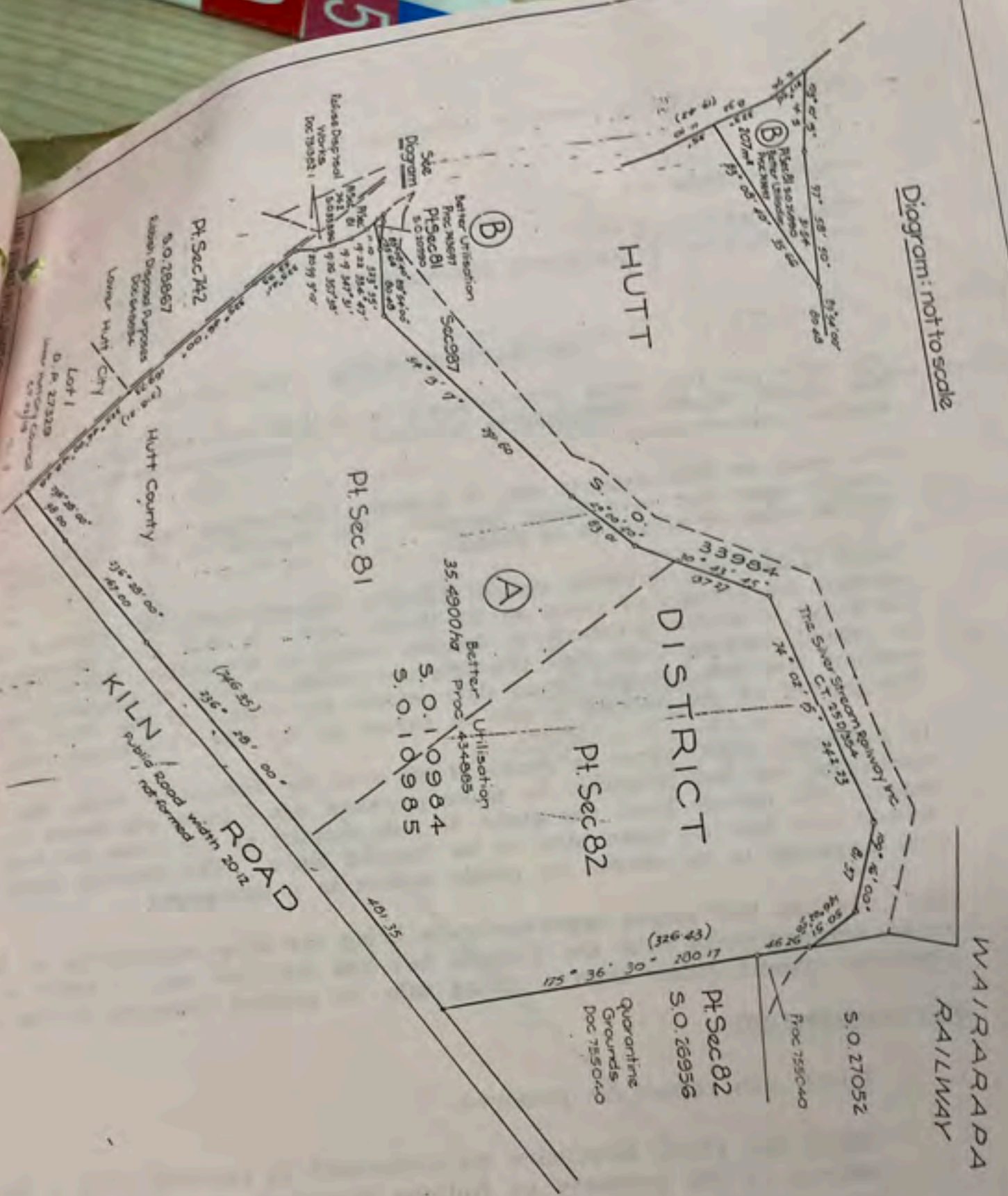


Diagram: not to scale



Approved as to layout

*[Signature]*  
District Commissioner of Hutt

Schedule of Area

LAND TO BE TAKEN	AREA	DESCRIPTION
(A)	35 490 0ha	Pt Sections 81 and 82 Hutt District Proc 434895 (Pt)
(B)	207 m <sup>2</sup>	Pt Section 81 Hutt District Proc 743697 (Bal)

situated in BLK IV Belmont S. D.

Total Area 35.5107ha  
Comprised in Proc 434895 (Pt)  
Proc 743697 (Bal)

*Allan Lindsay Ross Barwick of Wellington*  
Registered Surveyor and holder of an annual practicing certificate  
hereby certify that this plan has been made from surveys executed  
by me or under my direction, that both plan and survey are correct  
and have been made in accordance with the regulations under the  
Surveyors Act 1986  
Dated at Wellington this 22nd day of August 1986  
1186 Signatures  
*[Signature]*  
Full Book 50440 p 29-40 Traverse Book 424 p 76-  
Reference Plans 3010904, 10945, 9525, 9526, 2009, 247  
2076, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233  
2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242  
Examined N. PAGE  
Approved as to Survey

12 2 77 — Day of Surveyor  
Deposited this day of 19

District Land Register  
CO 2/77E

307/12/1

CONFIDENTIAL

CONFIDENTIAL NOTE TO MEMORANDUM RE LANDCORP SPUR

- 1. In discussions with Landcorp, stress has been laid on the zoning of the land as Town Belt as the determinative factor in regard to possible uses and, consequently, possible purchasers.

However, if Council wished to recoup some or all of the outlay on the land, there is a possibility, as yet uninvestigated and evaluated, that sufficient land could be subdivided economically to achieve that goal. Council ownership of the land would facilitate the promotion of a proposed change of zoning for any area proposed for subdivision.

- 2. In earlier correspondence, Landcorp gave the area of the land as 29.6604 ha.

That figure is based on an original assessment of its area. A review of the area by Valuation New Zealand in 1987 assessed the area as 35.5107 ha (see attached valuation slip).

I have not felt it incumbent upon myself to inform Landcorp that their statement of area may be erroneous.

C.W. Viggars  
ADMINISTRATION MANAGER

CWV:CMP

Footnote: Landcorp Officer currently handling the matter: Stephen Hobbs  
 710-571/857

copy PD.  
 BI land.

Sak. Allen 7/24/87

6/22/87



ANALYSIS

Title  
1. Short Title and commencement

PART I

NEW PARTS XVIII TO XXII OF  
PRINCIPAL ACT

2. New Parts XVIII to XXII of  
principal Act inserted

PART XVIII

GENERAL PROVISIONS AS TO  
FUNCTIONS AND POWERS

- 260. Functions of united councils
- 261. Regional or united council may undertake constituent authority functions
- 262. Functions conferred by Order in Council
- 263. Provisions on transfer of functions

PART XIX

FUNCTIONS OF REGIONAL AND  
UNITED COUNCILS ONLY

- 264. Interpretation
- 265. New regional functions
- 266. Councils to exercise civil defence functions
- 267. Delegation of functions from Crown
- 268. Territorial authority may perform functions of regional council in certain circumstances
- 269. Out-districts

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SUBDIVISION AND DEVELOPMENT OF LAND

- 270. Interpretation and application

- 271. Subdivision defined
- 272. Application of this Part to the Crown
- 273. Application of this Part to subdivision or development by council
- 273A. Application of this Part to developments by local authorities

*Subdivision*

- 274. Subdivision not to be permitted in certain circumstances
- 275. Scheme plan to be submitted to council
- 276. Concept plan may be required in certain cases
- 277. Concept plan to be referred to certain authorities
- 278. Action to be taken in respect of concept plan
- 279. Powers of council where scheme plan submitted
- 280. Council and owner may agree for subdivision to proceed
- 281. Roads and road access
- 282. Minimum frontage and area requirements
- 283. Public water supply, drainage, electricity reticulation and gas supply

*Reserves*

- 284. Reserves policy
- 285. Reserves contributions in case of residential subdivisions
- 286. Reserves contributions in respect of subdivision for commercial or industrial purposes



- 287. Reserves contributions previously paid
- 288. Payment and use of reserves contributions
- 289. Reserves along areas of water
- 290. Compensation in respect of land along areas of water set aside as reserves
- 291. Preservation of trees and buildings of historic interest and wildlife habitat
- 292. Reserves for future service lanes

*Development*

- 293. Development plan
- 294. Reserves and public services contributions in respect of development

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- 295. Provision for parking

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- 296. Variation or revocation of scheme plan or conditions imposed
- 297. Refund of money if scheme plan revoked or lapses
- 298. Valuation of land or of work done
- 299. Objections to council's decisions
- 300. Appeals to Planning Tribunal
- 301. Appeal against determination of valuer
- 302. Work may begin pending decision on objection or appeal
- 303. Completion certificate
- 304. Bonds
- 305. Survey plan may be submitted to council for approval
- 306. Survey plan to be deposited
- 307. Agreement to sell land or building before deposit of plan
- 308. Plan approved subject to amalgamation or transfer of allotments
- 309. Plan approved subject to grant or reservation of easements
- 310. Contravention not to affect title to land
- 311. Offences
- 312. Savings as to previous approvals

- 313. Code of urban subdivision
- 314. Leases of owner-occupier flats

PART XXI

ROADS (OTHER THAN REGIONAL ROADS), SERVICE LANES, AND ACCESS WAYS

- 315. Interpretation
- 316. Property in roads
- 317. Control of roads
- 318. Control and maintenance of boundary roads

*Formation, Alteration, Stopping and Closing of Roads*

- 319. General powers of councils in respect of roads
- 320. Certain powers as to roads to be exercised by special order
- 321. Road access
- 321A. Approval of scheme plan subject to road formation and construction
- 322. Land for road formation or widening
- 323. Unformed roads in the district
- 324. Council may contribute to cost of formation, maintenance, etc., of roads outside the district
- 325. Road widths
- 326. Betterment arising from creation or widening of a road
- 327. Building-line restrictions
- 328. Building-line restrictions provided in district scheme
- 329. Road gradients
- 330. Road levels
- 331. Footpaths and channels
- 332. Cycle tracks
- 333. Dividing strips, etc.
- 334. Erection of monuments, etc., and provision of facilities on or under roads
- 335. Vehicle crossings
- 336. Pedestrian malls
- 337. Alteration of pipes and drains
- 338. Council may grant right to lay petroleum conduit pipes along or under roads
- 339. Transport shelters
- 340. Motor garages
- 341. Leases of airspace or sub-soil of roads

- 342. Stopping and closing of roads
- 343. Consumption or possession of intoxicating liquor in roads closed for public function or gathering
- 344. Gates and cattle stops across roads
- 345. Disposal of land not required for road

*Limited Access Roads*

- 346. Interpretation
- 346A. Declaration and revocation of limited access roads
- 346B. Provisions of Acts relating to roads to apply to limited access roads
- 346C. Requirements of declaration of limited access road
- 346D. Access to and from land
- 346E. Authorisation of crossing places
- 346F. Restricting movement to or from a limited access road
- 346G. Limited access road not a road for purposes of subdivision or sale
- 346H. Certificate of land affected to be forwarded to District Land Registrar
- 346I. Compensation
- 346J. Offences

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- 347. Width, etc., of private roads
- 348. Powers of council with respect to private roads and private ways
- 349. Council may declare private road or right of way to be public road
- 350. Penalty for laying out private road or private way in contravention of this Act
- 351. Illegal private road or private way not to be registered
- 352. Conditions to be noted on title by Registrar

*Safety Provisions as to Roads*

- 353. General safety provisions as to roads
- 354. Construction of cellar or making any excavation in vicinity of road

- 355. Council may require removal of overhanging trees, etc.
- 356. Removal of abandoned vehicles from roads
- 357. Penalties for damage to roads

*Contracts and Leases Relating to Ferries*

- 357A. Leasing powers of council with respect to ferries

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- 358. Privately constructed bridges and ferries
- 359. Regulations for maintenance and use of privately constructed bridges and ferries
- 360. Minister may delegate powers to council

*Tolls at Bridges, Tunnels, and Ferries*

- 361. Establishment or abolition of toll gates at bridges, tunnels, and ferries

PART XXII

REGIONAL ROADS

- 362. Interpretation
- 363. Power to declare regional roads
- 364. Constituent authority may request council to declare regional road
- 365. Objections and appeals by constituent authorities
- 366. Powers of council in relation to regional roads
- 367. Objections to intention to commence formation, construction, or upgrading of regional road
- 368. Power to delegate
- 369. Revocation of a regional road
- 370. Appeals
- 371. Limited access regional roads
- 372. Bylaws
- 373. Road improvement land
- 374. Regional motorways

PART II

MISCELLANEOUS PROVISIONS

- 3. Consequential amendments
- 4. Repeals and savings Schedules

1978, No. 43

**An Act to amend the Local Government Act 1974**

[20 October 1978]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

**1. Short Title and commencement—**(1) This Act may be cited as the Local Government Amendment Act 1978, and shall be read together with and deemed part of the Local Government Act 1974 (hereinafter referred to as the principal Act).

(2) This section and section 307 of the principal Act (as enacted by section 2 of this Act) shall come into force on the date on which this Act receives the Governor-General's assent.

(3) Subsections (2) and (5) of section 312 of the principal Act (as enacted by section 2 of this Act) shall be deemed to have come into force on the 1st day of June 1978.

(4) Except as provided in subsections (2) and (3) of this section, this Act shall come into force on the 1st day of April 1979.

**PART I****NEW PARTS XVIII TO XXII OF PRINCIPAL ACT**

**2. New Parts XVIII to XXII of principal Act inserted—**The principal Act is hereby amended by inserting, after Part XVII (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977), the following Parts:

**“PART XVIII****“GENERAL PROVISIONS AS TO FUNCTIONS AND POWERS**

**“260. Functions of united councils—**(1) Notwithstanding anything to the contrary in this Act, a united council shall not undertake any function under this Act (other than a function conferred by section 266 of this Act or a function conferred on it by an Order in Council giving effect to a final scheme), unless 2 or more of the constituent authorities within the region (being the specified proportion of the constituent authorities within the region) have consented to the united council undertaking that function.

(2) For the purposes of subsection (1) of this section, the expression ‘specified proportion’, in relation to the constituent authorities within a region, shall be determined in accordance with the formula—

$$a+b+c$$

where—

- a is the percentage that the total adjusted net capital values of the districts of the constituent authorities giving their consents bears to the total adjusted net capital value of the region; and
  - b is the percentage that the total population of those constituent districts bears to the total population of the region; and
  - c is the percentage that the area of those constituent districts bears to the total area of the region; and
- $a+b+c$  exceeds 150.

(3) Every consent under subsection (1) of this section shall be given by a resolution of each constituent authority, and shall not be revoked without the consent of the united council.

(4) Every constituent authority shall, within 3 months after receiving a request from the united council for its consent to the united council undertaking any specified function under this Act, resolve either to give its consent or to refuse its consent, and shall forthwith notify the united council of its decision.

(5) Where a constituent authority has refused its consent under subsection (4) of this section, the united council shall not exercise the function in the district of that constituent authority, and the constituent authority shall be under no liability to the united council in respect of the exercise of that function by the Council:

Provided that the constituent authority may at any time give its consent to the united council undertaking that function in the district of the constituent authority, and the united council may undertake that function accordingly. That consent shall not be revoked except with the consent of the united council.

**“261. Regional or united council may undertake constituent authority functions—**(1) Subject to this section, where, in the opinion of a regional council or a united council, as the case may be, or of any constituent authority, any function

which a constituent authority may undertake under this Act or any other enactment, other than a function under Part XX of this Act, would be more effectively and economically undertaken by the regional council or united council, the regional council or united council may, by agreement with the constituent authority, undertake that function.

(2) Any agreement under this section may provide for the apportionment of assets and liabilities, the transfer of property, the method of rating or the bases of apportionment, as the case may be, to be adopted in respect of the function, and such other matters as may be necessary for the effective transference of that function.

(3) Where pursuant to subsection (2) of this section there is agreement that the transfer of any function should be effected, but there is a lack of agreement on the terms under which the transfer is to be effected, the regional council or united council or any constituent authority which would be a party to any agreement entered into may refer the matter to the Commission for determination, and, subject to section 37A of this Act, the Commission's determination shall be final and the transfer shall be effected in accordance with that determination.

(4) The Commission shall not make any determination under subsection (3) of this section without giving to the regional council or united council and the constituent authorities which are to be parties to the agreement a reasonable opportunity to be heard.

(5) Nothing in this section shall prevent the Commission from initiating a proposal for the preparation of a provisional scheme for the transfer of functions, other than a function under Part XX of this Act, from a constituent authority to a regional council or united council.

(6) Where any function of a constituent authority is transferred to a regional council or united council as aforesaid, the function may not be resumed by that constituent authority except pursuant to an Order in Council giving effect to a final scheme.

(7) No function shall be transferred under this section if the transfer of the function from the constituent authority has been examined by the Commission during its investigation of any proposal for a regional scheme or reorganisation scheme under Part I of this Act, whether or not the proposal included provision for that transfer.

Cf. 1974, No. 66, s. 623; 1977, No. 122, s. 6

**“262. Functions conferred by Order in Council—**(1) A council shall have the functions of any local authority which, pursuant to an Order in Council giving effect to a final scheme, are transferred from the local authority to the council, and those functions shall be performed in accordance with any provisions in that behalf in the order.

(2) Subject to this Act and to the provisions of the Order in Council, the transfer of any function to which this section applies shall take effect on a date to be agreed on between the council and the local authority from which the function is to be transferred, but the agreed date shall be not later than 2 years after the first meeting of the council held after the commencement of the Order in Council, or such later date as may be approved by the Commission:

Provided that, if within a period of 6 months after the first meeting of the council held after the commencement of the Order in Council the council and the local authority do not agree on the date on which the transfer of the function is to take place, the date of that transfer shall be determined by the Commission.

Cf. 1974, No. 66, s. 601; 1977, No. 122, s. 6

**“263. Provisions on transfer of functions—Where—**

(a) Any functions, powers, duties, or obligations conferred or imposed by this Act or any other enactment on any territorial authority or other local authority are transferred to a regional council or united council pursuant to an Order in Council giving effect to a final scheme, or are undertaken by such a council pursuant to an agreement between that council and a territorial authority under section 261 of this Act; or

(b) Any functions, powers, duties, or obligations conferred or imposed by this Act or by any other enactment on any territorial authority or other local authority are transferred to a territorial authority or to another territorial authority pursuant to an Order in Council giving effect to a final scheme,—

the following provisions shall apply:

(c) In any case to which paragraph (a) of this section applies, every reference in this Act or any other enactment to a territorial authority or to a local

authority, and to the district thereof, shall be read as a reference to the regional council or united council, as the case may be, and to the region thereof; and

- (d) In any case to which paragraph (b) of this section applies, every reference in this Act or in any other enactment to another territorial authority, or to a local authority, and to the district thereof, shall be read as a reference to the territorial authority and to the district thereof; and
- (e) Those functions, powers, duties, and obligations shall cease to be functions, powers, duties, and obligations of the territorial authority or local authority, as the case may be, and shall be performed and exercised—
- (i) In any case where they are conferred or imposed on a regional council, by the regional council:
  - (ii) In any case where they are conferred or imposed on a united council, by the united council or by the administering authority on behalf of the united council:
  - (iii) In any case where they are conferred or imposed on a territorial authority, by the territorial authority; and
- (f) Any function, power, duty, or obligation conferred or imposed on any inspector or other officer or any member of the territorial authority or local authority, as the case may be, shall be exercised or performed—
- (i) In the case of a regional council, by any inspector or other officer or, as the case may be, any member of the council:
  - (ii) In the case of a united council, by any inspector or other officer employed by the administering authority on behalf of the united council or, as the case may be, by any member of the council:
  - (iii) In the case of a territorial authority, by an inspector or other officer or, as the case may be, any member of the council—  
having corresponding functions, powers, duties, or obligations.

## “PART XIX

### “FUNCTIONS OF REGIONAL AND UNITED COUNCILS ONLY

“264. **Interpretation**—In this Part of this Act the term ‘council’ means a regional council or a united council.

“265. **New regional functions**—(1) Subject to this Act and to any Order in Council under this Act and, in relation to any transport service, to Part VII of the Transport Act 1962, a council shall have the right to undertake and operate any regional function that is not for the time being undertaken by any other local authority, and, except with the consent of the council, no other local authority shall undertake that function.

(2) Notwithstanding anything to the contrary in this Act or in any other enactment, but subject to subsections (3) and (4) of this section, if the Commission considers that a council should undertake a regional function that a local authority is not authorised by or under this Act or any other enactment to undertake, the Commission may provide in the scheme constituting the region or in any subsequent scheme that the council shall undertake that function.

(3) Where the Commission provides in any scheme for the undertaking of any such function by a council, it shall specify in the scheme such matters as it thinks necessary for the efficient and effective operation of that function.

(4) Without limiting the generality of subsection (3) of this section, the Commission may specify in the scheme—

- (a) Whether the function shall be deemed to be a public work for the purposes of the Public Works Act 1928:
- (b) The date or dates on which the function shall be undertaken by the council:
- (c) The system and method by which that function shall be financed:
- (d) The appeal and objection rights (if any) that may be exercised by any local authority or other body or group or person likely to be affected by the operation of that function.

(5) Where any function is undertaken by a council pursuant to this section, it shall for all purposes be deemed to be a function conferred on the council by this Act.

(6) In this section the expression ‘regional function’ means a public service or undertaking which is or is intended to be for the benefit of the region or a substantial part thereof.

Cf. 1974, No. 66, s. 602; 1977, No. 122, s. 6



**“266. Councils to exercise civil defence functions—**Every council shall have and perform and exercise within its region all the functions and powers conferred on a regional council or united council under the Civil Defence Act 1962.

Cf. 1974, No. 66, s. 603; 1977, No. 122, s. 6

**“267. Delegation of functions from Crown—**The council may enter into an agreement with the Crown whereby the council may exercise any function or provide any service in the region for and on behalf of the Crown, and the council is hereby empowered to undertake any function and provide any service so delegated to it.

Cf. 1974, No. 66, s. 625; 1977, No. 122, s. 6

**“268. Territorial authority may perform functions of regional council in certain circumstances—**(1) Where the boundaries of any district that is under the jurisdiction of a territorial authority are coterminous with the boundaries of a region, the territorial authority shall be deemed to be a regional council, and the provisions of this Act or any other Act shall, with the necessary modifications, apply to the district as if the district were a region and the territorial authority were a regional council.

(2) Nothing in this section shall derogate from the functions and powers conferred on the territorial authority in its capacity as a territorial authority under this Act or any other enactment.

Cf. 1974, No. 66, s. 628; 1977, No. 122, s. 6

**“269. Out-districts—**(1) Where in the opinion of the Commission it is desirable that the area of jurisdiction of any existing or proposed council in respect of any particular function should extend beyond its region or proposed region, the Commission may make provision accordingly in any scheme.

(2) Every such extension of the area of jurisdiction of any council or proposed council shall for the purposes of this Act be deemed to be an out-district.

(3) No out-district shall be declared or altered or abolished except by an Order in Council giving effect to a final scheme.

Cf. 1974, No. 66, s. 626 (1)–(3); 1977, No. 122, s. 6

**“PART XX****“SUBDIVISION AND DEVELOPMENT OF LAND**

**“270. Interpretation and application—(1) In this Part of this Act, unless the context otherwise requires—**

**“ ‘Concept plan’ means a plan of a proposed subdivision to which section 276 of this Act applies:**

**“ ‘Council’ means a territorial authority; and, in relation to land that does not form part of any district or to land in the County of Fiord, means the Minister of Works and Development:**

**“ ‘Development’, in relation to any land, means the development or redevelopment of the land (not being a subdivision of the land) by—**

(a) Constructing, erecting, or altering any one or more buildings thereon for the purpose of providing 3 or more new or 2 or more additional household units thereon; or

(b) Constructing, erecting, or altering any one or more buildings thereon intended to be used solely or principally for commercial or industrial purposes where the value of the construction, erection, or alteration (determined under section 294 of this Act) will exceed \$100,000;—

and ‘develop’ has a corresponding meaning:

**“ ‘Development plan’ means a development plan under section 293 of this Act:**

**“ ‘District’ means the district of a territorial authority; and, in relation to land in respect of which the Minister of Works and Development is the council, means that land:**

**“ ‘Household unit’ means any building or group of buildings, or part of any building or group of buildings, used or intended to be used solely or principally for residential purposes and occupied or intended to be occupied exclusively as the home or residence of not more than one household:**

**“ ‘Owner’, in relation to any land or interest therein, includes an owner thereof, whether beneficially or as trustee, and his agent or attorney, and a mortgagee acting in exercise of power of sale; and also includes the Crown, the Public Trustee, and any person, local authority, board, or other body or**

authority, however designated, constituted, or appointed, having power to dispose of the land or interest therein by way of sale:

“‘Regional council’ includes the Auckland Regional Authority:

“‘Road’ has the same meaning as in section 315 of this Act:

“‘Sale’ includes exchange, gift, devise, or other disposition affecting the fee simple, and lease for any term (including the term or terms of any renewals to which the lessee is entitled) of not less than 14 years; and also includes any disposition affecting the leasehold interest under any such lease; but does not include the granting of a conservation covenant under section 77 of the Reserves Act 1977:

“‘Scheme plan’ means a scheme plan of subdivision:

“‘Survey plan’ means a plan of a subdivision in form for deposit under the Land Transfer Act 1952 or with the Registrar of Deeds.

(2) Where the Minister of Works and Development is acting as a council under this Part of this Act, every reference in this Part to a resolution of the council shall be deemed to be a reference to a decision in writing of that Minister, and every reference in this Part to the Seal of the council shall be deemed to be a reference to the signature of that Minister.

(3) This Part of this Act shall be in force in the County of Fiord.

(4) Nothing in this Part of this Act shall apply with respect to any subdivision in respect of which an application for approval under Part XXV of the Municipal Corporations Act 1954 or an application for approval of a scheme plan under Part II of the Counties Amendment Act 1961 has been made before the commencement of this Part of this Act, and Part XXV of the Municipal Corporations Act 1954 or, as the case may be, Part II of the Counties Amendment Act 1961 shall continue to apply with respect to the subdivision as if it had not been repealed.

(5) Nothing in this Part of this Act shall apply with respect to any subdivision by or on behalf of the Crown or the council where any work for the purposes of the subdivision has been carried out on the land before the commencement of this Part of this Act.

(6) Nothing in this Part of this Act shall apply with respect to—

- (a) Any development by or on behalf of the Crown where any work has been carried out on the land for the purposes of the development before the commencement of this Part of this Act:
- (b) Any development by or on behalf of any person other than the Crown where a building permit for the work has been issued by the council before the commencement of this Part of this Act.

Cf. 1954, No. 76, s. 350 (1); 1961, No. 131, s. 21 (1), (2); 1975, No. 8, s. 12 (2)

**“271. Subdivision defined—**(1) For the purposes of this Act land shall be deemed to be subdivided, if (being a continuous area of land)—

- (a) Being land subject to the Land Transfer Act 1952 and comprised in one certificate of title, the owner thereof, by way of sale, disposes of any specified part thereof less than the whole, or advertises or offers for sale any such part, or makes application to a District Land Registrar for the issue of a certificate of title for any part thereof less than the whole; or
- (b) Being land not subject to the Land Transfer Act 1952, the owner thereof disposes by way of sale of any specified part thereof less than the whole, or advertises or offers for sale any such part; or
- (c) Being land subject to the Land Transfer Act 1952 and comprised in one certificate of title, or being land not subject to that Act, the personal representative of the former deceased owner disposes of any specified part thereof less than the whole to any person pursuant to a devise of that part under the will of the former deceased owner; but nothing in this Part shall affect the equitable interest of the devisee in the land;—

and ‘subdivide’ and ‘subdivision’ have corresponding meanings:

Provided that land shall not be deemed to be subdivided if any specified part thereof less than the whole is taken under the Public Works Act 1928 or purchased or otherwise acquired or transferred for a public work.

(2) For the purposes of subsection (1) of this section land shall be deemed to be a continuous area of land, notwithstanding that part of it is physically separated by a road or in any other manner whatsoever from other land of the same owner, if—

(a) Being land subject to the Land Transfer Act 1952, it is comprised in one certificate of title; or

(b) Being land not subject to that Act, both parts of the land were acquired by the owner under one instrument of conveyance,—

unless the subdivision of the land into both such parts has been approved under this Part of this Act or any corresponding former enactment relating to the subdivision of land.

(3) For the purposes of this Part of this Act, any division of land, whether into 2 or more allotments, shall be deemed to be a subdivision of that land for the purposes of sale if at least one of those allotments is intended for sale.

(4) Notwithstanding anything in this section, land shall not be deemed to be subdivided for the purposes of this Part of this Act by reason solely of the fact that the owner grants a lease of, or advertises or offers for disposition by way of lease, any part of a building existing on the land, or which will exist on the land, at the commencement of the lease.

(5) Notwithstanding anything in this section, land having an area of not more than 2,000 square metres (and being, in the case of land subject to the Land Transfer Act 1952, the whole of the land comprised in one certificate of title) shall not be deemed to be, or ever to have been, subdivided for the purposes of this Part of this Act by reason solely of the fact that the owner, or, in the case of land owned in common, all the owners, grant a lease of, or advertise or offer for disposition by way of lease, any owner-occupier flat comprising a separate building existing on the land, or which will exist on the land, at the commencement of the lease, or subdivides or has subdivided the land into units under the Unit Titles Act 1972.

(6) For the purposes of subsection (5) of this section, the term 'owner-occupier flat' means a residential flat in respect of which any person has a right of occupation under a lease held by him by virtue of being a shareholder in a company owning the land on which the building comprising the residential flat is erected, or by virtue of being the owner of an

estate or interest in the land on which the building comprising that residential flat is erected; and the term 'flat' includes any building that is ancillary to that flat.

Cf. 1954, No. 76, s. 350 (2)–(4); 1958, No. 87, s. 3 (1), (2); 1961, No. 131, s. 21 (2)–(6); 1962, No. 38, s. 5 (1), (2); 1965, No. 76, s. 2 (2) (c); 1971, No. 62, s. 35; 1971, No. 63, s. 39; 1972, No. 131, s. 8; 1972, No. 132, s. 17

**“272. Application of this Part to the Crown—**Subject to section 307 (4) of this Act, this Part of this Act shall bind the Crown in relation to—

- (a) Any subdivision undertaken by or on behalf of the Crown solely or principally for commercial, industrial, or residential purposes or any 2 or more such purposes:
- (b) Any development undertaken by or on behalf of the Crown for the construction, erection, or alteration of permanent buildings to be used solely or principally for residential or administrative purposes or both such purposes, and shall not bind the Crown in relation to any other development.

**“273. Application of this Part to subdivision or development by council—**This Part of this Act, as far as it is applicable and with the necessary modifications, shall apply with respect to any subdivision or development undertaken by a council as if, in the case of a subdivision, application for the council's approval of a scheme plan of subdivision had been made by the owner of the land.

**“273A. Application of this Part to developments by local authorities—**This Part of this Act shall apply with respect to developments by local authorities for the construction, erection, or alteration of permanent buildings to be used solely or principally for residential or administrative purposes, and shall not apply with respect to any other development by local authorities.

#### *“Subdivision*

**“274. Subdivision not to be permitted in certain circumstances—**(1) The Council shall refuse to approve any scheme plan where it is satisfied that—

- (a) The land on the plan is not suitable for subdivision;
- or

- (b) The proposed subdivision—
- (i) Is contrary to any proposed or operative district scheme; or
  - (ii) Is not in accordance with a specified departure granted under an operative district scheme which affects the locality where the land is situated; or
  - (iii) Would be a detrimental work within the meaning of the Town and Country Planning Act 1977 (not being a detrimental work that has been consented to by the council under section 31 of that Act or under section 38 of the Town and Country Planning Act 1953), or has been prohibited under the said section 31 or the said section 38; or
- (c) Where there is no proposed or operative district scheme affecting the locality where the land is situated, the proposed subdivision does not conform to recognised principles of town and country planning; or
- (d) The proposed subdivision would adversely affect the implementation of any of the matters specified in section 3 of the Town and Country Planning Act 1977; or
- (e) The proposed subdivision would not be in the public interest; or
- (f) Without limiting the generality of paragraph (a) of this subsection,—
- (i) The land or any part of the land in the subdivision is subject to erosion or subsidence or slippage or inundation by the sea or by a river, stream, or lake or by any other source; or
  - (ii) The subdividing of the land is likely to accelerate, worsen, or result in erosion or subsidence or slippage or inundation by the sea or by a river, stream, or lake, or by any other source, of land not forming part of the subdivision:
- Provided that this paragraph shall not apply if provision to the satisfaction of the council has been made or is to be made for the protection of the land (whether part of the subdivision or not) from erosion or subsidence or slippage or inundation; or
- (g) In the case of an allotment (other than one to be used solely or principally for rural purposes), adequate

provision has not been made or is not practicable for stormwater drainage or the supply of water or electricity; or

(h) In the case of any allotment, adequate provision has not been made or is not practicable for sewerage drainage or the disposal of sewage.

(2) The council may refuse to approve any scheme plan on the ground that—

(a) In the case of any allotment (other than one to be used solely or principally for rural purposes), public services in respect of stormwater drainage or the supply of water or electricity are not available to the allotment and will not be available within a period of 5 years; or

(b) Public services in respect of sewerage drainage or the disposal of sewage are not available to any allotment and will not be available within a period of 5 years.

Cf. 1954, No. 76, s. 351A (1) (a), (2); 1961, No. 131, s. 23 (1)

**“275. Scheme plan to be submitted to council—**(1) Subject to section 279 (6) of this Act, where the owner of any land in the district proposes to subdivide that land, a scheme plan of the subdivision shall be prepared and signed by a registered surveyor and submitted to the council, together with such additional copies as the council may require, before any work (other than necessary clearing of vegetation and other investigative work required to enable a survey to be made) involving the disturbance of the land surface or an excavation of the land surface is undertaken or other work on the land for the purposes of the subdivision is commenced:

Provided that—

(a) In any case where the proposed subdivision is the division of any land into not more than 2 parts, the plan required by this subsection need not, if the council so approves, be prepared and signed by a registered surveyor:

(b) In the case of a proposed subdivision by or on behalf of the Crown, the plan required by this subsection need not be prepared and signed by a registered surveyor:

(c) In any case where a concept plan in respect of the subdivision is required to be submitted to the



council under section 276 of this Act, the scheme plan shall not be submitted to the council until all the provisions of sections 276 and 277 of this Act have been complied with and the time fixed by section 278 of this Act for the making of comments on the concept plan has elapsed.

(2) Every scheme plan submitted under subsection (1) of this section shall contain information sufficient, in the opinion of the council, to define the position of all new boundaries, the areas of new allotments, the location and areas of new reserves to be created, the position and areas of land to be set aside as new roads, and such detail (including, if the council so requires, topographical detail) as the council considers reasonable, having regard to the nature of the subdivision, and requires to be shown on the plan, and details of any other land of the owner adjoining the land in the proposed subdivision which the council considers may be subdivided at a later date.

(3) An authorised officer of the council shall forthwith give or send to the person submitting a scheme plan an acknowledgment in writing of the receipt of the plan.

Cf. 1954, No. 76, s. 351 (1); 1959, No. 91, s. 28 (1); 1961, No. 131, s. 22 (1)–(3); 1974, No. 8, ss. 25 (1), 26 (3)

**“276. Concept plan may be required in certain cases—**

(1) Subject to section 279 (6) of this Act, where—

(a) The owner of any land in the district proposed to subdivide the land into more than 50 allotments any of which are to be used solely or principally for commercial, industrial, or residential purposes, or any 2 or more such purposes; or

(b) In the opinion of the council the subdivision will have special or unusual features,—

the owner shall—

(c) Before submitting the scheme plan of the subdivision to the council for approval, and before undertaking any work involving the disturbance of the surface of the land (other than necessary clearing of vegetation and other investigative work required to enable the concept plan to be prepared), or any excavation of the land, or doing any other work on the land for the purposes of the subdivision, notify the council of his proposal; and

- (d) If so required by the council, submit to the council a concept plan of the proposed subdivision, together with such additional copies as the council may require.
- (2) Where any concept plan is submitted to the council by the owner under subsection (1) of this section,—
- (a) The council may require the owner to include in or attach to the plan such details as the council considers necessary to give a general outline of the nature of the proposed subdivision and of the approximate location of roads, reserves, school sites, drains, other public utilities or amenities, and the approximate layout of proposed allotments, and details of any other land of the owner adjoining the land in the proposed subdivision which the council considers may be subdivided at a later date:
- (b) The owner shall forthwith after submitting the plan to the council give public notice that the plan is open for inspection by any person, without fee, during ordinary office hours at the public office of the council for a period of 1 month after the date of the giving of the notice, and the plan shall be open for inspection accordingly. The notice shall contain a description of the land sufficient to enable it to be readily identified.

**“277. Concept plan to be referred to certain authorities—**Where a concept plan is submitted to the council under section 276 of this Act, the council shall as soon as practicable—

- (a) Send a copy to the regional council or united council for the region (if any) in which that land is situated for its comments; and
- (b) Send a copy to the Regional Water Board for the water region in which that district is situated, if the council considers that the subdivision will affect matters relating to the use or quality of water or to soil conservation or to erosion; and
- (c) Where the proposed subdivision could, in the council's opinion, adversely affect any building or site of historical or archaeological interest designated as such in the operative or proposed district scheme for the locality in which the land is situated, and may, in any other case where the council considers

it desirable, send a copy to the New Zealand Historic Places Trust (as constituted by the Historic Places Act 1954) for its comments; and

(d) Where the proposed subdivision or any part thereof—

(i) Has a frontage to an existing or proposed State highway or Government road or adjoins a Government railway; or

(ii) Is situated in an area for which there is no proposed or operative district scheme for the time being in force,—

send a copy to the District Commissioner of Works for the locality in which the land is situated for his comments,—

and the council may also send a copy to such other persons or authorities as the council thinks fit.

**“278. Action to be taken in respect of concept plan—**

(1) Any person or body interested may—

(a) In the case of any body or person to which or to whom a copy of the concept plan has been submitted under section 277 of this Act, within 35 days after the receipt by it or him of that copy:

(b) In the case of any other body or person, within 35 days after the expiration of the period of 1 month specified in section 276 (2) (b) of this Act,—

or within such further time as may in any case be allowed by the council, comment in writing to the council on the concept plan.

(2) The council shall as soon as practicable forward to the owner any comments received by the council under subsection (1) of this section, together with any comments in respect of the concept plan that the council may wish to make, but any comments of the council shall not bind the council in considering any subsequent application for its approval of a scheme plan of the subdivision in respect of which the concept plan was submitted to the council.

**“279. Powers of council where scheme plan submitted—**

(1) Where a scheme plan is submitted to the council under section 275 of this Act, the council shall as soon as practicable—

(a) Approve the scheme plan as submitted; or

(b) Approve the scheme plan subject to such conditions as the council imposes or requires to be fulfilled under this Part of this Act; or

- (c) Require the submission of a new scheme plan; or
  - (d) Approve the scheme plan subject to amendments being made therein; or
  - (e) Approve the scheme plan subject to the exclusion from the plan of any land that in the opinion of the council is not suitable to form part of the subdivision; or
  - (f) Refuse to approve the scheme plan under any of the provisions of section 274 of this Act.
- (2) Where any scheme plan is submitted to the council for its approval, the council may approve the scheme plan subject to one or more of the following conditions, namely:
- (a) Any allotment thereon or any other adjoining land of the subdividing owner be transferred to the owner of land contiguous thereto or separated therefrom only by a road, railway, drain, water race, river, or stream, and one certificate of title be issued to include the land transferred and the whole, or any specified part, of that contiguous or separated land:
  - (b) One certificate of title be issued for any continuous area of land contiguous to the land proposed to be subdivided held at the same time by the owner under more than one certificate of title:
  - (c) Any allotment thereon, or any part of any such allotment, or any other land of the owner be included in and form part of any allotment on the scheme plan:
  - (d) Any allotment thereon be held in the same certificate of title as any one or more other allotments on the plan, whether contiguous thereto or not, provided the other allotment or allotments are shown on the scheme plan as intended to be used for a garage, carpark, boatshed site, woolshed, packing shed, stockyard, or for other similar utility purposes:
  - (e) Any allotment thereon which provides the legal access or part of the legal access to one or more allotments be held in the same ownership or by tenancy-in-common in the same ownership as the last-mentioned allotment or allotments:
  - (f) Any allotment be subject to such building-line restrictions and to such bulk, height, and location conditions and height of floor levels of buildings or other structures on the allotment as are imposed by the council:

- (g) Provision be made to the satisfaction of the council for the protection of the land or any part thereof, or of any land not forming part of the subdivision, against subsidence, slippage, erosion, or inundation from any source (being, in the case of land not forming part of the subdivision, subsidence, slippage, erosion, or inundation arising or likely to arise as a result of the subdividing of the land on the scheme plan) :
  - (h) Filling and compaction of the land and earthworks be carried out to the satisfaction of the council:
  - (i) Any allotment thereon, or any part thereof, be excluded therefrom:
  - (j) In case of land to be used solely or principally for rural purposes, any physically separated part of the total land holding of the subdividing owner that in the opinion of the council cannot be used as a farming unit be held in the same certificate of title as any other land from which it is physically separated:
  - (k) Where land on which there is erected a household unit that has not been declared to be a joint family home under the provisions of the Joint Family Homes Act 1964 is separated from the balance of the land (that balance being land used solely or principally for rural purposes), the land be held in the same certificate of title as the balance of that land:
  - (l) Any specified easements shown on the scheme plan be duly granted or reserved, or any existing easements in respect of which the land on the scheme plan, or any part of that land, is the dominant tenement and which the council considers to be redundant, be extinguished or be extinguished in relation to any specified allotment or allotments:
  - (m) Any other condition that may be imposed by any other provision of this Part or any other Part of this Act be complied with:
  - (n) Such other fair and reasonable conditions of any kind whatsoever as the council thinks fit are complied with.
- (3) Before deciding to approve a scheme plan subject to any condition specified in paragraph (a) or paragraph (b) or paragraph (d) or paragraph (e) or paragraph (j) or paragraph (k) of subsection (2) of this section, the council shall consult with the District Land Registrar as to whether

or not it is practicable to issue one certificate of title for the purpose of complying with that condition, and, if the District Land Registrar advises the council that it is not practicable to do so, the council shall not impose that condition but may, if it thinks fit, impose a condition specified in section 308 (2) of this Act.

(4) In considering whether to approve a scheme plan, the council may have regard to the siting of each allotment shown on the scheme plan in order that the allotments shall, in the opinion of the council, produce suitable sitings available for buildings in the area proposed to be covered by the subdivision. If in the opinion of the council any allotment or allotments would be unlikely to meet this requirement, the council may refuse to approve the scheme plan until the allotment or allotments have been excluded from the plan or the plan has been amended.

(5) Where under this section the council refuses to approve a scheme plan, or refuses to approve it until amendments are made, or requires a new scheme plan to be submitted, the council shall forthwith give notice in writing to the person submitting the plan, setting out reasons therefor.

(6) Subject to this Act, no person shall erect any building of a permanent nature within any land proposed to be subdivided, or form any proposed road or private road or lay pipes and other equipment for water supply or sewerage or stormwater disposal or gas supply, or wires (whether underground or not) and other equipment for the supply of electricity in connection with the subdivision, unless the scheme plan in respect of that subdivision has been previously approved by the council.

(7) Any scheme plan approved by the council shall be authenticated in the manner provided in section 252 of this Act, and the council shall forthwith notify the person submitting the plan of its approval and any conditions subject to which the plan has been approved.

(8) Where the proposed subdivision or any part thereof has a frontage to any existing or proposed State highway or Government road or adjoins any Government railway, the council shall send a copy of the scheme plan to the District Commissioner of Works for the locality in which the land is situated for his comments within 35 days after the receipt by him of a copy of the plan.

(9) Where the proposed subdivision or any part thereof has a frontage to any existing or proposed regional road, the

council shall send a copy of the scheme plan to the regional council or united council, as the case may be, for its comments within 35 days after the receipt by it of a copy of the plan.

(10) The council shall as soon as practicable, if it approves the scheme plan otherwise than in accordance with the comments (if any) of any body or person mentioned in section 277 of this Act or subsection (8) or subsection (9) of this section, send notice in writing of its approval to that body or person, giving reasons for not accepting those comments.

Cf. 1954, No. 76, s. 351A (1) (b)–(h); 1961, No. 131, ss. 22 (5), 23 (2); 1964, No. 119, ss. 22, 23 (2); 1972, No. 132, s. 18; 1974, No. 8, s. 26; 1974, No. 9, s. 22 (3)

**“280. Council and owner may agree for subdivision to proceed—**Without limiting the power of the council under section 274 or section 279 of this Act, where a scheme plan is submitted under section 275 of this Act, the council may enter into an agreement with the owner to enable further planning to proceed or for preparatory works to be undertaken in respect of the proposed subdivision for which the scheme plan was submitted:

Provided that the council may require the owner to enter into a bond for the payment by the owner to the council of an amount to be determined by the council in the event of the owner failing to comply with the terms of the agreement under this section.

**“281. Roads and road access—**This Part of this Act, shall apply with respect to every decision of the council under Part XXI of this Act relating to the roads, private roads, and road access in respect of a subdivision as if it were a decision under this Part of this Act.

Cf. 1954, No. 76, ss. 351B, 351BB, 351BC, 351BD, 351F; 1959, No. 91, s. 28 (1); 1961, No. 131, ss. 24, 24A, 25, 27 (5), 31; 1964, No. 119, ss. 23 (1), 24, 25, 27; 1964, No. 129, ss. 19 (1), (2) (a), 21, 23; 1968, No. 123, s. 28; 1968, No. 124, ss. 38, 39; 1971, No. 62, s. 36 (1); 1971, No. 63, ss. 40, 42; 1972, No. 131, s. 12 (1); 1972, No. 132, s. 23

**“282. Minimum frontage and area requirements—**Except as provided in an operative or a proposed district scheme affecting the locality in which the land in any scheme plan is situated, and subject to section 321 (3) of this Act, no

allotment on any such scheme plan shall have a frontage to a road or an area less than those prescribed by any bylaw made pursuant to section 386 of the Municipal Corporations Act 1954 or, as the case may require, section 401 of the Counties Act 1956.

Cf. 1961, No. 131, s. 26 (1)

**“283. Public water supply, drainage, electricity reticulation, and gas supply—**(1) In any case where the council is of the opinion that all or any part of the land in respect of which a scheme plan is submitted to it for approval is intended to be used solely or principally for commercial, industrial, or residential purposes, or any 2 or more such purposes, the council may, as a condition of its approval of the scheme plan, require the owner—

(a) Where an existing public water-supply system or drainage system or electricity-supply system or gas-supply system is available to service the system (being a system within or contiguous to the land in the subdivision),—

(i) To pay, or enter into a bond to pay, to the council such amount as the council considers fair and reasonable for or towards the cost of upgrading the said system:

(ii) To supply and lay within the subdivision necessary pipes and ancillary equipment for water supply, or drains, or electric wiring (whether underground or not) and ancillary equipment, or pipes and ancillary equipment for gas supply, as the case may be, to the satisfaction of the council:

(b) Where any such system lies within or is contiguous to any part of the land on the scheme plan,—

(i) To pay, or enter into a bond to pay, to the council such amount as the council considers fair and reasonable for or towards the cost of providing water or drainage pipes and connections or electricity-supply connections or gas-supply connections, as the case may be, from the said system:

(ii) To connect the said pipes or wires, as the case may be, with the said system:

(c) Where any such system is not available, but is likely to be available within a period of 5 years, to pay, or enter into a bond to pay, to the council such amount as the council considers fair and reasonable



for or towards the cost of providing such a system to serve the subdivision, and of providing water, drainage, electricity, or gas connections from that system to the subdivision or to any allotments in the subdivision.

(2) The liability of the owner under subsection (1) of this section shall be limited to the extent to which the works in respect of which he is so liable serve or are intended to serve the land in the subdivision.

(3) Where pursuant to this section or to the corresponding provisions of any former enactment an owner contributes or has contributed, or enters or has entered into a contract to contribute, to the cost of any connection or system, and that connection or system will serve any other land, the council may require the owner of that other land to pay, or enter into a contract to pay, to the council such amount as the council considers fair and reasonable towards the cost of that connection or system, to the extent that it serves or is intended to serve that other land, and the owner of that other land shall comply with that requirement accordingly:

Provided that if no building being used solely or principally for commercial or industrial or residential purposes, or any 2 or more such purposes, is erected on that other land, the owner thereof shall not be required to make any such payment or enter into any such contract except—

- (a) As a condition of the building permit for the erection of such a building; or
- (b) In any case where a building permit is not required, before commencing the construction of such a building; or
- (c) As a condition of the approval by the council of a scheme plan of subdivision of that other land solely or principally for commercial or industrial or residential purposes or any 2 or more such purposes.

(4) In any case to which subsection (3) of this section applies, the liability of the owner under that subsection shall be in addition to his liability under any requirement of the council under subsection (1) of this section as a condition of its approval of a scheme plan of subdivision of his land.

(5) Where under this section the owner is required to do any work in respect of the provision of an electricity supply for the subdivision or is required to contribute to the cost of providing such a supply, the council shall have regard to

the views of the electrical supply authority on the technical and engineering aspects in relation to the provision of that supply.

(6) Subject to subsection (2) of this section, all electric wiring and ancillary equipment and gas pipes and ancillary equipment to be provided pursuant to subsection (1) of this section shall be provided in accordance with the requirements of the electricity-supply authority or gas-supply authority, as the case may be.

(7) In this section—

“‘Drainage’ means sewerage drainage or stormwater drainage; and includes a sewage-treatment plant; and ‘drain’ has a corresponding meaning:

“‘Gas’ means manufactured gas or natural gas.

Cf. 1954, No. 76, s. 351BE; 1961, No. 131, s. 27; 1964, No. 129, s. 21; 1968, No. 123, s. 30

#### *“Reserves*

“284. **Reserves policy**—(1) In exercising its powers under section 285, or section 286, or section 288, or section 294 of this Act,—

(a) The council shall comply with the council’s reserves policy as set out in the proposed or operative district scheme for the locality; or

(b) Where in the case of a subdivision solely or principally for residential purposes there is no such proposed or operative scheme or the proposed or operative scheme contains no such policy, the council shall have regard to the desirability of providing reserves in the locality totalling not less than 4 hectares for every 1,000 of the likely maximum resident population of the locality.

(2) Nothing in this section or in any proposed or operative district scheme (whether notified or, as the case may be, becoming operative before or after the commencement of this Part of this Act) shall authorise the council to require the setting aside of any area as reserves or of land in lieu of reserves or to make a payment in lieu of reserves or to both set aside land (whether as reserves or not) and make a payment of money in excess of the maximum specified in this Part of this Act.

**“285. Reserves contributions in case of residential subdivisions—**(1) Where the council is of the opinion that all or any of the allotments shown on a scheme plan submitted to it for its approval are intended to be used solely or principally for residential purposes, the council may require that provision shall be made to the satisfaction of the council for public reserves under the Reserves Act 1977 within the land on the scheme plan amounting to not more than 130 square metres for each allotment on the scheme plan which in the opinion of the council will be used for such purposes.

(2) Subject to subsections (3) and (4) of this section, where the council is satisfied that the subdivision is adequately served by reserves or it is impracticable to provide such reserves, or where the area of the proposed reserves is less than 1,000 square metres,—

- (a) The council may, in lieu thereof, make it a condition of approval of the scheme plan that the owner shall pay to the council, within such time as it may specify, an amount of money specified by the council; or
- (b) The council and the owner may agree that instead of making such a payment the owner shall set aside within the subdivision an area of land to be vested in the council; or
- (c) The council and the owner may agree that a combination of the provisions of subsection (1) of this section and of paragraphs (a) and (b) of this subsection, or any of those provisions, shall apply.

(3) The value of the total contribution that the owner may be required to make under subsection (2) of this section (whether in money or land or both) shall not exceed 7.5 per cent of the value of the allotments shown on the scheme plan that in the opinion of the council are intended to be used solely or principally for residential purposes.

(4) Where the subdividing owner undertakes, pursuant to a requirement of the council, earthworks, tree planting, or other work on the land to be set aside as reserves under this section (not being work done for ensuring the stability of the land or necessary land drainage), and the work is done to the satisfaction of the council, the value of that work shall be taken into account in assessing the area to be set aside under subsection (1) of this section or, as the case may be, the contribution to be made under subsection (2) of this section (whether in money or land or both).

(5) Where the subdividing owner makes provision for the setting aside within the land on the scheme plan of open space for the use only of persons to live within that land, the council may take into account the whole or part of the areas to be set aside when assessing the area to be set aside as reserves under this section or, as the case may be, the contribution to be made under subsection (2) of this section (whether in money or land or both).

(6) The area of land to be set aside as reserves, or work to be done, or the sum to be paid by the owner to the council, under this section shall be ascertained having regard only to the number of allotments shown on the scheme plan in excess of the number of allotments comprised in the land before the subdivision that could have been used for residential purposes.

Cf. 1954, No. 76, s. 351c (1)–(3); 1961, No. 131, s. 28 (1)–(5), (7); 1964, No. 119, s. 26 (1); 1972, No. 132, s. 23

**“286. Reserves contributions in respect of subdivision for commercial or industrial purposes—**(1) Where the council is of the opinion that all or any of the allotments on a scheme plan submitted to it for its approval are intended to be used solely or principally for commercial or industrial purposes or for both such purposes, the council may—

- (a) Make it a condition of its approval of the scheme plan that an amount specified by the council, not exceeding 10 percent of the value of each such allotment shown on the scheme plan, be paid to the council within such time as it may specify; or
- (b) Require the owner to set aside as public reserves under the Reserves Act 1977 an area of land within the subdivision of a value equal to the amount that would otherwise require to be paid under paragraph (a) of this subsection; or
- (c) The council and the owner may agree that a combination of paragraphs (a) and (b) of this subsection shall apply:

Provided that in any case where paragraph (c) of this subsection applies, the value of the total contribution under that paragraph (whether in money or land) shall not exceed the amount specified in paragraph (a) of this subsection.

(2) Notwithstanding anything in subsection (1) of this section—

(a) Where any front yard or side yard wider than the requirements of a Code of Ordinances of the proposed or operative district scheme applying to the land on the plan is voluntarily provided on that land by the owner by the imposition of building-line restrictions or otherwise, and that front yard or side yard will be available for the general use of the public for recreation purposes, the council may, subject to such conditions as it thinks fit—

(i) Offset against the amount that would have otherwise been payable under subsection (1) of this section the value of that yard to the extent that it is wider than the requirements of that Code, as determined by the council; or, as the case may be,

(ii) Offset against the area that would otherwise be required to be set aside under that subsection the area of that yard to the extent that it is wider than those requirements:

(b) Where the owner has set aside or agrees to set aside an area on the roof of any building or proposed building on or to be erected on any land in the subdivision for use by the public for recreation purposes during ordinary business hours, the council may, subject to such conditions as the council thinks fit,—

(i) Offset against the amount that would otherwise be payable under subsection (1) of this section the whole or part of the value, as determined by the council, of that area of roof; or, as the case may be

(ii) Offset against the area required to be set aside under this section the whole or part of that area of roof.

(3) The sum to be paid to the council or the area of land to be set aside by the owner under this section shall be ascertained having regard only to the number of the allotments in the subdivision in excess of the number of allotments comprised in the land before the subdivision that could have been used for commercial or industrial purposes.

Cf. 1954, No. 76, s. 351c (1)–(3); 1961, No. 131, s. 28 (1), (6), (7); 1964, No. 119, s. 26 (1); 1974, No. 9, s. 22 (4)

**“287. Reserve contributions previously paid—**(1) Where the owner applying for approval of a scheme plan, or any predecessor in title of the owner, has, on any earlier subdivision (whether of the same land or any other land and whether before or after the commencement of this Part of this Act),—

- (a) Set aside in the same locality (whether part of the district or not) as reserves for public purposes an area in excess of the area that was required under sections 285 and 286 of this Act, or that would have been so required if those sections had then been in force; or
- (b) Done any work or paid any sum of money in lieu of providing reserves; or
- (c) Otherwise given land in the same locality (whether part of the district or not) as reserves for public purposes,—

the area required to be set aside as reserves under sections 285 and 286 of this Act may, if the council thinks fit, be reduced by an amount not exceeding the amount of the excess area set aside on that other subdivision or, as the case may be, by an area of land not exceeding the area of the land otherwise given for public purposes or by an area of land not exceeding in value the amount of the money paid or the value of the work done.

(2) In any case to which subsection (1) of this section applies, the council may at any time purchase at current market values the excess area of land determined under that subsection.

Cf. 1961, No. 131, s. 28 (2)

**“288. Payment and use of reserves contributions—**(1) The council may require the owner to enter into a bond for the due payment of the amount of any reserves contributions payable under this Part of this Act.

(2) The council shall apply all reserves contributions received under this Part of this Act for the following purposes:

- (a) For the purchase of land to be held as public reserves, subject to the Reserves Act 1977, in the locality in which the land included in the scheme plan is situated and for the improvement and development as reserves of the land so purchased:

(b) For any refund under section 297 of this Act to the owner who paid the money to the council of the whole or part of the amount paid by him in any case where the scheme plan is revoked or lapses.

(3) Where in the opinion of the council the locality is adequately served by reserves or it is impracticable to purchase land as provided in paragraph (a) of subsection (2) of this section, the money held for the purpose of that paragraph shall be applied for all or any of the following purposes:

- (a) In the purchase of other land in the district to be held as public reserves, subject to the Reserves Act 1977, and for the improvement and development of any land in the district held as public reserves:
- (b) For the improvement and development as pleasure grounds or sports grounds of other land (not being public reserves) vested in or controlled by the council in the district:
- (c) In the payment to any local authority or public body in which land in the district is vested for the purpose of public recreation, in order that the land so vested may be added to or improved or developed:
- (d) Subject to such terms and conditions as the council thinks fit, for the advancing of money to the administering body of any public reserve within the district (being a reserve which is subject to the Reserves Act 1977) for the purposes of adding to or improving or developing the reserve:
- (e) Where in the opinion of the council it will be of benefit to the inhabitants of the locality in which the subdivision is situated,—
  - (i) For adding to or improving or developing any land outside the district that is vested in or controlled by the council for the purpose of public recreation; or
  - (ii) With the consent of the Minister and subject to such terms and conditions as the Minister thinks fit, for making payments or advances to any local authority or public body for the purpose of adding to or improving or developing any land outside the district that is vested in or controlled by that local authority or public body for the purpose of public recreation; or
  - (iii) For the improvement or development, for recreational purposes, of any foreshore or the bed of

any lake, whether within or outside the district, where the control of that foreshore or the bed of that lake, as the case may be, has been vested in the council by an Order in Council under section 165 of the Harbours Act 1950 (as substituted by section 9 (1) of the Harbours Amendment Act 1961); or

(iv) In the erection, improvement, or development for recreational purposes on the bed of the harbour or of the sea or, as the case may be, of the lake immediately contiguous to any foreshore or bed of any lake, whether within or outside the district, the control of which has been vested in the council pursuant to the said section 165, of any thing that pursuant to subsection (3) (a) of that section the public body controlling that foreshore or bed of that lake is empowered to erect:

(f) For the purchase of land within the district as a site for cultural or community centre purposes:

(g) For the preservation of anything required to be preserved pursuant to a condition imposed by the council under section 291 (1) of this Act.

(4) Where any such money is applied in the improvement or development of any land (not being a public reserve) vested in or controlled by the council as a pleasure ground or sports ground, the land shall thereafter be held in trust by the council for those purposes.

(5) Any local authority or public body or administering body to which any advance is made under this section shall be deemed to have power to borrow the money so advanced.

Cf. 1954, No. 76, s. 351c (4)–(5c); 1961, No. 131, s. 28 (8)–(10); 1964, No. 119, s. 26 (1); 1966, No. 52, s. 5; 1968, No. 123, s. 31; 1968, No. 124, s. 40 (2); 1969, No. 30, s. 6 (2) (d); 1972, No. 131, s. 9; 1972, No. 132, s. 19; 1974, No. 8, s. 7 (1); 1974, No. 9, s. 7 (1)

**“289. Reserves along areas of water—**(1) On every scheme plan submitted to the council under this Part of this Act, unless the council, with the consent of the Minister of Lands, considers it unnecessary to do so, there shall be set aside as local purpose reserves under the Reserves Act 1977 for the purpose of providing access to the sea, lake, river, or stream, as the case may be, and to protect the environment, within the land proposed to be subdivided, a strip of land not less than 20 metres in width along the mean high-water mark



of the sea and of its bays, inlets, or creeks, and along the margin of every lake with an area in excess of 8 hectares, and along the banks of all rivers and streams which have an average width of not less than 3 metres (not being rivers or streams or parts of rivers or streams exempted from this subsection pursuant to subsection (7) of this section):

Provided that the council, with the consent of the Minister of Lands, may approve the reduction of the width of the strip of land to a width of not less than 3 metres if in its opinion the reduced width will be sufficient to give members of the public reasonable access to the sea, lake, river, or stream.

(2) Where—

(a) A strip of land less than 20 metres in width along the mean high-water mark of the sea or of any of its bays, inlets, or creeks, or along the margin of any lake, or along any bank of any river or stream has either—

(i) Been reserved for the purpose specified in subsection (1) of this section, or for public purposes pursuant to section 29 (1) of the Counties Amendment Act 1961 (as in force before the commencement of this Part of this Act); or

(ii) Been set aside or reserved for recreation purposes pursuant to any other enactment (whether passed before or after the commencement of this Part of this Act and whether or not in force at the commencement of this Part of this Act); or

(iii) Been reserved from sale pursuant to section 58 of the Land Act 1948 or the corresponding provisions of any former Act; and

(b) A scheme plan of subdivision of land contiguous to that strip of land is subsequently submitted to the council under this Part of this Act,—

then, notwithstanding that under subsection (1) of this section or under any former enactment the Minister of Lands had consented to the setting aside of the strip of land of less than 20 metres in width, the council may, as a condition of its approval of the scheme plan, require the owner to set aside as reserved for the purpose specified in subsection (1) of this section a strip of land contiguous to the strip of land previously set aside and of a width determined by the council, being not more than the difference between the width of the strip of land previously set aside and 20 metres.

(3) Nothing in subsection (1) or subsection (2) of this section shall require a strip of land to be set aside as reserved for recreation purposes along the banks of any river or stream where that land adjoins any allotment having an area of 4 hectares or more and, in the opinion of the council, that allotment is intended to be used, or will continue to be used, wholly or principally in a manner conforming with accepted farming or management practices, for agricultural or horticultural or silvicultural or pastoral purposes or the keeping of bees or poultry or other livestock.

(4) Where, in the opinion of the council, it is in the public interest that a road or part of a road be dedicated within the area required to be set aside as reserved for the purpose specified in subsection (1) of this section, then, with the consent of the Minister of Lands, the dedication of that road or part of that road which lies within the area set aside may be accepted in satisfaction of and in substitution for the area or part of the area, as the case may be, that would otherwise be required to be set aside under this section.

(5) Where a strip of land is set aside as required by subsection (1) or subsection (2) of this section, and any land below the mean high-water mark of the sea or of its bays, inlets, or creeks or, as the case may be, any part of the bed of the lake or river or stream is vested in the person in whom the land shown in the scheme plan is vested, the council may require, as a condition of its approval of the scheme plan, that the owner shall execute, or obtain the execution of, and register, a transfer to Her Majesty of the whole or a specified part of the land below the mean high-water mark or, as the case may be, of the bed of the lake, or river, or stream which is vested as aforesaid.

(6) No land set aside as a reserve or transferred to Her Majesty pursuant to this section shall be taken into account for the purposes of section 285 or section 286 of this Act, except to such extent (if any) as the council allows.

(7) The Minister of Lands may from time to time on the application of the council declare that subsection (1) of this section shall not apply with respect to the banks, or any specified bank, of any specified river or stream or part of any specified river or stream, or may on the application of the council revoke any such declaration, in whole or in part. In making his decision under this section, the Minister of Lands shall have regard to the provisions of any proposed or operative district scheme for the locality in which the river or stream is situated.

(8) Every decision of the Minister of Lands under this section shall be final.

(9) In this section a reference to bays, inlets, or creeks of the sea includes those that are artificial as well as those that are natural.

Cf. 1961, No. 131, s. 29; 1977, No. 134, s. 4

**“290. Compensation in respect of land along areas of water set aside as reserves—(1) Where—**

(a) Pursuant to subsection (1) or subsection (2) of section 289 of this Act a strip of land that—

(i) Is situated along the mean high-water mark of the sea or of any of its bays, inlets, or creeks or along the margin of any lake; and

(ii) Adjoins any allotment having an area of 4 hectares or more which, in the opinion of the Minister of Lands, is to be retained by the subdividing owner for a period of not less than 5 years from the date of deposit of the survey plan and, in the opinion of that Minister, is to be used for that period for any of the purposes specified in subsection (3) of that section,—

has been set aside as reserved for the purpose specified in subsection (1) of that section; and

(b) No part of that allotment is zoned for residential or commercial or industrial purposes under any operative or proposed district scheme at the date of deposit of the survey plan,—

there shall be paid, as compensation, to the subdividing owner, or, if he is deceased, to his personal representative, out of money appropriated by Parliament, an amount equal to the value, as at the date of deposit of the survey plan, of the land set aside, that amount to be determined by a valuation made by the Valuer-General.

(2) If the subdividing owner, or, as the case may be, his personal representative, is dissatisfied with the amount of any valuation made for the purposes of subsection (1) of this section, he may, within 1 month after notice of the valuation has been given to him by the Valuer-General, object to that valuation by delivering or posting to the Valuer-General a written notice of objection stating shortly the grounds of his objection and the value at which he contends the land should be valued. Sections 20 to 23 of the Valuation of Land Act 1951, as far as they are applicable and with the necessary modifications, shall apply to the objection.

(3) Where—

(a) Any payment is made to the subdividing owner or his personal representative under subsection (1) of this section; and

(b) Within 5 years after the date of the deposit of the survey plan the subdividing owner or, as the case may be, his personal representative or any successor in title of the subdividing owner subdivides the adjoining land or any part of it or transfers by way of sale or enters into an agreement to sell the adjoining land or any part of it,—

there shall be repayable to the Crown, by the subdividing owner or his personal representative or that successor in title, as the case may be, and charged against the land and recoverable as a debt, the amount of that payment to the extent that it has not already been repaid:

Provided that the Minister of Lands, whose decision shall be final, may, in his discretion, waive such a repayment or may direct that an amount less than the full amount shall be repaid.

(4) The right of the Crown to repayment under subsection (3) of this section shall be deemed to be an interest in the land for the purposes of section 137 of the Land Transfer Act 1952 (which relates to caveats against dealing with the land).

(5) Where pursuant to subsection (1) or subsection (2) of section 289 of this Act a strip of land has been set aside as reserved for the purpose specified in section 289 (1) of this Act along the mean high-water mark of the sea or any of its bays, inlets, or creeks, or along the margin of any lake in excess of 8 hectares and adjoining any allotment having an area of 4 hectares or more, there shall be paid to the subdividing owner or, if he is deceased, his personal representative, out of money appropriated by Parliament, an amount equal to any additional survey costs incurred by the subdividing owner in determining the land to be set aside (such costs to be determined in accordance with the scale of fees of the New Zealand Institute of Surveyors which are current at the date of deposit of the survey plan).

Cf. 1961, No. 131, s. 29 (5)–(9); 1977, No. 131, s. 4

**“291. Preservation of trees and buildings of historic interest and wildlife habitat—**(1) The council may make it a condition of its approval of any scheme plan that the owner make

provision or further or other provision for the preservation of the natural landscape, trees, or areas of trees or bush, or buildings or sites of historic or archaeological interest or other sites of particular significance (including urupa), or wild-life habitats, or for the planting of trees or shrubs or the creation of wildlife habitats.

(2) Where under subsection (1) of this section the council requires that land be set aside or that work be carried out, the area of land to be set aside as reserves under this Part of this Act, or as the case may be, the reserves contribution payable under this Part of this Act, shall be reduced by the value of the land set aside or the value of the work done, as the case may be, to be determined under section 298 of this Act.

(3) Where the council requires such provision as is specified in subsection (1) of this section to be made, it may require the owner to enter into a bond for the payment by him to the council of any amount determined by the council in the event of the owner failing to comply with the council's requirements.

(4) Before selling or granting a lease of or entering into an agreement to sell or grant a lease of any land in respect of which the owner has entered into a bond pursuant to subsection (3) of this section, he shall notify the council in writing of his intention to sell or grant a lease of or enter into an agreement to sell or grant a lease of the land, and the council shall make such inquiries as may be necessary to ascertain whether or not the conditions imposed pursuant to this section have been complied with; and for that purpose the council may exercise the power of entry on the land conferred by section 238 of this Act.

Cf. 1954, No. 76, ss. 351A (1) (c) (iv), 351C (2A), 351CA, 352; 1959, No. 91, s. 28 (1); 1961, No. 131, ss. 23 (2) (b) (i), (iv), 28 (7A), 28A, 35 (5); 1964, No. 119, ss. 26 (1), 30; 1974, No. 8, ss. 26 (1), (2), (4), (5), 27; 1974, No. 9, ss. 22 (1), (2), (4), (5), 23

**“292. Reserves for future service lanes—**Where the council is of the opinion that any land comprising part of the land being subdivided, or adjoining that land and owned by the owner of that land, may be utilised or required in the future for a service lane, the council may, as a condition of its approval of the scheme plan,—

- (a) Require the owner to set aside the first-mentioned or adjoining land as a reserve for the purposes of the service lane; and
- (b) Require the owner to pay, or enter into a bond to pay, to the council in respect of the cost of the formation of that reserve as a service lane such amount as the council specifies, not exceeding the estimated cost thereof.

Cf. 1956, No. 76, s. 351cc; 1961, No. 60, s. 9 (1); 1961, No. 131, s. 30

#### *“Development*

“293. **Development plan**—(1) Where the owner of any land in the district proposes to develop the land, he shall, before any work involving the disturbance of the land surface or the excavation of the land for the purpose of the development or other work in respect of the development (other than work authorised by the council or necessary investigative work) is commenced, notify the council in writing of the proposed development.

(2) The council may require the owner—

- (a) To submit to the council a plan of the development, with such additional copies as the council may require, before the development is commenced; and
- (b) To include in the plan such details of the development and to supply to the council such particulars of the development as the council considers necessary to enable it to assess the amount of the contribution payable under section 294 of this Act in respect of the development and for the purposes of the application to the development of sections 281, 283, 291, and 295 of this Act.

(3) Where the land or any part thereof has a frontage to any State highway or Government road or adjoins any Government railway, the council shall send a copy of the development plan to the District Commissioner of Works for the locality in which the land is situated for his information.

(4) Where the land or any part thereof has a frontage to any regional road, the council shall send a copy of the development plan to the regional council or united council, as the case may be, for its information.

**“294. Reserves and public services contributions in respect of development—**(1) Where the owner of any land in the district is required by section 293 of this Act to notify the council of a proposed development that is solely or principally for commercial or industrial purposes or both such purposes,—

- (a) The council may require him to pay to the council as a reserves contribution, within such time as the council specifies, an amount fixed by the council, not exceeding 0.5 percent of the value of the development as determined by the council; or
- (b) The council may require him to set aside, as public reserves to be vested in the council, an area of land within the land shown on the development plan, to the satisfaction of the council, of a value equal, as at the date of lodgment of the development plan, to the amount that would otherwise be required to be paid under paragraph (a) of this subsection; or
- (c) The council and the owner may agree that a combination of paragraphs (a) and (b) of this subsection shall apply:

Provided that in any case where paragraph (c) of this subsection applies, the total contribution under that paragraph (whether in money or land) shall not exceed the amount specified in paragraph (a) of this subsection.

(2) Where the owner of any land in the district is required by section 293 of this Act to notify the council of a proposed development that is solely or principally for residential purposes,—

- (a) The council may require him—

- (i) To set aside to be vested in the council as public reserves under the Reserves Act 1977 an area of land within the land shown on the development plan, to the satisfaction of the council, amounting to not more than 20 square metres for every household unit to be provided in the development after the second new such unit or first additional such unit; or

- (ii) Where the council is satisfied that it is impracticable or unnecessary to set aside such land, to pay to the council, within such time as it may specify, an amount of money that would, in the council's opinion, be sufficient to purchase, at the time of lodgment of the development plan, an area

determined by the council, within the land on the plan, being not more than 20 square metres of land for every such household unit after the second new such unit or first additional such unit; or

- (b) The council and the owner may agree that a combination of subparagraphs (i) and (ii) of paragraph (a) of this subsection shall apply:

Provided that in any case where paragraph (b) of this subsection applies, the value of the total contribution under that paragraph (whether in land or money) shall not exceed the amount specified in subparagraph (ii) of paragraph (a) of this subsection.

(3) If the development is to be carried out in stages, the contributions payable under subsection (1) of this section shall be added together, and the total amount payable under that subsection shall be the total sum so ascertained.

(4) Where under this Part of this Act or any corresponding former enactment any land has been set aside or any money paid or any work done, within the immediately preceding 5 years, as reserves or as a contribution in lieu of reserves in respect of the land on which the development is to take place, or the greater part thereof, the amount payable under this section shall be reduced by the value of the land so set aside, or of the work done, or the amount of money paid, as the case may be.

(5) Where the owner makes provision for the setting aside within the land on which a development solely or principally for residential purposes is to be made of open space for the use only of persons to live within that land, the council may take into account the whole or part of the area to be set aside when assessing the area to be set aside as reserves under subsection (2) of this section or, as the case may be, the contribution to be made under that subsection in lieu of reserves.

(6) Where, in the case of a development solely or principally for residential purposes, the owner undertakes, pursuant to a requirement of the council, earthworks, tree planting, or other work on the land to be set aside as reserves under this section (not being work done for ensuring the stability of the land or necessary land drainage), and the work is done to the satisfaction of the council, the value of that work shall be taken into account in assessing the area to be set aside under subsection (2) of this section.



(7) The council may require the owner to enter into a bond for the due payment of any reserves contributions payable under this section.

(8) Section 288 of this Act shall apply with respect to any reserves contributions received by the council under this section as if the contributions had been received in respect of a subdivision of the land.

(9) Sections 281, 283, 291, and 295 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to every development as if it were a subdivision of the land requiring the approval of the council. The requirements of those sections as applied by this subsection shall be in addition to the obligation to make a reserves contribution under this section, whether in land or money or both.

#### *“Provision for Parking*

**“295. Provision for parking—**(1) Where a district scheme requires a parking area to be provided upon or in respect of any allotment and in the opinion of the council it is not reasonable or practicable to make that provision on the allotment or sufficiently close to the allotment for constant use by vehicles in conjunction with the allotment, the council may, as a condition of its approval of a scheme plan, instead of enforcing the provision, require or accept payment of a sum of money not exceeding the value of a sufficient part of the allotment to accommodate the vehicles for which the district scheme requires the parking provision to be made.

(2) The payment made under subsection (1) of this section shall be deemed to satisfy the requirements of the scheme for parking provision in respect of that allotment, and shall be kept in a separate account in the council's name and applied by the council from time to time as opportunity offers in the acquisition of land and the making of provision for parking as close as, in the opinion of the council, is reasonable and practicable to the allotment in respect of which the parking area was required to be provided.

(3) The owners for the time being of allotments in respect of which payments have been made under this section shall, when the council provides parking space from those payments, be entitled to rent from the council at reasonable cost, having regard to the payment made and to the expense involved in providing that parking space, parking space

equivalent to that in respect of which the payment has been made; and the council shall allocate that parking space between those owners as far as it will go according to the times and amounts of their respective contributions to the fund out of which the council has provided the parking.

(4) Where the council and the owner are unable to agree upon the sum of money which should be paid under subsection (1) of this section, either party may refer the question to the Planning Tribunal, which, after hearing the parties and such evidence as it may call, shall determine the question; and the Tribunal's decision in the matter shall be final and binding upon the parties.

Cf. 1953, No. 91, s. 35A; 1957, No. 104, s. 23; 1966, No. 104, s. 36

#### *“General Provisions*

**“296. Variation or revocation of scheme plan or conditions imposed—**(1) Any scheme plan approved by the council (whether before or after the commencement of this Part of this Act) may, on the application of the owner of the land affected thereby, be varied or revoked by the council as to the whole or any part thereof. On any such variation, the council may impose such conditions or additional conditions authorised by this Part of this Act as it thinks fit.

(2) Subject to sections 327 and 328 of this Act, any building-line restriction or any condition imposed in respect of a proposed subdivision under section 279 of this Act or under any corresponding former enactment may, on the application of the owner of the land affected thereby, be revoked or from time to time varied by the council, either wholly or as to any part of the land affected thereby.

(3) Where any such scheme plan has been varied under this section and the variation will result, in the council's opinion, in closer development of an allotment or allotments in respect of which under this Part of this Act or any previous enactment a previous reserves contribution has been paid or land has been set aside or work has been done, within the immediately preceding 5 years, the previous reserves contribution or land set aside or work done shall be taken into account in determining the reserves contribution to be made or, as the case may be, the land to be set aside or the work to be done, as a result of the variation.

(4) For the purposes of subsection (3) of this section, the value of any land or of any work done shall be determined by the council, notwithstanding anything in section 298 of this Act.

Cf. 1961, No. 131, s. 32; 1964, No. 129, s. 24; 1968, No. 124, s. 42

**“297. Refund of money if scheme plan revoked or lapses—** Where a scheme plan is revoked or the approval thereof has lapsed or is deemed to have lapsed, the council may refund to the owner of the land, or, if he is deceased, to his personal representative, the whole or part of any amount paid by the owner to the council in respect of the land pursuant to any provision of this Part of this Act or of any corresponding former enactment.

Cf. 1961, No. 131, s. 34A; 1968, No. 142, s. 45

**“298. Valuation of land or of work done—**(1) Unless otherwise specifically provided in this Part of this Act, the value of any land to be determined for the purposes of any provision of this Part of this Act relating to the subdivision of land shall be the sale value of the land as at the date when the allotments on the scheme plan are first available for sale; and shall be fixed by agreement between the owner of the land and the council or, in default of agreement, by a registered valuer within the meaning of the Valuers Act 1948 or, if the council so decides, by the Valuer-General.

(2) The value of any work done or required to be done for the purposes of any provision of this Part of this Act shall be determined by the council.

**“299. Objections to council’s decisions—**(1) The owner of the land shall have a right of objection to the council against any decision of the council made under any of the following provisions of this Act, namely, sections 274, 275, 279, 281, 283, 285, 286, 287, 289, 290, 291, 292, 294, 295, 296, 321, 321A, 322, and 327, and clause 3 of the Eleventh Schedule.

(2) Any such objection shall be made by notice in writing to the council, setting out the grounds thereof, within 1 month after being given notice of the decision by the council, or within such further time as may in any case be allowed by the council.

(3) The council shall as soon as practicable consider the objection.

(4) The council shall not consider any objection to its decision, unless at least 7 clear days' notice of the date and time when the objection is to be considered and of the place where it is to be considered has been given to the owner, who, if present at the appointed time and place, shall be entitled to be heard (in person or by some person on his behalf) in support of the objection.

(5) Any meeting to hear an objection may be adjourned from time to time.

(6) In determining any objection, the council may uphold the objection wholly or partly, and may abandon or modify its decision accordingly, or may dismiss the objection.

(7) Notice in writing of the decision of the council on any objection, setting out reasons for its decision, shall be given by the council to the owner.

**“300. Appeals to Planning Tribunal—**(1) The following persons may appeal in the prescribed manner to the Planning Tribunal against any decision of the council under any provision of this Act specified in section 299 (1) of this Act or any decision of an electricity supply authority or gas supply authority under section 283 of this Act:

(a) The owner of the land:

(b) Any owner or occupier of land affected by the decision of the council, or any other body or person affected by the decision of the council:

(c) The Minister of Works and Development, acting on his own behalf or on behalf of any other Minister of the Crown:

(d) Any local authority affected by the decision of the council.

(2) Every such appeal shall be made—

(a) In the case of an appeal by the owner, in any case where he has made an objection under section 299 of this Act, within 1 month after the date of the receipt by him of notice of the decision of the council on the objection:

(b) In the case of an appeal by the owner, in any case where no such objection has been made, within 1 month after the date of the receipt by him of notice of the decision of the council against which he desires to appeal:

(c) In the case of an appeal by any other body or person, within 1 month after the date of the decision of the council against which it or he desires to appeal,—

or within such further time as the Planning Tribunal may allow, and shall be made and determined by the Planning Tribunal in the manner prescribed by the Town and Country Planning Act 1977 and the regulations under that Act.

(3) Where an appeal by the owner against the refusal of the council under section 274 of this Act to approve a scheme plan has been allowed by the Planning Tribunal, then, notwithstanding the decision of the Tribunal, the scheme plan shall not be deemed to have been approved for the purposes of this Part of this Act, but all the provisions of this Part of this Act shall apply thereto as if the council had not refused under that section to approve the scheme plan.

(4) Subject to section 162 of the Town and Country Planning Act 1977, the decision of the Planning Tribunal on any such appeal shall be final.

Cf. 1954, No. 76, s. 351H; 1959, No. 91, s. 28 (1); 1961, No. 131, s. 33; 1964, No. 129, ss. 19 (2) (b), 25; 1968, No. 123, s. 33 (1); 1968, No. 124, ss. 43 (1), 44

**“301. Appeal against determination of valuer—**Where the owner or the council is aggrieved by a determination of the council or of any valuer or of the Valuer-General under this Part of this Act fixing the value of any land, or the value of any work, he or it may appeal, in the prescribed manner, to a Land Valuation Tribunal against that determination, and, subject to section 26 of the Land Valuation Proceedings Act 1948, the decision of the Tribunal thereon shall be final and conclusive.

Cf. 1961, No. 131, s. 28 (10)

**“302. Work may begin pending decision on objection or appeal—**(1) Where any objection has been made under section 299 of this Act or any appeal has been lodged under section 300 or section 301 of this Act (being an objection or appeal against a decision made with respect to an application for approval of a scheme plan), the council, at the request of the owner and subject to such conditions as it thinks fit, may authorise the doing of any work required on the land in the scheme plan by way of the formation of roads, the laying of pipes and other ancillary equipment for water supply, drainage, sewage disposal, or gas reticulation, the

installation of electric wiring or other electrical equipment for electricity reticulation, or any other works or surveys (not being pipes or other ancillary equipment or electric wiring or other electrical equipment, or works or surveys related to the objection or appeal) to be proceeded with, pending a decision on the objection or appeal, as if the scheme plan had been approved by the council.

(2) The council shall not unreasonably or arbitrarily refuse to grant its authority on any application under subsection (1) of this section.

(3) The council may require the owner to enter into a bond for the payment by the owner to the council of an amount determined by the council in the event of the owner failing to comply with any conditions laid down by the council under subsection (1) of this section.

**“303. Completion certificate—**(1) Where under this Part of this Act the deposit of a survey plan is dependent on the completion by the owner of any work required by the council as a condition of its approval of a scheme plan of the subdivision, the council may, for the purposes of section 306 (1) (f) of this Act, issue a certificate (hereinafter referred to as a completion certificate) to the effect that the owner has entered into a bond, with security as provided in this subsection, binding him to carry out and complete the said work to the satisfaction of the council within a period of 2 years after the date of the issue of the completion certificate, or within such shorter period as the council may specify, and, as security for the due carrying out and completion of the said work by the owner,—

- (a) A bank or insurance company carrying on business in New Zealand and approved by the council has executed the bond as guarantor binding itself to pay to the council, if the owner makes default in carrying out and completing the work in accordance with the provisions of the bond, a sum specified in the deed, not exceeding twice the estimated cost of the work, as determined by the council; or
- (b) The owner has deposited with the council money or negotiable securities approved by the council of or to the value of an amount specified by the council, being not more than twice the estimated cost of the work, as determined by the council.

(2) The council may from time to time extend any shorter period specified by it under subsection (1) of this section, but, unless in any special case the council otherwise allows, not beyond the said period of 2 years. Any such extension shall not affect any security given under that subsection.

(3) Where pursuant to subsection (1) of this section the owner has deposited money or negotiable securities with the council and is proceeding with the work, the council may from time to time, as the work proceeds, repay or return to the owner such portion of the money or securities as in the opinion of the council is commensurate with the cost of the completed portions of the work, but so that the balance of the money or securities for the time being retained by the council is not more than twice the estimated cost, as determined by the council, of the uncompleted portions of the work, and on the completion of the work to the satisfaction of the council, the council shall return to the owner the money or securities then remaining on deposit.

(4) While any work in respect of which a works completion certificate has been issued remains uncompleted, or for the purpose of ascertaining whether the work has been completed to the satisfaction of the council, the council may from time to time, pursuant to section 238 (a) of this Act, enter on the land where the work is required to be or is being or has been carried out.

(5) Where the owner fails to complete the work to the satisfaction of the council within the prescribed or extended period, the council may enter on the land and complete the work and recover the cost thereof from the owner or out of any money or securities deposited with the council or money paid by the guarantor, so far as the money or securities will extend, and, on completion of the work to the satisfaction of the council, any money or securities remaining in the hands of the council after payment of the cost of the works shall be returned to the owner or the guarantor, as the case may be.

(6) Where the cost of any work done by the council pursuant to subsection (5) of this section exceeds the amount recovered by the council under that subsection, the amount of that excess shall be a debt due to the council by the owner, and shall be a charge on the land.

(7) In this section the term 'work' includes anything, whether in the nature of works or otherwise, required by the council to be done by the owner as a condition of its approval of the scheme plan; but does not include the making of

reserves contributions (whether in land or money) under any provision of this Part of this Act as a condition of the council's approval of the scheme plan.

**“304. Bonds—**(1) Subject to section 303 of this Act, where under any provision of this Part of this Act the council is empowered to require a subdividing owner to enter into a bond for the performance of any condition, the council may, in its discretion, require such security as the council thinks fit to be provided for the performance by the owner of the conditions of the bond.

(2) Every bond given under this Part of this Act shall be deemed—

- (a) To be an instrument creating an interest in the land within the meaning of section 62 of the Land Transfer Act 1952, and may be registered accordingly; and
- (b) To be a covenant running with the land, and shall bind subsequent owners.

(3) Notwithstanding anything in this Part of this Act, nothing in this Part shall require the Crown to give any bond.

Cf. 1954, No. 76, ss. 351C (6), 351CA (2); 1961, No. 131, ss. 28 (11), 28A (2); 1964, No. 119, s. 26 (1); 1974, No. 8, s. 27; 1974, No. 9, s. 23

**“305. Survey plan may be submitted to council for approval—**(1) Where the council has approved a scheme plan, the owner may submit to the council for its approval a survey plan, with such additional copies as the council requires, and, if the council is satisfied that the survey plan is in accordance with the approved scheme plan or with any approved variations thereof, the council shall approve the survey plan.

(2) When the council has approved a survey plan, it shall affix thereto, or to a copy thereof, the seal of the council, which shall be conclusive evidence that all roads, private roads, reserves, land to be vested in the council in lieu of reserves, and private ways shown thereon have been authorised and accepted by the council under this Act.

(3) Subject to section 279 of this Act, any conditions subject to which a scheme plan has been approved by the council, not being conditions required to be complied with before approval of the survey plan, with any such variations thereof



as aforesaid, shall be shown on the survey plan or in a notice authenticated by the council and referred to on the survey plan and identified therewith.

(4) Where—

- (a) A survey plan in respect of the land affected by the scheme plan is not submitted to the council for its approval within 3 years after the date of the approval of the scheme plan, or within such extended period or periods as the council in any special case may allow; or
- (b) Such a survey plan is submitted to the council for its approval within the said period of 3 years, or within any such extended period as aforesaid, but any condition that is required to be complied with before the approval of the survey plan has not been complied with to the satisfaction of the council before the expiration of that period or any such extended period,—

the approval of the scheme plan shall be deemed to have lapsed at the expiration of that period or extended period, as the case may be, and thereupon the scheme plan shall cease to have any effect.

Cf. 1961, No. 131, s. 34

“306. Survey plan to be deposited—(1) In no case shall—

- (a) A survey plan under this Part of this Act be deposited under the Land Transfer Act 1952 or in the Deeds Register Office; or
- (b) The transfer or conveyance or lease of any allotment or subdivision of any such land be registered under the Land Transfer Act 1952 or the Deeds Registration Act 1908; or
- (c) Subject to the provisions of any other Act, any certificate of title be issued in respect of any such allotment or subdivision,—

unless—

- (d) The survey plan has been duly approved under section 305 of this Act; and
- (e) Where any land shown on the survey plan will on the deposit of the survey plan vest in the Crown or in the council pursuant to this section, consent to the subdivision has, in the case of land subject to the Land Transfer Act 1952, been given in writing by the registered proprietor of every interest in or

encumbrance on the land that will vest as aforesaid, and, in the case of land not subject to that Act, by every person having an interest in or encumbrance on the land that will vest as aforesaid if that interest or encumbrance is evidenced by an instrument registered under the Deeds Registration Act 1908; and

- (f) There is lodged with the District Land Registrar or Registrar of Deeds, as the case may require, either—
- (i) A certificate, signed by the principal officer or other authorised officer of the council, that all or any of the conditions shown on or referred to on the approved scheme plan have been complied with to the satisfaction of the council and a completion certificate (or an authenticated copy thereof) issued in relation to such of them as have not been complied with; or
  - (ii) A completion certificate (or an authenticated copy thereof) issued in relation to the conditions shown on or referred to on the survey plan; and
- (g) The council has certified on the plan that it is in accordance with the requirements and provisions of the operative district scheme or that the plan is in accordance with a specified departure consented to under section 35 of the Town and Country Planning Act 1953 or section 74 of the Town and Country Planning Act 1977.

(2) Every consent or certificate under subsection (1) of this section shall be either endorsed on the survey plan or on a copy thereof or deposited under the Land Transfer Act 1952 or with the Registrar of Deeds, as the case may require.

(3) Subject to section 316 of this Act, and notwithstanding anything in section 168 of the Land Transfer Act 1952, on the deposit as aforesaid of any approved survey plan all land shown thereon as roads or road reserves shall vest as such, free from encumbrances (without the necessity of any instrument of release or discharge or otherwise)—

- (a) In the case of a regional road or a reserve for a regional road, in the regional or united council or in the territorial authority, as the case may require:
- (b) In the case of a Government road, in the Crown:
- (c) In the case of a State highway, in the Crown or in the council, as the case may require:

(d) In the case of a road or road reserve in the County of Fiord or on land that does not form part of any district, in the Crown:

(e) In the case of any other road or road reserve, in the council.

(4) On the deposit as aforesaid of any approved survey plan, all land shown thereon as reserves (other than road reserves) shall vest, free from encumbrances (without the necessity of any instrument of release or discharge or otherwise) in the council, or, in the case of land in the County of Fiord or land that does not form part of any district, in the Crown, and shall be held as reserves set apart for the purposes indicated on the plan, and subject to the Reserves Act 1977.

(5) On the deposit as aforesaid of any approved survey plan, all land shown thereon as land to be vested in the council or in the Crown in lieu of reserves shall vest in the council or in the Crown, as the case may be, free from encumbrances without the necessity of any instrument of release or discharge or otherwise.

(6) In any case where a survey plan approved by the council is not deposited as aforesaid within a period of 3 years from the date of the approval thereof, or within such extended period or periods as the council in any special case may allow, that approval shall be deemed to have lapsed at the expiration of that period or extended period, as the case may be, and fresh approval by the council of the survey plan or, as the case may be, of the scheme plan shall be necessary.

(7) Where a scheme plan of a subdivision of land by the Crown has been approved by the council, then, for the purposes of this Part of this Act,—

(a) The approval by the Chief Surveyor of the land district in which the land is situated of a plan of the subdivision shall have effect as if it were a deposit of the approved survey plan of the subdivision; and

(b) The land shall thereupon be deemed to be subject to the Land Transfer Act 1952 and a certificate of title for the land may be issued by the District Land Registrar in the name of Her Majesty the Queen on the request of the Commissioner of Crown Lands for the land district in which the land is situated, as if section 16 of that Act applied.

Cf. 1954, No. 76, s. 352; 1961, No. 131, s. 35; 1962, No. 38, s. 5 (2) (c); 1964, No. 119, s. 30; 1964, No. 129, s. 26; 1965, No. 76, s. 2 (2) (d); 1968, No. 124, s. 46; 1970, No. 58, s. 4 (3) (d); 1972, No. 132, s. 8 (1); 1974, No. 8, s. 26 (5); 1974, No. 9, s. 22 (5)

**“307. Agreement to sell land or building before deposit of plan—**(1) Any agreement to sell any land or any building or part of any building that constitutes a subdivision and is made before the appropriate survey plan has been approved under section 305 of this Act shall be deemed to be made subject to a condition that the plan will be deposited under the Land Transfer Act 1952 or, as the case may require, in the Deeds Register Office:

Provided that any such agreement shall not be made illegal or void by reason only that it was entered into before the survey plan was so deposited.

(2) Subject to subsection (1) of this section, any agreement to sell any allotment in a proposed subdivision made before the council's approval of the survey plan under section 305 of this Act shall be deemed to be made subject to the following conditions:

(a) That the purchaser may, by notice in writing to the vendor, cancel the agreement at any time before the end of 14 days after the date of the making of the agreement; and

(b) That the purchaser may, at any time after the expiration of 2 years after the date of approval of the scheme plan or 1 year after the date of the agreement, whichever is the later, by notice in writing to the vendor, rescind the contract if the vendor has not made reasonable progress towards submitting a survey plan to the council for its approval or has not lodged the survey plan for deposit within a reasonable time after the date of its approval.

(3) An agreement may be rescinded under subsection (2) of this section, notwithstanding that the parties cannot be restored to the position that they were in immediately before the agreement was made, and in any such case the rights and obligations of each party shall, in the absence of agreement between the parties, be as determined by a Court of competent jurisdiction.

(4) Subsections (2) and (3) of this section shall not bind the Crown.

Cf. 1954, No. 76, s. 351 (3); 1961, No. 131, s. 22 (6)

**“308. Plan approved subject to amalgamation or transfer of allotments—**(1) Where the council approves a survey plan subject to any condition specified in paragraph (a) or paragraph (b) or paragraph (d) or paragraph (e) or paragraph (j) or paragraph (k) of section 279 (2) of this Act, the condition shall be endorsed on the survey plan and the District Land Registrar or the Registrar of Deeds shall not deposit under the Land Transfer Act 1952 or in the Deeds Register Office, as the case may be, the survey plan until he is satisfied that the conditions have been complied with as fully as may be possible in that office.

(2) Where the District Land Registrar is of the opinion that it is not practicable to issue one certificate of title as required by any condition referred to in section 279 (2) of this Act, the council may impose a condition that the owner of those parcels of land shall not, without the consent of the council, transfer or lease any such parcel of land or any part thereof except in conjunction with the other or others.

(3) Every such condition shall be set out in a certificate authenticated by the council and signed by the owner, and that certificate shall be deemed—

(a) To be an instrument creating in favour of the council an interest in the several parcels of land within the meaning of section 62 of the Land Transfer Act 1952, and may be registered accordingly; and

(b) To be a covenant running with those parcels of land, and shall bind subsequent owners.

(4) When the conditions referred to in subsection (1) of this section have been complied with, the separate parcels of land included in one certificate of title by virtue thereof shall not be capable of being disposed of individually or of again being held under separate certificates of title, except with the consent of the council, and the District Land Registrar on the issue of the certificate of title shall enter thereon a memorandum that the land therein is subject to this subsection and also, in any case to which subsection (5) or subsection (6) of this section applies, that the land is subject to subsection (5) or, as the case may be, subsection (6) of this section.

(5) Where—

(a) For the purpose of complying with any condition specified in subsection (1) of this section, any land is amalgamated in one certificate of title with any other land; or

(b) A certificate is issued under subsection (3) of this section providing that the owner shall not, without the consent of the council, transfer or lease any parcel of land except in conjunction with any other land,—

and that other land is already subject to a registered instrument under which a power to sell, a right of renewal, or a right or obligation to purchase is lawfully conferred or imposed, and that power, right, or obligation becomes exercisable but is not able to be exercised or fully exercised owing to the provisions of subsection (4) of this section, the land first-mentioned in paragraph (a) or, as the case may be, paragraph (b) of this subsection shall be deemed to be and always to have been part of the land that is subject to that instrument, and all rights, obligations in respect of, and encumbrances on, that other land shall be deemed also to be rights and obligations in respect of or, as the case may be, encumbrances on that first-mentioned land.

(6) Where any instrument to which subsection (5) of this section applies is a mortgage, charge, or lien, it shall be deemed to have priority over any mortgage, charge, or lien against the land first-mentioned in paragraph (a) or, as the case may be, paragraph (b) of that subsection which is registered subsequent to the issue of the certificate of title pursuant to subsection (1) of this section or, as the case may be, the registration of the certificate issued pursuant to subsection (3) of this section.

(7) Where the council approves a survey plan subject to the condition specified in paragraph (e) of section 279 (2) of this Act, the council shall require the amalgamation of the allotment and the access lot or interest therein required to be provided pursuant to that paragraph in one certificate of title.

(8) The Registrar shall refuse to register any instrument affecting the land until he is satisfied that the owner has complied with the requirements of subsection (7) of this section.

(9) Where, pursuant to the provisions of any former enactment corresponding to the provisions of subsection (2) of this section the owner of any parcel of land, or his predecessor in title, has before the commencement of this Part of this Act, entered into an agreement with the council that he will not, without the consent of the council, transfer or lease that parcel of land or any part thereof except in conjunction with any other parcel or parcels of land,

subsection (4) of this section shall apply with respect to that agreement as if it were a certificate issued pursuant to subsection (3) of this section, and, any caveat lodged by the council to protect the interest created by the agreement shall, on the registration of the certificate, be deemed to have lapsed.

Cf. 1954, No. 76, s. 351D; 1959, No. 91, s. 28 (1); 1961, No. 131, s. 36; 1968, No. 123, s. 32; 1968, No. 123, s. 32; 1968, No. 124, s. 47; 1969, No. 30, s. 7 (1)

**“309. Plan approved subject to grant or reservation of easements—**(1) Where the council approves a survey plan conditionally on any specified easements shown on the plan being duly granted or reserved, the following provisions shall apply:

- (a) No such easement may be surrendered by the owner of the dominant tenement, or, in the case of an easement in gross, by the grantee of the easement, or be merged by transfer to the owner of the servient tenement, or be varied, except with the consent of the council. The District Land Registrar shall endorse on the instrument by which the easement is granted or reserved and also on the relevant certificates of title a memorial that the easement is subject to the provisions of this paragraph:
- (b) There shall be endorsed on the survey plan of the land deposited in the Land Registry Office or in the Deeds Register Office, as the case may be, a memorandum showing with respect to each such easement which is the dominant tenement and which is the servient tenement, or, in the case of an easement in gross, the name of the proposed grantee and which is the servient tenement:
- (c) The District Land Registrar or, as the case may require, the Registrar of Deeds shall refuse to register any instrument of transfer or conveyance or lease or other disposition of any allotment shown on the survey plan, unless he is satisfied that all easements so specified which are appurtenant to that allotment or to which that allotment is subject have been duly granted or reserved or will by the registration of that instrument be granted or reserved.

(2) Where the council approves a survey plan conditionally on any specified easements shown on the plan being duly

granted or reserved, the council may at any time, whether before or after the survey plan has been deposited in the Land Registry Office or the Deeds Register Office, revoke any such condition in whole or part.

(3) Where the council revokes any such condition in whole or in part, then—

(a) In any case where the survey plan has not been deposited, a memorandum of the revocation shall be endorsed on the survey plan:

(b) In any case where the survey plan has been deposited, the council shall forward an authenticated copy of the resolution of the council revoking that condition to the District Land Registrar or Registrar of Deeds, as the case may require, who shall note his records accordingly.

Cf. 1954, No. 76, s. 351E; 1959, No. 91, s. 28 (1); 1961, No. 60, s. 10; 1961, No. 131, s. 37

**“310. Contravention not to affect title to land—**A contravention of any provision of this Part of this Act shall not invalidate or be deemed to have invalidated any instrument intended to affect or evidence the title to any land.

Cf. 1954, No. 76, s. 351 (4); 1959, No. 91, s. 28 (1); 1961, No. 131, s. 22 (7)

**“311. Offences—**(1) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$1,000, who subdivides any land in the district otherwise than in accordance with a scheme plan approved by the council, or in the case of an appeal, otherwise than in accordance with the decision of the Planning Tribunal under section 300 of this Act:

Provided that no person, being the owner of any land, shall be deemed to commit an offence against this subsection by reason merely of the fact that he makes application for the issue to him of a separate certificate of title for any part of the land.

(2) Every person commits an offence and is liable to a fine not exceeding \$500 who does any other act in contravention of or fails in any other manner to comply with any provision of this Part of this Act.

Cf. 1954, No. 76, s. 351 (2); 1959, No. 91, s. 28 (1); 1961, No. 131, s. 22 (4)



**“312. Savings as to previous approvals—(1) Where a scheme plan or survey plan of a subdivision of land in any district has been approved by the council of that district and the land affected has been subsequently included in another district,—**

(a) The previous approval of the plan shall, for the purposes of this Part of this Act, be deemed to be an approval by the council of the last-mentioned district; and

(b) All conditions imposed by the council of the first-mentioned district in granting its approval of the plan, and all the requirements of that council in relation to the proposed roads or access ways or service lanes on the plan, shall be deemed to be conditions and requirements of the last-mentioned council imposed or made under this Part of this Act.

(2) The District Land Registrar shall not issue a certificate of title for any land that is shown as a separate allotment on a plan of subdivision (being a certificate issued to give effect to that subdivision), unless—

(a) The plan has been deposited under section 306 of this Act; or

(b) The plan has been approved under Part XXV of the Municipal Corporations Act 1954 or the corresponding provisions of any former Act; or

(c) The plan has been approved under Part II of the Counties Amendment Act 1961 or under the Land Subdivision in Counties Act 1946; or

(d) The plan did not require the approval of the council under Part II of the Counties Amendment Act 1961 and was deposited under the Land Transfer Act 1952 after the said Part II came into force; or

(e) The certificate of title is issued to enable effect to be given to any agreement for sale and purchase or agreement to lease or other contract to create an interest in land made before the commencement of this subsection; or

(f) The council has certified on the plan or on a copy thereof that the allotment is in accordance with the requirements and provisions of the operative district scheme or that the issue of the certificate of title was authorised by a specified departure granted under

section 35 of the Town and Country Planning Act 1953 or section 74 of the Town and Country Planning Act 1977.

(3) Nothing in section 275 or section 311 of this Act shall apply to the disposal of land or the issue of a certificate of title pursuant to subsection (2) of this section.

(4) Where, whether before or after the commencement of this Part of this Act, a survey plan of subdivision of any land has been deposited under the Land Transfer Act 1952 or pursuant to any other authority or in the Deeds Register Office and a survey plan of subdivision of the same land is deposited under this Part of this Act, the approval given to the earlier survey plan shall, on the date of the deposit of the later plan, be deemed to be cancelled or, where the land in the later plan is part only of the land in the earlier plan, shall be deemed to be cancelled so far as it relates to the land in the later plan.

(5) Section 62 (6) of the Town and Country Planning Act 1977 is hereby repealed.

Cf. 1954, No. 76, s. 353; 1961, No. 131, s. 38

“313. **Code of urban subdivision**—Subject to any provision of any proposed or operative district scheme for the district, the council shall prepare and publicly notify a code of urban subdivision setting out, subject to this Part of this Act,—

- (a) Minimum requirements that the council requires to be observed by any person undertaking such a subdivision of land within the district; and
- (b) Such other matters as the council considers will be of assistance to any person undertaking such a subdivision.

“314. **Leases of owner-occupier flats**—(1) The District Land Registrar shall not register any lease of an owner-occupier flat (as defined in section 271 (6) of this Act), being a lease that does not constitute a subdivision of the land and is not a subdivision of the land into units pursuant to the Unit Titles Act 1972, unless a certificate in writing given by the principal officer of the council is endorsed on the plan of the flats deposited with the District Land Registrar that the owner-occupier flats comply with the council's bylaws and that any lease of any flat on the plan would not be in contravention of any provision of the Town and Country Planning Act 1977.

(2) The fact that such a certificate has been given shall in all proceedings be conclusive evidence as against the council that, at the time when the certificate was given,—

- (a) The owner-occupier flats complied with the council's bylaws; and
- (b) The granting of any such lease would not be in contravention of any provision of the Town and Country Planning Act 1977.

(3) The council, the principal officer of the council, every member of the council, and every employee or agent of the council shall not be under any civil or criminal liability in respect of the giving of any certificate under this section, unless it or he has acted in bad faith.

## “PART XXI

### “ROADS (OTHER THAN REGIONAL ROADS), SERVICE LANES, AND ACCESS WAYS

“315. **Interpretation** —(1) In this Part of this Act, unless the context otherwise requires,—

“‘Access way’ means any passage way, laid out or constructed by the authority of the council or the Minister of Works and Development for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve:

“‘Council’ means a territorial authority; and, in relation to land that does not form part of any district or to land in the County of Fiord, means the Minister of Works and Development:

“‘District’ means the district of a territorial authority; and, in relation to land in respect of which the Minister of Works and Development is the council, means that land:

“‘Footpath’ means so much of any road as is laid out or constructed by authority of the council primarily for pedestrians; and includes the edging, kerbing, and channelling thereof:

- “‘Private road’ means any roadway, place, or arcade laid out within a district on private land, whether before or after the commencement of this Part of this Act, by the owner thereof, but intended for the use of the public generally:
- “‘Private way’ means any way or passage whatsoever over private land within a district, the right to use which is confined or intended to be confined to certain persons or classes of persons, and which is not thrown open or intended to be open to the use of the public generally; and includes any such way or passage as aforesaid which at the commencement of this Part of this Act exists within any district:
- “‘Regional council’ includes the Auckland Regional Authority; and ‘region’ includes the Auckland Regional District:
- “‘Road’ means the whole of any land which is within a district, and which—
- (a) Immediately before the commencement of this Part of this Act was a road or street or public highway; or
  - (b) Immediately before the inclusion of any area in the district was a public highway within that area; or
  - (c) Is laid out by the council as a road or street after the commencement of this Part of this Act; or
  - (d) Is vested in the council for the purpose of a road as shown on a deposited survey plan; or
  - (e) Is vested in the council as a road or street pursuant to any other enactment;—
- and includes—
- (f) Except where elsewhere provided in this Part of this Act, any access way or service lane which before the commencement of this Part of this Act was under the control of any council or is declared by any council or by the Minister of Works and Development as an access way or service lane after the commencement of this Part of this Act:
  - (g) Every square or place intended for use of the public generally, and every bridge, culvert, drain, ford, gate, building, or other thing belonging thereto or lying upon the line or within the limits thereof;—

but, except as provided in the Public Works Amendment Act 1947 or in any regulations under that Act, does not include a motorway within the meaning of that Act:

“‘Scheme plan’ has the same meaning as in section 270 of this Act:

“‘Service lane’ means any lane laid out or constructed either by the authority of the council or the Minister of Works and Development for the purpose of providing the public with a side or rear access for vehicular traffic to any land:

“‘Survey plan’ has the same meaning as in section 270 of this Act.

(2) This Part of this Act shall be in force in the County of Fiord.

(3) Nothing in this Part of this Act shall be construed as imposing any obligation on the council in relation to any private road or private way.

(4) Every accretion to any road along the bank of a river or stream or along the mean high-water mark of the sea or along the margin of any lake caused by the action of the river or stream or of the sea or lake shall form part of the road.

(5) Where any road along the bank of a river or stream or along the mean high-water mark of the sea or along the margin of any lake is eroded by the action of the river or stream or of the sea or lake, the portion of road so eroded shall continue to be a road.

Cf. 1954, No. 76, s. 169 (1) (a)–(e), (2), (5), (7); 1956, No. 64, s. 191 (a)–(e), (g)–(k); 1948, No. 39, s. 2; 1972, No. 132, s. 2; 1975, No. 8, s. 2 (1)

“316. **Property in roads**—(1) Subject to section 318 of this Act, all roads and the soil thereof, and all materials of which they are composed, shall by force of this section vest in fee simple in the council of the district in which they are situated. There shall also vest in the council all materials placed or laid on any road in order to be used for the purposes thereof.

(2) A council may, by special order, at the request of the National Roads Board, accept or relinquish the property in any State highway or any part thereof in its district, and thereupon the property in that State highway or part shall, by virtue of that special order and without any instrument of transfer, vest in the council, or in the Crown, as the case may be.

(3) On receipt of an authenticated copy of any such special order, the District Land Registrar shall note his records accordingly.

(4) In this section the term 'road' does not include—

(a) Any Government road:

(b) Any State highway or part of a State highway situated in a county or in that part of the district of a district council which before the constitution of the district was or formed part of a county:

(c) Any road in respect of which the Minister of Works and Development is the council:

(d) Any regional road or part thereof (as defined in Part XXII of this Act) which is vested in the regional or united council.

Cf. 1954, No. 76, s. 170 (1); 1956, No. 64, s. 191A (1); 1972, No. 132, s. 2

“317. **Control of roads**—(1) Subject to section 318 of this Act, all roads in the district shall be under the control of the council:

Provided that—

(a) A State highway or part thereof shall be under the control of the council only where the National Roads Board has, under section 13 of the National Roads Act 1953, delegated that control to the council:

(b) A Government road shall be under the control of the Minister of Works and Development:

(c) A regional road or part thereof shall be under the control of the council only where the regional council or united council, as the case may be, has, under section 368 of this Act, delegated that control to the council.

(2) Any powers conferred on the council by this Part of this Act may be exercised—

(a) In relation to any State highway or part thereof, only if that State highway or part is under the control of the council or the exercise of that power by the council has been consented to by the National Roads Board:

(b) In relation to any regional road or part thereof, only if that regional road or part is under the control of

the council or the exercise of that power by the council has been consented to by the regional or united council.

Cf. 1954, No. 76, s. 170 (2); 1956, No. 64, s. 191A (2); 1972, No. 132, s. 2

**“318. Control and maintenance of boundary roads—**

(1) Where a final reorganisation scheme under Part I of this Act contains provision whereby any road forms the boundary of 2 or more districts, whether that road is wholly within one or is partly within one and is partly within another of those districts, the Commission, if so requested by any territorial authority affected by the scheme, may determine—

- (a) In which council or councils the road shall vest; and
- (b) Which council or councils shall control the road; and
- (c) Whether any other council shall contribute to the cost of the construction, maintenance, lighting, widening, reconstruction, or upgrading of that road, and if so, in what proportions.

(2) Where the Commission determines, pursuant to subsection (1) (c) of this section that any council is liable to pay any proportion of the cost of construction, maintenance, lighting, widening, or reconstruction, or upgrading of a road, the amount of that proportion shall be recoverable from that council in any Court of competent jurisdiction as a debt due to the council having control of the road.

(3) On the commencement of this Part of this Act, all warrants made under section 120 of the Public Works Act 1928 before the commencement of this Part of this Act shall remain in force until such time as they are either revoked by the Minister, by notice in the *Gazette*, or amended by an Order in Council made under section 36 of this Act giving effect to a final reorganisation scheme.

Cf. 1928; No. 21, s. 120

*“Formation, Alteration, Stopping, and Closing of Roads*

**“319. General powers of councils in respect of roads—**  
The council shall have power in respect of roads to do the following things:

- (a) To construct and repair all roads with such materials and in such manner as the council thinks fit;
- (b) To make surveys for the laying out of new roads;
- (c) To lay out new roads;
- (d) To divert or alter the course of any road:

- (e) To increase or diminish the width of any road subject to and in accordance with the provisions of the district scheme, if any, and to this Act and any other Act:
- (f) To determine what part of a road shall be a carriage-way, and what part a footpath or cycle track only:
- (g) To alter the level of any road or any part of any road:
- (h) To stop or close any road or part thereof in the manner and upon the conditions set out in section 342 and the Tenth Schedule to this Act:
- (i) To make and use a temporary road upon any unoccupied land while any road adjacent thereto is being constructed or repaired:
- (j) To name and to alter the name of any road and to place on any building or erection on or abutting on any road a plate bearing the name of the road:
- (k) To sell the surplus spoil of roads:
- (l) For the purpose of providing access from one road to another, or from one part of a road to another part of the same road, to construct on any road, or on land adjacent to any road, elevators, moving platforms, machinery, and overhead bridges for passengers or other traffic, and such subways, tunnels, shafts, and approaches as are required in connection therewith.

Cf. 1954, No. 76, s. 170 (4) (a)–(h), (j), (l)–(o); 1956, No. 64, s. 191A (5) (a)–(h), (j), (l)–(o); 1972, No. 132, s. 2

**“320. Certain powers as to roads to be exercised by special order—**(1) The council shall exercise the power to form any new road, or divert or widen any existing road, or to alter the name of a road, only by special order in that behalf.

(2) Notwithstanding anything in subsection (1) of this section, a special order shall not be necessary where—

- (a) Land is dedicated as a road or to widen any existing road pursuant to a resolution of the council accepting dedication, and the land shall be deemed to be a new road or, as the case may be, to form part of the existing road or roads on registration of the instrument of dedication; or
- (b) A new road or the diversion or widening of an existing road is shown on a survey plan, approved by the



council under Part XX of this Act and deposited under the Land Transfer Act 1952 or in the Deeds Register Office.

(3) Where the council alters the name of any road, the council shall, as soon as conveniently may be after the making of the special order in that behalf, send a copy of the special order to the District Land Registrar of the land registration district within which the land is situated, who shall deposit the same in his office without payment of any fee and shall note his records accordingly. A copy of the special order shall also be sent to the Chief Surveyor of the land district within which the land is situated.

Cf. 1948, No. 39, s. 3; 1954, No. 76, ss. 189, 351BD (2); 1956, No. 64, s. 192; 1961, No. 131, s. 25 (2); 1964, No. 119, ss. 15, 25; 1971, No. 62, s. 20; 1972, No. 132, s. 8 (1)

**“321. Road access—**(1) Subject to subsections (2) and (3) of this section and to section 346D of this Act, every allotment on a scheme plan that does not have a frontage to an existing road or private road shall have a frontage to a road or private road to be provided by the owner which will give vehicular access to that allotment from some existing road or private road.

(2) The council may approve of access to any allotment on foot only, where it considers that vehicular access to the allotment is unnecessary or, because of topographical features, is impracticable.

(3) Nothing in subsection (1) of this section shall apply where—

- (a) The allotment is intended to be transferred to the owner of the adjoining land; or
- (b) The council is satisfied that the allotment to be sold is not intended to be used as a site for a dwellinghouse, and the council resolves on that ground that the said subsection (1) shall not apply; or
- (c) The council is satisfied that adequate access to the allotment is provided over other land pursuant to an easement of right of way running with the land and appurtenant to that allotment or pursuant to a condition imposed under section 279 (2) (e) of this Act, and the council resolves on that ground that the said subsection (1) shall not apply: or

- (d) The allotment abuts upon any public navigable river or lake, or upon the seashore, and the council is satisfied that reasonable access by means of that river or lake or by sea is afforded to the allotment and that it is not reasonable that the owner should be required to provide access by road or private road to the allotment, and the council resolves that the said subsection (1) shall not apply; or
- (e) The allotment is to be used as the site of a public utility, and the council resolves that the said subsection (1) will not apply. In any such case—
- (i) The council may approve the scheme plan subject to a condition that the land will be used only for such purposes as may be approved by the council from time to time; and
- (ii) Every such condition shall be set out in a certificate signed by the owner and authenticated by the council, and that certificate shall be deemed to be an instrument creating in favour of the council an interest in the land within the meaning of section 62 of the Land Transfer Act 1952, and may be registered accordingly and shall be a covenant running with the land and bind subsequent owners:
- (f) The allotment is to be used solely for the purposes of a sporting or social or community organisation or incorporated society and is located on or adjoining a public reserve (whether or not subject to the Reserves Act 1977) and the council resolves that the said subsection (1) shall not apply.

(4) For the purposes of paragraph (d) of subsection (3) of this section, any land that is separated from a river or lake or from the seashore only by a reserve in respect of which the public has unrestricted rights of ingress, egress, and regress shall be deemed to abut on that river or lake or the seashore, as the case may be.

(5) For the purposes of this section, where any piece of the land of any owner is separated from any other piece of the land of that owner by only a drain, water race, or stream, whether natural or artificial, of which the ownership or control is vested in another person or local or public authority or the Crown, the first-mentioned piece of land shall not on that account, or on account of any reserve along the banks thereof, be deemed to be without any existing access by road or private road, or to be without any frontage to an existing road or private road, if that other piece of land has such

access or frontage and if a permanent right of way for persons, vehicles, machinery, goods, and stock between the 2 pieces of land across that drain, race, stream, or reserve is held by the owner of the land and will run with the land.

(6) In this section the terms 'road' and 'private road' do not include a service lane, and, except for the purposes of subsection (2) of this section, do not include an access way.

Cf. 1928, No. 21, ss. 125, 126; 1948, No. 39, s. 24; 1952, No. 58, s. 14 (2); 1953, No. 23, s. 2 (1); 1954, No. 76, s. 351BB; 1956, No. 39, s. 2; 1961, No. 131, s. 24; 1964, No. 119, s. 23 (1); 1964, No. 129, s. 19 (2) (a); 1965, No. 26, s. 5; 1968, No. 123, s. 28; 1968, No. 124, s. 38; 1970, No. 145, s. 7; 1972, No. 96, s. 3 (1); 1972, No. 131, s. 12 (1); 1972, No. 132, s. 8 (1)

**“321A. Approval of scheme plan subject to road formation and construction—**The council may require, as a condition of approval of any scheme plan, that the owner shall make provision or further or other provision for the formation or construction, or both, of roads, which, if so required by the council, shall include the metalling and permanently surfacing to a reasonable standard of the road or any part thereof:

Provided that for the purposes of this section the cost to the owner of the road formation and construction shall be limited to the extent to which the road serves or is intended to serve the subdivision.

Cf. 1928, No. 21, s. 125; 1954, No. 76, s. 351A; 1961, No. 131, s. 23 (2) (b) (i); 1974, No. 8, s. 26 (1)

**“322. Land for road formation or widening—**(1) Notwithstanding anything in section 321A of this Act, the council, instead of requiring the owner to make provision or further or other provision for the construction of roads or to complete the work of making new roads shown on the scheme plan, may agree with the owner that the council will carry out the work of constructing the roads or making the new roads in consideration of the owner transferring to the council part of the land in the subdivision or any other land.

(2) For the purposes of forming any new road or of diverting, extending, or widening any existing road, the council—

(a) May take, purchase, or otherwise acquire land in accordance with the provisions of this Act; or

- (b) May require, as a condition of its approval of any scheme plan, the transfer, pursuant to an agreement with the owner, of any land marked for roading on the plan where the council decides to undertake the formation of the road or roads itself; or
- (c) May, where the council is of the opinion that owing to the subdivision and development of any land in accordance with a scheme plan there will be increased traffic on any existing road adjacent to that land or other land vested in the same owner, or a road reserve will be required to be constructed for use as a road, or an unformed road will require to be formed for use as a road, require, as a condition of its approval to the scheme plan, that the owner—

- (i) Pay or enter into a binding contract to pay to the council such amount as the council considers fair and reasonable for or towards the cost of new or additional road formation or the provision of footpaths, not exceeding in the case of such work half the estimated full cost of the whole work:

- Provided that for the purposes of this subparagraph the cost to the owner of additional road formation or the provision of footpaths shall be limited to the extent to which that road or, as the case may be, those footpaths serve or are intended to serve the subdivision; or

- (ii) Dedicate a strip of land for widening the road: or

- (d) May, where—

- (i) Any allotment on the scheme plan has a frontage to an existing road of a width less than that specified in section 325 of this Act, which was not laid off or dedicated pursuant to a plan of subdivision previously approved under this Part of this Act or under any former enactment, whether by the council or by any other authority; and

- (ii) The council is of the opinion that if that road were a new road to be provided by the owner to give access to that allotment the council would require a road of a greater width,—

- the council may, as a condition of its consent to its approval of the scheme plan, require the owner to set back the frontage of that allotment to a distance

sufficient to enable that road to be widened to the width that would be required by the council for a new or proposed road of a like nature under section 321 of this Act:

Provided that the council shall not require the owner to set back the frontage of that allotment to a distance from the middle line of the road as it originally existed greater than half the width of the road when widened to the width that would be required by the council as aforesaid.

(3) In any case to which paragraph (d) of subsection (2) of this section applies—

(a) The owner shall dedicate as a road the strip of land between the frontage line as so set back and the frontage line as previously existing, and thereupon the land so dedicated shall form part of the existing road; and

(b) The owner of the land so dedicated shall be entitled to compensation by the council, to be claimed and ascertained under the Public Works Act 1928; and in assessing such compensation the Land Valuation Tribunal shall take into consideration the necessity for or advantage of affording greater road space and the betterment accruing to the whole property affected, and any such betterment shall be a set-off against the compensation claimed.

Cf. 1928, No. 21, s. 128; 1948, No. 39, s. 25 (1), (2); 1954, No. 76, ss. 351B, 351BC; 1956, No. 64, s. 191G; 1959, No. 91, s. 28 (1); 1961, No. 131, ss. 24A, 27 (5); 1964, No. 119, s. 24; 1964, No. 129, s. 19 (1); 1972, No. 96, s. 3 (1); 1972, No. 132, s. 2

**“323. Unformed roads in the district—**(1) Where the land comprising any unformed road existing at the commencement of this Part of this Act was immediately before the commencement of this Part of this Act vested in the Corporation of the district by section 191A (1) of the Counties Act 1956, the Minister of Lands may, by notice in writing to the council given at any time while the land, or, as the case may be, the part thereof specified in the notice, continues to be an unformed road, require the council to transfer that land or that specified part thereof to the Crown without consideration, and the council shall transfer it to the Crown accordingly.

(2) On the publication in the *Gazette* of a notice by the Minister of Lands declaring that any land or part thereof referred to in subsection (1) of this section has been transferred to the Crown pursuant to this section, the land transferred shall cease to be a road and shall be deemed to be Crown land subject to the Land Act 1948.

Cf. 1956, No. 64, s. 191B; 1972, No. 132, s. 2

**“324. Council may contribute to cost of formation, maintenance, etc., of roads outside the district—**(1) The council may from time to time contribute from the general revenues of the district towards the funds of the council of any adjoining district for the purpose of the formation, maintenance, repair, widening, or otherwise improving of any road which is outside the limits of the district but in the opinion of the council is in great measure used by the residents thereof.

(2) Any regional or united council may from time to time contribute towards the funds of any constituent authority for the purpose of the formation, maintenance, repair, widening, or otherwise improving of any road (whether a regional road or not) within the district of that constituent authority.

Cf. 1954, No. 76, s. 171; 1956, No. 64, s. 193

**“325. Road widths—**(1) Except as provided in an operative or a proposed district scheme,—

(a) No new or proposed road; or

(b) No existing road the width of which the council proposes to reduce—

shall be of a width or, as the case may be, reduced to a width less than that prescribed by any bylaw made by the council pursuant to section 386 (12) of the Municipal Corporations Act 1954 or, as the case may be, section 401 (13) of the Counties Act 1956:

Provided that where there is no such district scheme or bylaw for the time being in force, no such new road or proposed road shall be of a width and no existing road shall be reduced to a width less than that specified in the Eleventh Schedule to this Act.

(2) In the case of any new or proposed road (not being a service lane or an access way) less than 10 metres in width, provision may be made for off-road parking.

Cf. 1948, No. 39, ss. 8 (2), 9 (1); 1954, No. 76, ss. 170 (3), (4) (e), 186, 351BD (3), (4), (7); 1956, No. 64, ss. 191A (3), 191C; 1961, No. 131, s. 25 (3), (4), (7), (8); 1962, No. 39, s. 4 (3); 1964, No. 119, s. 25; 1972, No. 96, s. 3 (1); 1972, No. 132, s. 2; 1974, No. 8, s. 25 (2)

“326. **Betterment arising from creation or widening of a road**—(1) Notwithstanding anything in section 29 (1) (e) of the Finance Act (No. 3) 1944 or in any other Act, where—

(a) The council—

(i) Forms a new road in the district; or

(ii) Widens any existing road or part thereof in the district; and

(b) For that purpose the council takes or purchases or otherwise acquires any land that will have access or frontage to that road; and

(c) By reason of the creation or widening of the road the value of the remaining part of the land of the owner whose land was taken or purchased or acquired is increased by an amount that exceeds the amount of compensation payable to him, in accordance with the Public Works Act 1928, in respect of his land so taken or purchased or acquired,—

the owner shall pay the amount of that excess to the council by way of betterment to the remaining part of his land.

(2) Where an existing road is widened and land from only one side of the road is taken or purchased or otherwise acquired for that purpose, every owner of land with a frontage to the other side of the road shall, if so required by the council, pay to the council on account of betterment such sum of money as represents the increased value thereby given, or likely to be given, to his land. Where only part or parts of a road are widened, only those owners of land with frontages directly opposite the part or parts being widened may be required to pay betterment pursuant to this subsection.

(3) Any claim for payment of betterment under subsection (1) or subsection (2) of this section shall be made within 1 year from the execution of the work out of which it arose, and shall be made in form 1 in the Twelfth Schedule to this Act. The amount to be paid to the council shall be ascertained in the manner provided by the Public

Works Act 1928, or in a manner as near thereto as in the opinion of the Land Valuation Tribunal the circumstances of each claim will admit.

(4) Any or all claims arising out of the widening of any road or part thereof may, with the consent in writing of all parties, be heard and determined together, and the Land Valuation Tribunal shall have power, on the application of any party, to order that all or any claims under this section in respect of land in which several persons have interest shall be heard and determined together and to apportion the amount awarded on account of betterment and the costs of proceedings against the several persons, in such proportions and in such manner as it thinks fit.

(5) Any person liable may, if he so desires, pay the amount awarded to be payable by him, with interest at a rate per annum as fixed by the council, by equal half-yearly instalments extending over a period of 20 years or less, in which case he shall—

- (a) Within 14 days after the date of the award, give notice in writing to the principal officer of the council of the period over which he intends to extend payment; and
- (b) Within 1 month after the date of the award, execute and deliver to the principal officer a memorandum of charge, in form 2 in the Twelfth Schedule to this Act, upon the estate or interest forming the subject of the charge against him, and pay the costs of the preparation and completion of that memorandum;— and thereupon the respondent shall have the right to pay that amount by instalments as set forth in the notice and memorandum of charge as aforesaid.

(6) Any rate of interest fixed by the council under subsection (5) of this section shall not be higher than 1 percent above the maximum rate fixed under section 9 of the Local Authorities Loans Act 1956 at the date of the award fixing the amount payable under this section.

(7) The memorandum of charge shall, when registered, bind the property therein described, and operate as a first charge upon the estate or interest therein of the respondent, and rank in priority to all estates, encumbrances, and interests created by him or any of his predecessors in title.



(8) Any such charge may be registered without fee in the Land Registry Office or in the Deeds Register Office of the land registration district wherein the land affected thereby is situate.

(9) Notwithstanding anything to the contrary in any such charge, the council shall accept payment of the whole of the unpaid instalments secured by any such memorandum of charge at any time when the same is tendered, and for the purpose of any such tender interest shall be calculated and paid up to and including the day of tender.

(10) A receipt expressed to be in full for all money secured by any such memorandum, signed by the principal officer and endorsed on the memorandum, shall vacate the charge.

(11) Money received by the council under this section as betterment shall be credited against the cost of the creation or widening of the road or part thereof which includes the acquisition of the land required for the work and the formation, sealing, kerbing, and channelling. Where the money received is more than sufficient to meet the cost of the work, the amount of the excess shall be applied in respect of the widening or creation of any other road within the district.

(12) In this section the term 'road' does not include an access way.

Cf. 1954, No. 76, s. 192; 1956, No. 64, s. 191H; 1968, No. 123, s. 17 (1) (2) (a); 1971, No. 62, s. 21; 1972, No. 132, s. 2

**“327. Building-line restrictions—(1) A council may—**

(a) By bylaw or special order; or

(b) As a condition of its approval of a scheme plan,—alter an existing building-line restriction or impose a new building-line restriction (either on a temporary or permanent basis) requiring that when any buildings or hoardings are built or erected, or are rebuilt or re-erected, or are substantially rebuilt or re-erected, on any land having a frontage to an existing or proposed road, no part of any such building or hoarding shall stand within a specified distance from the middle line or side line of that existing or proposed road:

Provided that any such bylaw, special order, or approval of a scheme plan may impose such a building-line restriction in relation to land having a frontage to 1 side only of the road or proposed road:

Provided also that where any operative district scheme for the district provides for any building-line restrictions, any such bylaw, special order, or approval of a scheme plan shall comply with the provisions of the operative district scheme.

(2) In cases where the frontage on either side of any road has already been set back under the operation of any Act, or voluntarily by the owner, or by arrangement with the council, the middle line or side line of the road as it originally existed shall be deemed to be the middle line or side line, as the case may be, of the road for the purposes of this section, and, in the case of a scheme plan of subdivision, it shall be referred to on the plan.

(3) Where a scheme plan of subdivision has been approved subject to a condition imposing a building-line restriction, the restriction shall be fully described in the council's resolution approving the scheme plan.

(4) The owner of land affected by any building-line restriction referred to in subsection (1) of this section may dedicate to the council for road purposes the whole of his interest in any part of the land on which the erection, rebuilding, or re-erection or the substantial rebuilding or re-erection thereof is forbidden, if and when that part is without any building thereon above the level of the ground, and the council shall accept the dedication, save that it may refuse to accept the dedication unless and until it is satisfied that on the remainder of the land substantial building or rebuilding operations have been undertaken since the coming into operation of the new building-line restrictions or are being or will forthwith be undertaken, and unless and until every person entitled to compensation as hereinafter provided joins in making the dedication.

(5) Every person having any estate or interest in any land affected by any building-line restriction under this section shall, on dedication of any part of the land pursuant to subsection (4) of this section, or on the taking thereof by the council under the Public Works Act 1928, but not sooner, be entitled to compensation to be claimed and ascertained under that Act.

(6) The total amount of that compensation shall in no case exceed the difference between the value of the whole of the land exclusive of buildings before the dedication or taking of the portion of the land as aforesaid and the value of the remainder exclusive of buildings after the dedication or taking of that portion.

(7) Where any building-line restriction is imposed or altered pursuant to subsection (1) of this section, the council shall deposit an authenticated copy of the bylaw, special order, or resolution of approval of the survey plan, as the case may be, imposing or altering the building-line restriction with the District Land Registrar or Registrar of Deeds, as the case may require, who shall register it against the title to all the land that is subject to the restriction. Such registration shall affect all persons having any estate or interest in the land and their successors to the title.

(8) In every case where a building-line restriction affecting land shown in a scheme plan has previously been imposed under any Act other than this Act (whether or not in force at the commencement of this Part of this Act), the council on the approval of a scheme plan shall either impose the same or some other building-line restriction or declare the building-line restriction to be wholly cancelled.

(9) Where the council cancels any building-line restriction under subsection (8) of this section, the council shall on the approval of the survey plan send notice of the cancellation to the District Land Registrar or Registrar of Deeds, as the case may require.

(10) Where pursuant to subsection (8) of this section the council imposes a building-line restriction in substitution for a restriction previously imposed or cancels a restriction previously imposed, the building-line restriction previously imposed shall cease to have effect on the deposit of the survey plan, and on the deposit of that plan the District Land Registrar or Registrar of Deeds, as the case may require, shall amend his records accordingly.

(11) Where a building-line restriction affecting any land has been imposed under this Part of this Act or under any former enactment, and the council subsequently determines that the building-line restriction is no longer required, it may declare the building-line restriction to be cancelled. The council shall send notice of the cancellation to the District Land Registrar or Registrar of Deeds, as the case may require, who shall amend his records accordingly.

(12) In this section the term 'road' does not include a service lane.

Cf. 1954, No. 76, ss. 188, 351G; 1956, No. 64, ss. 191C, 191E; 1961, No. 131, s. 31; 1962, No. 39, s. 4 (5) (a); 1971, No. 63, s. 41; 1972, No. 131, s. 12 (1); 1972, No. 132, s. 2

**“328. Building-line restrictions provided in district scheme—**(1) Notwithstanding anything in section 327 of this Act, where any operative district scheme for the district provides that any land having a frontage to any existing or future road shall be subject to a building-line restriction in relation to that existing or future road, then, on the approval by the council of a survey plan of that land or any part thereof on which that building-line restriction is described or referred to, the survey plan shall be deemed to have been approved subject to a condition imposing on every allotment in the subdivision having a frontage to that existing or future road the building-line restriction provided in the district scheme as if that condition had been imposed by the council under this Part of this Act.

(2) Where a building-line restriction is imposed under this section, it shall not be necessary for the council to impose any building-line restriction under section 327 of this Act.

(3) Nothing in subsection (7) or subsection (11) of section 327 of this Act shall apply with respect to any building-line restriction that is deemed to have been imposed under this section.

Cf. 1961, No. 131, s. 31A; 1971, No. 63, s. 42

**“329. Road gradients—**(1) No road shall be laid out or constructed by the council, and no road or proposed road on any scheme plan shall be approved by the Council, with a grade in any part of its length steeper than—

- (a) That fixed by any operative district scheme for the district; or
- (b) Where there is no such district scheme or no such grade is specified in any such district scheme, that fixed by any bylaw or special order made by the council; or
- (c) One metre in 8 metres, in any case where that grade is not fixed by any such district scheme or by any bylaw or special order.

(2) In this section the term ‘road’ does not include an access way.

Cf. 1954, No. 76, s. 170 (3); 1956, No. 64, s. 191A (4); 1972, No. 132, s. 2

**“330. Road levels—**(1) The council may, if it thinks fit, make a map of the district or any specified portion thereof showing all roads therein with the levels thereof. Any map

so made may be amended from time to time, and shall be open for public inspection at all reasonable hours at the office of the council.

(2) All buildings erected in any part of the district for which a map has been made as aforesaid, shall be constructed with proper regard to the levels shown on the map.

(3) Any person who erects any building abutting on a road without regard to the level of the road shall be liable to pay to the council any expenses incurred by the council in altering the level of the road adjacent to the building.

(4) The council may at any time, either before or after the making of any such map, fix the level of any road, subject to the conditions set out in the Thirteenth Schedule to this Act:

Provided that where no building or land appurtenant thereto fronts upon any road the conditions numbered (1) to (5) in that Schedule need not apply.

(5) Where a road crosses the boundary of a district or meets another road on such a boundary, the level of the road at the point of crossing or meeting shall not be altered without the agreement of both councils controlling the respective roads.

(6) It shall be lawful for the council to throw the batter or make the slope of any road (not being a private road) upon any land, subject to the payment of compensation, to be claimed and ascertained under the Public Works Act 1928.

(7) No compensation shall be payable by the council in respect of an alteration in the level of any road, unless the alteration has been made after that level has been fixed under this Act or the corresponding provisions of any former Act, or after the road has been constructed in some permanent manner by any local authority having the power to do so.

(8) In this section, unless the context otherwise requires, the term 'road' includes a private road, but does not include an access way.

Cf. 1928, No. 21, s. 123; 1954, No. 76, ss. 170 (4) (g), 193-198; 1956, No. 64, ss. 191A (5) (g), 200-205; 1972, No. 132, s. 2

**“331. Footpaths and channels—**(1) Without limiting the generality of its powers in relation to any scheme plan, the council may, in such manner as it thinks fit, form and construct or make permanent improvements of footpaths on one side

or both sides of any road, and may construct those footpaths of such dimensions and of such materials and in such manner as it thinks fit, and may impose a charge not exceeding half the cost of those works upon the owners of lands and buildings fronting the road. The amount so imposed shall be payable to the council and until paid shall be in every case a charge on the land.

(2) In forming or reforming any road or part thereof (not being a road in a rural area), the council shall ensure that reasonable and adequate provision is made for the kerb and channel of any footpath or part thereof to be formed or reformed so as to permit safe and easy passage from kerb to kerb of any mechanical conveyance normally and lawfully used by a disabled person:

Provided that the Director-General of Social Welfare may at any time exempt in whole or in part the forming or reforming of any road or part thereof from any requirements of this subsection, if, having regard to all the circumstances, he considers that it is reasonable to grant the exemption.

Cf. 1954, No. 76, s. 178; 1956, No. 64, s. 198 (1), (3); 1972, No. 132, s. 3; 1975, No. 122, s. 24

**“332. Cycle tracks—**(1) The council may on any road, or on any land vested in or under the control of the council, form a public cycle track, and may make bylaws under section 386 of the Municipal Corporations Act 1954, or, as the case may be, section 401 of the Counties Act 1956 regulating and controlling the use of that cycle track.

(2) For the purpose of constructing any cycle track, the council may take, purchase, or otherwise acquire land in accordance with the provisions of this Act.

(3) In this section the term ‘road’ does not include an access way.

Cf. 1948, No. 39, s. 23; 1954, No. 76, s. 176 (1); 1956, No. 64, s. 197

**“333. Dividing strips, etc.—**(1) The council may on any road construct, erect, or grow thereon or remove therefrom, such barriers, dividing strips, guiding or sign posts, pillars or other markers, trees, hedges, lawns, gardens, and other devices as are, in the opinion of the council, necessary for separating, guiding, or warning traffic, intercepting glare, or for any other purpose.

(2) The council may on any road construct for road safety purposes, and alter or remove therefrom, any segregation strip for the purpose of segregating from the roadway any land having a frontage to the road:

Provided that no such segregation strip shall be constructed or altered so as to unreasonably prevent access to any land having a frontage to the road:

Provided also that for the purposes of this Act and of any other Act, any land having a frontage to the road before the construction of a segregation strip shall be deemed to continue to have that frontage, notwithstanding the existence of the segregation strip.

Cf. 1948, No. 39, s. 22

**“334. Erection of monuments, etc., and provision of facilities on or under roads—**(1) The council may—

(a) Construct and enclose any part of a road as a pedestrian safety area:

(b) Lay out or plant grass plots or flower beds or trees on any road, and prohibit traffic, in whole or in part, on any such plots and flower beds laid out in roads (whether laid out before or after the commencement of this Part of this Act) by or under the authority of the council:

(c) Erect on any road a monument, statue, or other such erection:

(d) Construct or provide on, over, or under any road facilities for the safety, health, or convenience of the public, or for the control of traffic or the enforcement of traffic laws:

Provided that no such construction, erection, laying out, or planting shall be carried out, unless in the opinion of the council the construction, erection, laying out, or planting will not unduly impede vehicular traffic entering or using the road (not being a road or part of a road to which a special order under section 336 of this Act for the time being applies).

(2) For the purposes of any resolution or bylaw of the council, anything constructed or provided under the authority of the council shall be deemed to be sufficiently described if the road in which it is constructed or provided and its approximate locality in that road are specified in the bylaw or resolution.

Cf. 1954, No. 76, s. 170 (4) (k) (6); 1956, No. 64, s. 191A (5) (k), (7); 1972, No. 132, s. 2

**“335. Vehicle crossings—**(1) Where vehicles are being taken or, in the opinion of the council, are likely to be taken, on to or from any land across any footpath on any road or any water channel on or adjoining any road otherwise than by means of a crossing properly constructed under the provisions of any bylaw made by the council, the principal officer or other officer authorised by the council may, by notice in writing, require the occupier or, in any case where there is no occupier, the owner of the land to pay to the council such sum of money as the council from time to time fixes as payment for the cost of the construction of a crossing by the council.

(2) Within 28 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the council against the requirements of the notice, and the notice shall thereupon be deemed to be suspended pending the determination of the objection or, where application is made to the Court to confirm the notice, pending the decision of the Court.

(3) Where any such objection is received by the council, the council shall forthwith inquire into and dispose of the objection.

(4) Where on inquiry into the objection the council reaffirms its requirements, the council shall apply to a Magistrate’s Court for an order confirming the notice.

(5) On the hearing of the application, the Court, whose decision shall be final, may—

(a) Confirm the notice; or

(b) Confirm the notice subject to a reduction in the sum payable to the council by the occupier or owner, as the case may be; or

(c) Set aside the notice.

(6) Where—

(a) In any case in which no such objection is made, the occupier or owner, as the case may be, fails to pay to the council the sum specified in the notice within 42 days after the service of the notice; or

(b) In any case in which objection is made, the notice is confirmed by the Court (whether with or without any reduction in the sum payable to the council), and the occupier or owner, as the case may be, fails to pay to the council the sum specified in the notice, or, as the case may be, the sum specified in the order of the Court, within 14 days after the giving of the decision of the Court,—



the council may construct the crossing and recover the cost from him.

(7) The said cost shall be recoverable by the council as a debt from the occupier or owner, as the case may be, and, where it is recoverable from the owner, shall be a charge on the land.

(8) Where any sum of money is paid to the council by any occupier or owner pursuant to this section, the council shall refund that sum to the occupier or owner if the crossing is not completed by the council within 6 months after the date of the payment.

(9) Where the council is satisfied that any crossing on to any land is redundant or is in excess of the reasonable requirements of the occupier, or, where there is no occupier, the owner, the principal officer or other officer authorised by the council may serve notice upon the occupier or owner, as the case may be, of its intention to remove the crossing at the expense of the council.

(10) In this section the term 'road' does not include an access way.

Cf. 1954, No. 76, s. 178A; 1956, No. 64, s. 199c; 1964, No. 119, s. 12; 1971, No. 62, s. 18; 1972, No. 132, s. 5

**“336. Pedestrian malls—**(1) The council may from time to time, by special order,—

- (a) Declare any specified road or part thereof to be a pedestrian mall; and
- (b) Prohibit or restrict, either generally or during particular hours and subject to such exemptions and conditions as to occasional user or otherwise as may be specified in the order, the driving, riding, or parking of any vehicle or the riding of any animal on all or any portion of that pedestrian mall; and
- (c) Provide that the special order shall have effect for a limited time only:

Provided that in the case of a State highway or portion of a State highway a special order shall not be made under this subsection except with the prior consent of the National Roads Board.

(2) The first public notice of any resolution made under subsection (1) of this section shall, in addition to any other particulars required to be given therein, contain a statement to the effect that any person likely to be affected by the proposal contained in the resolution may, by writing under his

hand addressed to the principal officer, and received at the office of the council not later than 14 days after publication of the notice, object to the proposal and that any such person will be given the opportunity of being heard by the council.

(3) Where any person objects to the proposal in accordance with subsection (2) of this section, the council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is to be heard. Any such time shall be not earlier than 7 days after the date on which the notice of objection was received at the office of the council.

(4) The council shall, at the time and place stated in the notice referred to in subsection (3) of this section, consider the objection, and after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or decide not to proceed with the proposal or make such modifications to the proposal to which the objection relates as it thinks fit. Subject to section 113 (1) (b) of this Act, the hearing of any such objection may be adjourned from time to time and from place to place.

(5) Where there are more objectors than one, the council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.

(6) No resolution under this section shall be confirmed until the council has considered all the objections of which notice has been given in accordance with this section.

(7) Where the Council makes a special order under subsection (1) of this section in any case where 1 or more objections to the proposal were received—

(a) The Council shall give public notice of the making of the special order and of the general purport thereof specifying in the notice the right of appeal conferred by subsection (8) of this section; and

(b) The special order shall not take effect until the expiration of the time for appealing and, in the event of any appeal, shall be suspended until all appeals against the special order have been determined.

(8) Any objector aggrieved by the decision of the council making a special order under subsection (1) of this section may appeal against that decision in the prescribed manner to the Planning Tribunal.

(9) On any such appeal, the Planning Tribunal may cancel or confirm the special order or confirm it subject to modification, and the decision of the Planning Tribunal shall be final.

(10) Nothing in subsections (2) to (9) of this section shall apply in any case where the special order under subsection (1) of this section is made for the purpose of giving effect to any provision of an operative district scheme.

(11) Any person commits an offence who drives, rides, or parks any vehicle or rides any animal or causes or permits any vehicle to be driven, ridden, or parked or animal to be ridden in contravention of a special order made under subsection (1) of this section (including such an order modified by the Planning Tribunal).

(12) Nothing in any special order made under subsection (1) of this section or in subsection (11) of this section shall be deemed to prohibit or restrict the use of any road or portion of any road to which any such special order relates by any fire appliance, ambulance, or other vehicle where it is necessary for that appliance, ambulance, or vehicle to enter the road or portion thereof for the protection of human life or of property.

(13) Any special order made under subsection (1) of this section (including such an order modified as aforesaid) may by subsequent special order, be revoked or varied. In making any such subsequent special order, the procedure to be followed shall be the same as for the making of the original special order.

(14) In this section—

“‘Parking’, means the stopping or standing of a vehicle for any period exceeding 5 minutes; and ‘park’ has a corresponding meaning:

“‘Road’ does not include an access way:

“‘Vehicle’ has the same meaning as in section 2 of the Transport Act 1962.

Cf. 1954, No. 76, s. 170A; 1956, No. 64, s. 198G; 1968, No. 123, s. 14; 1968, No. 124, s. 17

**“337. Alteration of pipes and drains—**The council may, by notice in writing, require the owner of any pipe, drain, or other apparatus of any kind on or under a road to raise, lower, or otherwise alter the same as the council directs, and if that alteration is not made within a reasonable time the council may make the same as it thinks fit; but, subject to the provisions of any other Act or to any agreement between the

council and the person affected, the cost of any such alteration and any damage occasioned thereby shall be paid by and may be recovered from the council by any person affected.

Cf. 1954, No. 76, s. 174; 1956, No. 64, s. 195

**“338. Council may grant right to lay petroleum conduit pipes along or under roads—**(1) Subject to section 357 of this Act, the council may, pursuant to a special order, grant to any person an easement or other right for such period not exceeding 50 years and on such terms and conditions as the council thinks fit, authorising that person to lay conduit pipes for petroleum or for any other purpose in the district under or along any road or (with the consent of the owners) under or along any private road or private way; but no such grant shall be to the exclusion of like grants to any other person.

(2) The grant of any such right or easement shall be subject to the payment of such rent, and to the observance of such conditions as to size, construction, repair, and maintenance of the conduit pipes, and as to repair of any road or private road or private way under or along which they are laid, as the council thinks fit.

Cf. 1954, No. 76, s. 200; 1956, No. 64, s. 207

**“339. Transport shelters—**(1) The council may erect on the footpath of any road a shelter for use by intending public-transport passengers or taxi passengers:

Provided that no such shelter may be erected so as to unreasonably prevent access to any land having a frontage to the road.

(2) The council shall give notice in writing of its proposal to erect any shelter under this section to the occupier and, if he is not also the owner, to the owner of any land the frontage of which is likely to be injuriously affected by the erection of the shelter, and shall not proceed with the erection of the shelter until after the expiration of the time for objecting against the proposal or, in the event of an objection, until after the objection has been determined.

(3) Within 14 days after the service of the notice, the occupier or owner, as the case may be, may object in writing to the council against the proposal.

(4) Where any person objects to the proposal in accordance with subsection (3) of this section, the council shall appoint a day for considering the objection and shall give notice to the objector of the time when and place where the objection is

to be heard. Any such time shall be not earlier than 7 days after the date on which the notice of objection was received at the office of the council.

(5) The council shall, at the time and place stated in the notice referred to in subsection (4) of this section, consider the objection, and after hearing any submissions made by or on behalf of the objector, may either dismiss the objection or decide not to proceed with the proposal or make such modifications to the proposal to which the objection relates as it thinks fit. The hearing of any such objection may be adjourned from time to time and from place to place.

(6) Where there are more objectors than one, the council shall, as far as practicable, hear all objections together and give each objector an opportunity of considering and being heard in respect of all other objections.

(7) No resolution under this section shall be passed until the council has considered all the objections of which notice has been given in accordance with this section.

(8) In this section the term 'road' does not include an access way.

Cf. 1954, No. 76, s. 177A; 1956, No. 64, s. 199A; 1959, No. 91, s. 16; 1971, No. 63, s. 20

**"340. Motor garages—**(1) Where a building-line restriction has been imposed under this Act or any other Act in relation to the whole or any part of any road, then, notwithstanding anything to the contrary in this Act, but subject to the Town and Country Planning Act 1977, the council may grant permits for the erection of private motor garages adjacent to the line of the road or to a line intermediate between the line of the road and the building line.

(2) Every such permit may be at any time cancelled by the council. Within 1 month after the date of the cancellation, or within such extended time as the council may in any case allow, the owner shall remove the garage and shall not be entitled to any compensation in respect thereof.

(3) If the owner fails to remove the garage within the time specified, the council may remove it at his expense, and recover the cost thereof from that owner as a debt.

(4) Every permit granted under section 132 of the Public Works Act 1928 and in force at the commencement of this Part of this Act shall continue in force after the commencement of this Part as if it had been granted under this section.

Cf. 1928, No. 12, s. 132; 1948, No. 39, s. 28; 1953, No. 91, s. 52 (1); 1954, No. 76, s. 178B; 1955, No. 59, s. 7; 1956, No. 64, s. 198F; 1961, No. 131, s. 41; 1964, No. 119, s. 13; 1972, No. 96, s. 3 (1); 1972, No. 132, s. 8 (1)

**“341. Leases of airspace or subsoil of roads—**(1) Subject to section 357 (2) of this Act, the council may—

- (a) Grant a lease to any person of the airspace or any part of the airspace above the surface of any road; or
- (b) Grant a lease to any person of the subsoil or any part of the subsoil beneath the surface of any road:

Provided that no such lease shall be granted for any purpose that would be in contravention of any provision of the Town and Country Planning Act 1977:

Provided also that, in exercising the powers conferred by this subsection in relation to any airspace, the council shall ensure that sufficient airspace remains above the surface of the road for the free and unobstructed passage of vehicles and pedestrians lawfully using the road.

(2) Any improvements erected or constructed in any airspace or in any subsoil pursuant to a lease under this section shall be deemed to be rateable property for the purposes of the Rating Act 1967.

(3) Nothing in this section shall be construed so as to restrict any right a council may have to permit any person to use for a temporary period any part of the surface or of the airspace above the surface of any road.

(4) The council may grant a lease to any person under subsection (1) of this section for the purpose of the erection or construction and maintenance of a pedestrian or vehicular bridge or tunnel or subway connecting any land or building on one side of the road with any land or building on the other side upon such terms and conditions as it thinks fit.

(5) The Public Bodies Leases Act 1969 shall not apply with respect to any lease granted under this section.

Cf. 1954, No. 76, s. 170c; 1956, No. 64, s. 198H; 1971, No. 62, s. 16; 1972, No. 132, s. 4

**“342. Stopping and closing of roads—**(1) The council may, in the manner provided in the Tenth Schedule to this Act,—

- (a) Stop any road or part thereof in the district:

Provided that the council (not being a borough council) shall not proceed to stop any road or part thereof in a rural area unless the prior consent of the Minister of Lands has been obtained; or

(b) Close any road to traffic on a temporary basis.

(2) Every person commits an offence against this Act who uses any vehicle or permits any vehicle to be used on any road that is for the time being closed pursuant to this section.

Cf. 1954, No. 76, s. 170 (4) (h), (i); 1956, No. 64, s. 191A (5) (h), (i); 1972, No. 132, s. 2

**“343. Consumption or possession of intoxicating liquor in roads closed for public function or gathering—**(1) In addition to the powers conferred on the council by sections 319 and 342 of this Act or by regulations made pursuant to section 77 (1) (u) of the Transport Act 1962, the council may, in any case where it considers that—

- (a) Any road or any specified part thereof (in this section referred to as the specified road) should be closed to ordinary vehicular traffic for any specified period or periods on the occasion of the holding in the specified road of any public event or function or gathering; and
  - (b) The drinking of intoxicating liquor in the specified road during that period or those periods, and the bringing of intoxicating liquor or empty glass intoxicating-liquor containers into the specified road during that period or those periods, and the possession of intoxicating liquor or empty glass intoxicating-liquor containers in the specified road during that period or those periods should be prohibited,—
- the council may, by resolution,—
- (c) Close the specified road to ordinary vehicular traffic for any period or periods specified in the resolution; and
  - (d) Prohibit the drinking of intoxicating liquor in the specified road during that period or those periods, and the bringing of intoxicating liquor or empty glass intoxicating-liquor containers into the specified road during that period or those periods, and the possession of intoxicating liquor or empty glass intoxicating-liquor containers in the specified road during that period or those periods.

(2) No closure and prohibition under this section shall have effect for more than 12 hours in any consecutive period of 24 hours.

(3) No prohibition under this section shall be deemed to prohibit—

- (a) The transport of intoxicating liquor from premises on land having a frontage to the specified road during any period while pursuant to the Sale of Liquor Act 1962 intoxicating liquor may lawfully be sold on those premises for consumption off the premises, provided the liquor is promptly removed from the specified road:
- (b) The transport of intoxicating liquor from outside the specified road for delivery to premises on land having a frontage to the specified road, being premises licensed for the sale of intoxicating liquor pursuant to the Sale of Liquor Act 1962:
- (c) The transport of intoxicating liquor from outside the specified road to premises on land having a frontage to the specified road by or for delivery to a person residing on those premises or by his bona fide visitors, or from such premises to a place outside the specified road by a person residing on the premises, provided the liquor is promptly removed from the specified road.

(4) Every resolution of the council under this section shall be publicly notified, in a form prescribed by regulations made under this Act, in a newspaper circulating in the district on at least 3 occasions during the period of 21 days immediately preceding the day on which the road closure and prohibition are to have effect, or, where the road closure and prohibition are to have effect on 2 or more days, the first of those days. Without limiting the matters that may be prescribed in that form, the form shall specify the following matters:

- (a) The road or part thereof to be closed to ordinary vehicular traffic:
- (b) The acts forbidden by the prohibition under subsection (1) of this section:
- (c) The day or days on which the road closure and prohibition are to have effect, and the hours of each day during which the road closure and prohibition are to have effect:
- (d) The powers conferred on the Police by this section:
- (e) The maximum penalty for offences against this section.

(5) Every person commits an offence, and is liable on summary conviction to a fine not exceeding \$500, who, knowing that the closure and prohibition are in force in respect of the specified road,—



- (a) Drinks intoxicating liquor in any specified road in breach of any prohibition imposed pursuant to subsection (1) of this section; or
- (b) Brings intoxicating liquor or any empty glass intoxicating-liquor container into any specified road in breach of any such prohibition; or
- (c) Is in possession of intoxicating liquor or any empty glass intoxicating-liquor container in any specified road in breach of any such prohibition; or
- (d) Drives or rides any motor vehicle (being ordinary vehicular traffic) in any specified road that is for the time being closed to such traffic:

Provided that nothing in this paragraph shall apply to the driving or riding of a motor vehicle by a person residing in premises on land having a frontage to the specified road or by his bona fide visitors.

(6) Any constable may, without warrant,—

- (a) Arrest any person whom he finds committing an offence against this section:
- (b) During the period of the closure, arrest any person whom he has reasonable cause to suspect of having committed such an offence:
- (c) Search any parcel, package, bag, case, or other container in the possession of any person in or entering or about to enter any specified road in respect of which any prohibition under subsection (1) of this section is for the time being in force, for the purpose of ascertaining whether or not the parcel, package, bag, case, or container contains any intoxicating liquor or any empty glass intoxicating-liquor container:

Provided that before exercising the power of search conferred by this paragraph, the constable shall inform the person in possession of the parcel, package, bag, case, or other container of the provisions of subsection (7) of this section, and in any case where that person is in possession thereof in the specified road, give him a reasonable opportunity of removing the same from the specified road.

(7) A constable shall not exercise the power of search conferred by subsection (6) of this section if the person in possession of the parcel, package, bag, case, or other container

removes it from or, as the case may be, refrains from taking it into the specified road and leaves it outside that road until the period of the prohibition ceases.

(8) Any constable may seize and remove any intoxicating liquor and any intoxicating-liquor container which he has reasonable cause to believe would be evidence of the commission of an offence against this section. Any liquor or container so seized in respect of which any person is convicted of an offence under this section, together, in the case of any liquor, with the vessels containing the liquor, shall be deemed to be forfeited to the Crown.

(9) In this section—

“‘Intoxicating liquor’ means liquor as defined in the Sale of Liquor Act 1962:

“‘Ordinary vehicular traffic’, in relation to any specified road, means all vehicular traffic other than traffic of any kind (if any) that pursuant to the resolution of the council under subsection (1) of this section is permitted to use the specified road during the period of the closure.

Cf. 1954, No. 76, s. 204A; 1956, No. 64, s. 210A; 1975, No. 2, s. 6; 1975, No. 8, s. 7

**“344. Gates and cattle stops across roads—**(1) The council may, in writing, permit the erection of a swing gate or a cattle stop or both across any road, where—

(a) In the council’s opinion it is not practicable or reasonable to fence the road; or

(b) By agreement the road has been taken or may be constructed through private lands and the owner or occupier requests that a gate or a cattle stop or both be erected on the outer boundary at the cost (including maintenance) of one or both parties as may be agreed.

(2) Where a gate is erected across a road under subsection (1) of this section, a board with the words ‘Public Road’ legibly painted thereon in letters of not less than 75 millimetres in height shall be fixed upon each side of the gate and at all times maintained thereon by the person authorised to erect the gate, or at whose cost it has been agreed that the gate shall be erected and maintained.

(3) Where a gate or cattle stop across any road is considered redundant or an inconvenience, either by the council

or by a petition supported by 20 or more residents of the district, the council may serve notice upon the person authorised to erect the gate or cattle stop of the council's intention to remove it.

(4) Within 14 days after the service on any person of a notice pursuant to subsection (3) of this section, he may object, in writing to the council, against its intention to remove the gate or cattle stop.

(5) Not later than 14 days after receiving any such objection, the council shall consider it, and, after hearing any submissions made by the objector or on his behalf, the council may dismiss the objection or decide not to proceed to remove the gate or cattle stop or make such modifications to its proposal as it thinks fit.

(6) The erection across any road of any gate or cattle stop shall not be commenced unless and until plans of the gate or cattle stop have been submitted to and approved by the council. The council may make such alterations in or additions to any plans submitted to it as it thinks fit, and may require the erection of such protective or warning devices as it considers necessary; and the gate or cattle stop shall be erected in accordance with the plans and requirements and in such position as the council directs.

(7) The Minister of Works and Development may from time to time, by notice in the *Gazette*, prescribe specifications for gates and cattle stops, and no plans shall be approved by the council without the consent of the District Commissioner of Works for the locality, unless they are in accordance with specifications prescribed under this section and then in force.

(8) The person by whom any swing gate or cattle stop has been erected pursuant to a permit granted under this section, and his successors in title, shall maintain the swing gate or cattle stop to the satisfaction of the council.

(9) Without limiting the power to make bylaws conferred on the council by section 386 of the Municipal Corporations Act 1954 or, as the case may be, section 401 of the Counties Act 1956, the council may from time to time make bylaws regulating the use of swing gates and cattle stops erected pursuant to this section, prohibiting the causing of damage to such swing gates and cattle stops, and prohibiting the leaving open of such swing gates.

(10) Neither the Minister of Works and Development nor the council shall be liable for damages in respect of any

accident arising out of the existence of a gate or cattle stop across any road erected under a permit granted pursuant to this section.

(11) The power conferred by this section to erect and maintain any swing gate or cattle stop on any road shall be deemed to include power to fence the road up to that gate or cattle stop and to maintain that fence, and every reference in this section to a swing gate or cattle stop shall be deemed to include a reference to such a fence.

(12) This section shall apply with respect to every gate or cattle stop and fence lawfully erected across any road at the commencement of this Part of this Act pursuant to a permit granted under section 141 or section 142 or section 144 of the Public Works Act 1928 or section 11 of the Public Works Amendment Act 1935, as if it had been erected pursuant to a permit granted under this section.

(13) The Gates and Cattle Stops Order 1955 (S.R. 1955/67) shall continue in force and have effect after the commencement of this Part of this Act as if it were a notice issued under subsection (7) of this section.

Cf. 1928, No. 12, ss. 141-146; 1935, No. 27, s. 11; 1948, No. 39, s. 31 (2)

**“345. Disposal of land not required for road—**(1) Subject to subsection (3) of this section, where in forming a new road, or in diverting or stopping or diminishing the width of any existing road, any part thereof is no longer required as a road, the council may—

(a) Either—

(i) Sell that part to the owner or owners of any adjoining land for a price to be fixed by a competent valuer appointed by the council to value that part; or

(ii) Grant a lease of that part to the owner or owners of any adjoining land for a term and at a rental and subject to such conditions as the council thinks fit;—

and, if no such owner or owners is or are willing to purchase the land at the price fixed or, as the case may be, take a lease of that part for the term and at the rental and subject to the conditions fixed, the council may, pursuant to a special order, sell or lease the land by public auction or private tender;

and a conveyance, transfer, or lease under the seal of the council shall constitute a valid title to the land; or

- (b) Apply that part, or any part thereof, to any purpose to which the council may apply land, either under this Act or any other enactment; or
- (c) Grant a lease of that part, or any part thereof, for such term and on such conditions as it thinks fit for use for any purpose to which the council may apply land, either under this Act or any other enactment; or
- (d) Transfer that part, or any part thereof, to the Crown for a public reserve or for addition to a public reserve or for any purpose of public convenience or utility or as Crown land subject to the Land Act 1948.

(2) Where the council pursuant to subsection (1) (a) (i) of this section sells the land to the owner or owners of any adjoining land, it may require, notwithstanding the provisions of any other enactment, the amalgamation of that land with the adjoining land under one certificate of title. The District Land Registrar may, if he thinks fit, dispense with any survey that would otherwise be required for the purposes of the issue of a certificate of title under this section, and may issue a certificate of title limited as to parcels.

(3) Where any road along the bank of a river or stream with an average width of not less than 3 metres or along the margin of any lake with an area in excess of 8 hectares or along the mean high-water mark of the sea or of any of its bays, inlets, or creeks, or any portion of any such road, is stopped or diminished in width, the land which thereby ceases to be road shall become a public reserve vested in the council as a local purpose reserve under the Reserves Act 1977 for the purpose of providing access to the river, stream, lake, or sea, as the case may be, and to protect the environment:

Provided that the council, with the consent of the Minister of Lands, may waive this requirement in respect of the whole or any part or parts of the land which ceases to be road, subject to such conditions as the council may impose or as that Minister may require, and thereupon, subject to any such conditions, subsection (1) of this section shall apply with respect to the land or, as the case may be, that part or those parts thereof.

Cf. 1954, No. 76, s. 190; 1956, No. 64, s. 191F; 1972, No. 132, s. 2; 1977, No. 134, s. 2

*“Limited Access Roads*

**“346. Interpretation**—In sections 346A to 346J of this Act, unless the context otherwise requires,—

“‘Limited access road’ means any road declared to be a limited access road under section 346A of this Act or the corresponding provisions of any former enactment:

“‘Road’ does not include an access way or a service lane.

**“346A. Declaration and revocation of limited access roads**—

(1) The council may from time to time, by special order, declare any road or part thereof in the district to be a limited access road.

(2) The council may from time to time, by special order revoke the status as limited access road of any road or any part thereof.

Cf. 1954, No. 76, s. 170B (1); 1970, No. 89, s. 4

**“346B. Provisions of Acts relating to roads to apply to limited access roads**—Subject to sections 346C to 346J of this Act, the provisions of this Act and of every other enactment relating to roads, as far as they are applicable and with the necessary modifications, shall apply to every limited access road.

Cf. 1954, No. 76, s. 170B (3); 1970, No. 89, s. 4

**“346C. Requirements of declaration of limited access road**—The following provisions shall apply in respect of the declaration under section 346A (1) of this Act of a limited access road:

(a) Every such declaration shall refer to a plan showing—

(i) The road or part thereof to which the declaration relates:

(ii) Any crossing places to be authorised:

(iii) The boundaries of all road frontages of each parcel of land adjoining the road or part thereof to which the declaration relates:

(iv) The boundaries of all other types (if any) of legal access (whether roads, private roads, private ways, rights of way, or any other types whatsoever) connecting the road or part thereof to any other parcel of land:

(v) The title references to every parcel of land to which subparagraph (iii) or subparagraph (iv) of this paragraph applies:

- (b) Every such declaration shall indicate where the plan is held and may be inspected:
- (c) The council shall forward to the District Land Registrar a certificate authenticated by the council (together with a copy of the plan and of any resolution under section 346D (3) of this Act), setting out by sufficient descriptions and title references, and the District Land Registrar shall record it against the titles to all the parcels of land therein described:
- (d) The council shall cause a copy of the certificate to be served on the owner and the occupier (if he is not also the owner) of any land to which the declaration relates, so far as they can be ascertained.

Cf. 1954, No. 76, s. 170B (9); 1970, No. 89, s. 4

**“346D. Access to and from land—**(1) Each parcel of land that adjoins or has legal access to a limited access road and that does not have reasonably practicable alternative legal access to some other road that is not a limited access road, shall be entitled to one crossing place at which vehicles are permitted to proceed to and from the limited access road from and to the parcel of land. The location of that crossing place shall be specified by the council from time to time by notice issued to the owner under section 346E of this Act.

(2) No road, or part thereof, shall be declared a limited access road, unless the council, in any case where it considers it inexpedient to authorise any sufficient specified crossing place as aforesaid, purchases or takes under the Public Works Act 1928 or otherwise acquires any parcel of land that does not have a reasonable practical alternative legal access.

(3) In this section and in section 346E of this Act the term ‘parcel of land’ means a parcel of land that can legally be transferred to a person other than an owner of adjoining land without the dedication of any further land as a road and without the deposit of any further plan:

Provided that the council may, by resolution, declare—

- (a) Two or more adjoining parcels of land, while remaining in one ownership; and
- (b) All parcels of land included in one unit title plan deposited in accordance with the Unit Titles Act 1972—

to be a single parcel of land for the purposes of this section and of section 346E of this Act.

Cf. 1954, No. 76, s. 170B (4); 1970, No. 89, s. 4

**“346E. Authorisation of crossing places—**The council may from time to time—

- (a) By notice to the owner of the parcel of land affected,—
- (i) Authorise, subject to such conditions (if any) as it may specify, any crossing place (whether formed or not) at which vehicles may proceed to and from any limited access road from and to that parcel of land:
  - (ii) Specify the location of any authorised crossing place:
  - (iii) Cancel any such authorisation or specified location if the parcel of land has reasonably practicable legal access to some other road that is not a limited access road or has another authorised crossing place:
  - (iv) Cancel or vary all or any conditions imposed under this section or impose further conditions or vary the location of any authorised crossing place:
- (b) Construct any road that it may be expedient to construct to give access, whether additional or not, to any land adjoining or near the limited access road.

Cf. 1954, No. 76, s. 170B (4); 1970, No. 89, s. 4

**“346F. Restricting movement to or from a limited access road—**Without restricting any provision of any other Act, it is hereby declared that no person shall drive or move any vehicle or animal, or permit any vehicle or animal to be driven or moved, onto or from any limited access road, except—

- (a) At a motorway or road from which vehicles or animals, as the case may be, might lawfully be driven or moved onto the limited access road or part thereof immediately before its declaration as a limited access road; or
- (b) At a motorway or road from which vehicular or animal access to the limited access road has been authorised by the council and subject to such conditions as the council approves and publicly notifies; or
- (c) At a crossing place authorised and specified by the council and subject to such conditions as are for the time being imposed by the council in accordance with section 346D or section 346E of this Act.

Cf. 1954, No. 76, s. 170B (5); 1970, No. 89, s. 4



**“346G. Limited access road not a road for purpose of subdivision or sale—**(1) Where any provision of this Act or any other Act makes any person’s right to erect or use a building of any kind on any land, or to subdivide or sell any land, conditional upon the land having a frontage or vehicle access to a road, or in any other way conditional upon the existence of a road, then, for the purposes of that provision, a limited access road shall be deemed not to be a road, except for such purpose, to such extent, and on such conditions, as may be notified from time to time by the council to the District Land Registrar.

(2) Any person aggrieved at—

(a) The refusal of the council to issue a notice to the District Land Registrar under subsection (1) of this section; or

(b) Any condition subject to which any such notice is issued—

may object in writing to the Planning Tribunal within 1 month after being notified of that refusal or condition, or within such further time as the Planning Tribunal may allow, and shall be made and determined by the Planning Tribunal in the manner prescribed by the Town and Country Planning Act 1977 and the regulations under that Act.

(3) Subject to section 162 of the Town and Country Planning Act 1977, the decision of the Planning Tribunal on any such objection shall be final.

Cf. 1954, No. 76, s. 170B (6); 1970, No. 89, s. 4

**“346H. Certificate of land affected to be forwarded to District Land Registrar—**(1) Where any road is declared to be a limited access road under section 346A of this Act, the council shall forward to the District Land Registrar a certificate authenticated by the council specifying by sufficient description and title reference every parcel of land that is affected by that limited access road, either by reason of the parcel of land adjoining the limited access road or by reason of the legal access of the parcel of land to any other road being lost or adversely affected as a result of the creation of the limited access road; and the District Land Registrar shall record the certificate against the titles specified therein.

(2) Where the council revokes the status as a limited access road of any road or part thereof, the council shall forward to the District Land Registrar a certificate authenticated by the council that the status of the road or part thereof as a limited access road has been revoked, and setting out

by sufficient descriptions and title references all parcels of land affected by the revocation, and the District Land Registrar shall record the certificate against the titles to all the parcels of land therein described.

(3) The council shall also cause a copy of that certificate to be served on the owner and the occupier (if he is not also the owner) of every parcel of land affected by the revocation, so far as they can be ascertained.

Cf. 1954, No. 76, s. 170B (9); 1970, No. 89, s. 4

**“346i. Compensation—**Where the exercise of any power given by any provision of sections 346A to 346H of this Act gives rise to any claim for compensation under section 42 of the Public Works Act 1928,—

- (a) The claim shall not be made after a period of 5 years from the date of the exercise of the power:
- (b) Section 29 of the Finance Act (No. 3) 1944 shall be read as if the term ‘specified date’ meant the date of the exercise of the power:
- (c) The Land Valuation Tribunal shall take into account, by way of deduction from the total amount of compensation that would otherwise be awarded, any increase in the value of the parcel of land in respect of which compensation is claimed that has occurred in consequence of the exercise by the council of any power under section 346E of this Act.

Cf. 1954, No. 76, s. 170B (10); 1970, No. 89, s. 4

**“346j. Offences—**Every person commits an offence against this Act who—

- (a) Acts in contravention of or fails to comply with any provision of section 346F of this Act; or
- (b) Uses or makes any crossing place to or from a limited access road that is not a crossing place authorised under section 346E of this Act.

Cf. 1954, No. 76, s. 170B (8); 1970, No. 89, s. 4

#### *“Private Roads and Private Ways*

**“347. Width, etc., of private roads—**Subject to the Town and Country Planning Act 1977, the provisions of this Part of this Act relating to the widths, grades, and formation of roads and to building lines shall apply to private roads as they apply to other roads under the control of the council.

Cf. 1954, No. 76, s. 179

**“348. Powers of council with respect to private roads and private ways—**(1) Except with the prior permission of the council, no person shall lay out or make any private road or private way, or grant or reserve a right of way over any private way, in the district.

(2) Subject to section 347 of this Act, in granting any such permission the council may—

(a) Impose such conditions as to widths, levels, entrances, courses, formation, cost of formation, maximum number of buildings to be erected fronting any such private road or private way, minimum distances between any 2 buildings, position of building line, and otherwise in all respects whatsoever as the council thinks fit; and

(b) Require the owner or owners to whom permission is given to enter into a bond to comply with any conditions imposed by the council. Every such bond shall be deemed—

(i) To be an instrument creating an interest in each parcel of land to which the conditions apply within the meaning of section 62 of the Land Transfer Act 1952, and may be registered accordingly; and

(ii) To be a covenant running with each such parcel of land, and shall bind subsequent owners.

(3) Any permission of the council under subsection (1) of this section to lay out or make any private road or private way as aforesaid shall be deemed to lapse on the expiration of 3 years after the grant thereof, unless the work has then been completed to the satisfaction of the council; but may from time to time be extended by the council for a period or periods not exceeding 1 year at any one time.

(4) With respect to any private road, the council—

(a) May require any projection or obstruction in or over any part thereof to be removed at the expense of the person causing the same or to whom the same belongs:

(b) May by notice in writing require the owners of land or buildings abutting on the private road to construct or repair the road, with the footways, kerbing, and channelling thereof, and every such owner shall be liable for the construction and repair of so much of the private road as the council thinks fit:

- (c) In case of default, may execute the said works, and recover the cost from the owners in the aforesaid proportions.

(5) Subsection (4) of this section shall apply to every private way which for the time being serves as an approach to 2 or more allotments that are separately owned or separately occupied or to any allotment on which there are 2 or more buildings that are separately occupied.

Cf. 1954, No. 76, ss. 180, 184; 1956, No. 64, ss. 198A, 198E; 1961, No. 131, s. 40; 1964, No. 119, s. 14; 1968, No. 123, s. 16; 1968, No. 124, s. 16

**“349. Council may declare private road or right of way to be public road—**(1) The council may, by special order, declare to be a public road—

- (a) Any private road within the meaning of any Act in force at the time of its being laid out:
- (b) Any right of way within the meaning of any Act in force at the time of its being laid out, and which was laid out within the district on or after the 2nd day of November 1878, but before the 1st day of January 1887.

(2) Notwithstanding anything in the foregoing provisions of this section, the council shall not declare any private road or right of way as aforesaid to be a public road unless and until it is properly formed and constructed by the owners thereof or frontagers thereto.

(3) On fulfilment by the owner of the land of the requirements of the council and of this Act in respect of any private road or right of way the same shall by special order of the council be declared to be a public road.

(4) Every private road and right of way declared to be a public road as aforesaid shall become a road vested as such in the council.

Cf. 1954, No. 76, s. 185

**“350. Penalty for laying out private road or private way in contravention of this Act—**If any person lays out or makes, or permits or allows to be open for use, any private road or private way, or grants or reserves any right of way, contrary to the provisions of this Act, or refuses or neglects to perform, observe, or keep any condition imposed by the council as aforesaid, he commits an offence, and is liable to a

fine not exceeding \$50 for every day during which the offence has continued after the day on which he receives notice from the council that the offence has been committed.

Cf. 1954, No. 76, s. 181; 1956, No. 64, s. 198B; 1961, No. 131, s. 40

**“351. Illegal private road or private way not to be registered—**No plan, deed, or instrument of any kind whatsoever whereby contrary to the provisions of this Part of this Act any private road or private way is created, recognised, referred to, granted, or reserved shall be received for deposit or registration under the Deeds Registration Act 1908 or under the Land Transfer Act 1952.

Cf. 1954, No. 76, s. 182; 1956, No. 64, s. 198c; 1961, No. 131, s. 40

**“352. Conditions to be noted on title by Registrar—**The District Land Registrar shall enter upon the certificate of title, memorandum of lease, or other proper instrument a note of all conditions imposed under section 348 of this Act by the council which are contained in or endorsed upon any instrument or plan presented to him for registration or deposit, and the conditions so noted shall be deemed to constitute a registered encumbrance under the Land Transfer Act 1952.

Cf. 1954, No. 76, s. 183; 1956, No. 64, s. 198D; 1961, No. 131, s. 40

#### *“Safety Provisions as to Roads*

**“353. General safety provisions as to roads—**The council shall take all sufficient precautions for the general safety of the public and traffic and workmen employed on or near any road, and in particular shall—

- (a) Take all reasonable precautions to prevent accidents during the construction or repair by the council of any road, or when any opening is made therein by the council for the repair of drains or gas pipes or for any other purpose, and require other persons doing such work to take such precautions, by erecting barriers, devices to cause traffic to slow down, or fences across any such road or around any dangerous place therein, or otherwise, and shall cause, and require other persons doing such work to cause, any such dangerous place to be sufficiently lighted

by night; and any person removing any such protective work, or removing or extinguishing any such light, without the authority of the council, commits an offence:

- (b) Require the owner or occupier of any land upon which there is any hole, well, excavation, or other place dangerous to persons passing along any road forthwith to fill in, cover, or enclose the same:
- (c) Whenever the public safety or convenience renders it expedient, require the owner or occupier of any land not separated from a road by a sufficient fence to enclose the same by a fence to the satisfaction of the council.

Cf. 1954, No. 76, ss. 173, 201, 202; 1956, No. 64, ss. 194, 208, 209

**“354. Construction of cellar or making any excavation in vicinity of road—**(1) Where the owner or occupier of any land proposes to construct a cellar, or make any other excavation, within 20 metres from any road, private road, or any adjoining property, he shall give notice of his intention to the council, whose consent must first be obtained before the work is commenced; and the owner or occupier shall cause the cellar or excavation to be so constructed or made that it cannot become a receptacle for stagnant water or other impure matter.

(2) Where under subsection (1) of this section, the council grants its consent to the construction of any cellar, it may grant its consent subject to a condition that neither the owner nor the occupier nor their successors in title shall be entitled to claim against the council for any damage caused to the cellar or any property therein arising, whether directly or indirectly, from any defect in any water-supply system, sewerage system, or other public-utility service under the control of the council.

(3) As soon as conveniently may be after the passing of a resolution by the council granting its consent to the construction of a cellar subject to the conditions specified in subsection (2) of this section, the council shall send a copy of the resolution, authenticated by the council, to the District Land Registrar, or the Registrar of Deeds, as the case may require, who shall deposit the same in his office and register against the title to the land a memorandum under his hand that the land is subject to those conditions.

(4) This section shall bind the Crown.

Cf. 1954, No. 76, ss. 203, 203A; 1959, No. 91, s. 17; 1972, No. 131, s. 12 (1)

**“355. Council may require removal of overhanging trees, etc.—**(1) The council may, by notice in writing under the hand of the Chairman or the principal officer, require the owner of any land abutting upon any road within the district to do any of the following acts:

- (a) To remove, lower, or trim to the satisfaction of the council any tree or hedge overhanging or overshadowing the road in cases where, in the opinion of the council, the removal, lowering, or trimming is necessary in order to prevent injury to the road or obstruction to the traffic thereon or to any channel, ditch, or drain appertaining thereto:
- (b) To cut down or grub up, as the council directs, and remove all obstructions to traffic or drainage arising from the growth of plants or the spreading of roots upon or under the road up to the middle line thereof along the whole frontage of the land occupied or owned by him:
- (c) To remove, lower, or trim to the satisfaction of the council any tree or hedge, or to lower any fence or wall, if in the opinion of the council the tree, hedge, fence, or wall is likely, by reason of its obstructing the view, to cause danger to the traffic on that or any other road.

(2) Within 10 days after service of the notice, the owner may apply to a Magistrate’s Court for an order setting aside the notice.

(3) On the hearing of the application, the Court, whose decision shall be final, shall determine whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.

(4) In the case of a notice which is not set aside as aforesaid, if the owner fails to do any such act in compliance therewith within 1 month from the service thereof, or, where application as aforesaid has been heard, then within 1 month after the giving of the decision of the Court, he commits an offence and is liable to a fine not exceeding \$5 for every day during which the failure has continued, and the council, by its officers or agents, may enter on the land and do that act and recover the cost from him.

(5) The said cost shall be a charge upon the land.

(6) In any case where the council might give any such notice as aforesaid in respect of any land, any resident of the district may, by notice in writing, request the council to do so.

(7) If for the space of 28 days after the receipt of the last-mentioned notice the council fails to comply therewith, the resident making the request may apply to a Magistrate's Court for an order requiring the council to comply with that notice.

(8) On the hearing of the application, the Court shall determine whether and to what extent the notice shall be complied with by the council, and the decision of the Court shall be final.

(9) The council may remove, lower, cut down, grub up, or trim, as the case may be, any fence, wall, tree, hedge, or plant to which subsection (1) of this section applies, after giving oral notice to the occupier, or, where there is no occupier, to the owner, of the land, if life, property, or any road is in imminent danger. The cost of the work shall be a charge against the land as if notice had been given under subsection (1) of this section and had not been set aside by a Magistrate's Court.

(10) For the purposes of this section the term 'cut down' means cutting down and keeping cut down or removing or controlling by chemical means the stem and roots of any plants so as to prevent their throwing out any leaf, offshoot, or flower.

Cf. 1928, No. 12, ss. 169, 170, 171, 172A; 1948, No. 39, s. 32; 1954, No. 76, s. 204; 1956, No. 39, s. 4; 1956, No. 64, s. 210

**“356. Removal of abandoned vehicles from roads—**(1) Any person duly authorised in that behalf by a council may take possession of and remove any motor vehicle which is on any road in the district of that council or under its control, if it appears to that person that the motor vehicle has been abandoned by the owner, and either—

(a) That it is unregistered; or

(b) That no licence to use the vehicle has been issued for the current licensing year.

(2) If any motor vehicle so removed is not claimed and the expenses of removal and storage thereof paid by the owner or some other person having an interest therein within 2 months after the date of the removal, the council may give 14 days' notice by advertisement in some newspaper circulating in the



locality in which the road is situated of its intention to sell the vehicle, and at any time thereafter the vehicle may be sold and disposed of to any person, and that person shall thereupon become the lawful owner of the vehicle, or the vehicle may be otherwise disposed of in such manner as the council thinks fit.

(3) The proceeds of any such sale shall be applied in payment of the costs and charges attending the sale, including the advertisement aforesaid, and of the expenses of the removal and storage of the motor vehicle, and the residue, if any, shall be payable to the former owner of the vehicle.

(4) Where a council believes on reasonable grounds that any motor vehicle to which subsection (1) of this section does not apply appears to have been abandoned by its owner on any road in the district of that council, any person duly authorised in that behalf by the council may take possession of and remove the motor vehicle to a place of safety.

(5) If, on application to a Magistrate's Court, the Court is satisfied that any motor vehicle which has been removed from a road pursuant to subsection (4) of this section appears to have been abandoned, the Court may make an order authorising the council to exercise in relation to the motor vehicle the powers conferred by subsections (2) and (3) of this section as if no licence to use the motor vehicle had been issued for the current licensing year. Where, pursuant to any such order, the council exercises those powers in relation to any motor vehicle, the provisions of subsection (3) of this section shall apply as if there were inserted in that subsection, after the word 'including', the words 'the expenses incurred in obtaining the order'.

(6) A council which has removed a motor vehicle from a road pursuant to subsection (1) or subsection (4) of this section shall, where it is practicable to do so, give notice to the last registered owner and the immediately preceding registered owner of the motor vehicle of its intention to sell the vehicle.

(7) Before applying to a Magistrate's Court for an order under subsection (5) of this section in relation to any motor vehicle, a council shall, where it is practicable to do so, give notice to the last registered owner and the immediately preceding registered owner of the motor vehicle of its intention to apply to the Court.

(8) Where any motor vehicle removed by the council under subsection (1) or subsection (4) of this section—

- (a) Is claimed by the owner before it is sold or otherwise disposed of pursuant to this section, the owner shall pay to the council, before taking delivery of the vehicle, all expenses incurred by the council in removing and storing the vehicle:
- (b) Is disposed of by the council otherwise than by way of sale, the owner shall be liable to the council for all expenses incurred by the council in removing and storing the vehicle.

(9) In this section—

“ ‘Council’—

(a) In relation to a State highway that is under the control of the National Roads Board, means that Board:

(b) In relation to a regional road that is under the control of a regional council or united council, means that council:

“ ‘Road’ includes a public place:

Expressions defined in section 2 of the Transport Act 1962 have the meanings so defined.

Cf. 1962, No. 135, s. 76; 1967, No. 153, s. 10; 1968, No. 148, s. 15

**“357. Penalties for damage to roads—(1) Every person commits an offence who, not being authorised by the council or by or under any Act,—**

- (a) Encroaches on a road by making or erecting any building, fence, ditch, or other obstacle or work of any kind upon, over, or under the road, or by planting any tree or shrub thereon; or
- (b) Places or leaves on a road, any timber, earth, stones, or other thing; or
- (c) Digs up, removes, or alters in any way the soil or surface or scarp of a road; or
- (d) Damages or, except with the consent of the council, removes or alters any gate or cattle stop lawfully erected across any road; or
- (e) Allows any water, tailings, or sludge, or any filthy or noisome matter, to flow from any building or land in his occupation on to a road; or
- (f) Wilfully or negligently causes or allows any oil, or any liquid harmful to sealed or paved road surfaces

or likely to create a danger to vehicles on such surfaces, to escape on to any road having a sealed or paved surface; or

- (g) Causes or permits any timber or other heavy material, not being wholly raised above the ground on wheels, to be dragged on a road; or
- (h) Causes or negligently allows any retaining wall, foundation wall, or fence erected on any land, or any batter or slope of earth, or any building, erection, material, or thing, to give way or fall so as to damage or obstruct a road; or
- (i) Digs up or removes any stone, gravel, sand, or other material from a river bed within 50 metres of a bridge or ford on any road or any dam on which a road is constructed; or
- (j) Does or causes or permits to be done any act whatsoever by which any damage is caused to a road or any work or thing in, on, or under the same,—

and is liable to a fine not exceeding \$200 and, where the offence is a continuing one, to a further fine not exceeding \$20 for every day on which the offence has continued and may be ordered to pay the cost incurred by the council in removing any such encroachment, obstruction, or matter, or in repairing any damage caused as aforesaid:

Provided that no fine shall be imposed unless the information is laid by authority of the council or by an officer thereof.

(2) Except with the prior consent in writing of the Postmaster-General or the Minister of Works and Development, as the case may require, the council shall not authorise or suffer any encroachment on a road if the encroachment would or might interfere with or in any way obstruct the right of the Crown, or of any person so authorised by any Act, to construct, place, maintain, alter, remove, or otherwise deal with any electric wires, telephone wires, telegraph wires, pneumatic tubes, or gas pipes on, over, or under the road.

Cf. 1928, No. 12, s. 168; 1954, No. 76, s. 199; 1956, No. 64, s. 206; 1968, No. 123, s. 18; 1968, No. 124, s. 18

#### *“Contracts and Leases Relating to Ferries*

“357A. Leasing powers of council with respect to ferries—  
The council having control of a ferry may let the ferry for a term not exceeding 14 years, for such rent and on such

terms and conditions as to the maintenance of the ferry as the council thinks fit, and without submitting the lease to public auction or public tender:

Provided that before granting any such lease for any term exceeding 3 years the proposed terms and conditions thereof shall be publicly notified for at least 2 months.

Cf. 1928, No. 12, s. 128; 1956, No. 64, s. 212

*“Privately Constructed Bridges and Ferries*

**“358. Privately constructed bridges and ferries—**(1) Subject to such conditions as he thinks fit, the Minister may from time to time, by notice in the *Gazette*, authorise any person to construct a bridge across any river, creek, or stream, the bed of which is vested in the Crown, or to establish a ferry across any river, creek, stream, or lake, the bed of which is vested in the Crown, and to maintain that bridge or ferry for such period as the Minister thinks fit, and to occupy for such period as the Minister thinks fit such portion of any road or Crown land as seems to him to be necessary as a site for that bridge or ferry.

(2) Every such bridge or ferry shall be deemed to be respectively a public bridge or ferry, and shall be open to the use of the public at all hours, subject to any regulations that may be made pursuant to this Act for regulating the use thereof.

Cf. 1956, No. 64, s. 220

**“359. Regulations for maintenance and use of privately constructed bridges and ferries—**Without limiting the general power to make regulations conferred by section 639 of this Act or by section 410 of the Municipal Corporations Act 1954 or section 449 of the Counties Act 1956, regulations may from time to time be made under any of those sections, applying generally to bridges or ferries constructed or established under section 358 of this Act or to any such specified bridges or ferries,—

- (a) For the management of those bridges or ferries and the approaches thereto, and for the maintenance of those bridges or ferries in good repair:
- (b) Fixing the tolls (if any) to be levied on those bridges, and the fares to be chargeable for the conveyance of passengers, animals, or goods by those ferries:
- (c) Declaring what exemptions shall be allowed from the payment of any such tolls or fares:

(d) Regulating the collection of any such tolls or fares, and preventing the evasion thereof.

Cf. 1956, No. 64, s. 221

“360. Minister may delegate powers to council—The Minister may from time to time, by notice in the *Gazette*, delegate to the council all or any of the powers conferred on him by section 358 of this Act, or authorise the council to make bylaws for all or any of the matters specified in section 359 of this Act.

Cf. 1956, No. 64, s. 222

*“Tolls at Bridges, Tunnels, and Ferries*

“361. Establishment or abolition of toll gates at bridges, tunnels, and ferries—(1) The Minister may from time to time, by notice in the *Gazette*,—

(a) Authorise a council to establish, by special order, toll gates and collect tolls at any bridge, tunnel, or ferry within the district or under the control of the council; or

(b) With the agreement of the council, abolish any toll gate or reduce the tolls to be taken at any toll gate if the Minister is of the opinion that any toll gate established by a council is not necessary or that the tolls taken thereat are excessive.

(2) Any authority granted under subsection (1) (a) of this section may be granted subject to such terms and conditions as the Minister thinks fit, including, but without limiting the generality of the foregoing provisions of this subsection, terms and conditions as to—

(a) The tolls that may be taken:

(b) The conditions under which the tolls may be taken:

(c) The persons and classes of persons exempted from payment of the tolls:

(d) The manner in which and the conditions on which tolls may be leased:

(e) The distraining for or recovery of tolls:

(f) The appointment and duties of collectors of tolls:

(g) The making of any toll gate in the district clearing any other toll gate in the district or in any other district.

(3) Notwithstanding the repeal by section 4 of the Local Government Amendment Act 1978 of sections 179 to 199 of the Public Works Act 1928, sections 206 to 211 of the

Municipal Corporations Act 1954 and the Ninth Schedule to that Act, and sections 213 to 218 of the Counties Act 1956 and the Fourth Schedule to that Act, every toll gate established before the date of the commencement of this Part of this Act under any section so repealed and in existence immediately before that date shall continue in force on and after that date as if the said sections 179 to 199 or, as the case may be, sections 206 to 211 and the said Ninth Schedule or sections 213 to 218 and the said Fourth Schedule had not been repealed.

(4) Nothing in this section or in any notice given under this section shall be construed to limit or interfere with the right to levy tolls on any bridge, ferry, tunnel, tramway, or toll gate granted to any person during the period for which the tolls have been so granted, except on payment of adequate compensation.

(5) Every person commits an offence against this Act who—

- (a) Evades the payment of any toll payable by him; or
- (b) Resists or obstructs any toll keeper in the execution of his duty; or

(c) Falsely claims exemption from any toll.

Cf. 1928, No. 12, ss. 179–198; 1954, No. 76, ss. 206–211; 1956, No. 64, ss. 213–218; 1972, No. 96, s. 3 (1); 1972, No. 131, s. 12 (1); 1972, No. 132, s. 23; 1973, No. 44, s. 3 (2)

## “PART XXII

### “REGIONAL ROADS

“362. **Interpretation**—In this Part of this Act, unless the context otherwise requires,—

“‘Council’ means a regional council or a united council, as the case may require; and includes the Auckland Regional Authority; and ‘region’ includes the Auckland Regional District:

“‘Regional road’ means any road or part thereof or other land declared to be a regional road pursuant to section 363 of this Act or the corresponding provisions of any former enactment:

“‘Road’ has the same meaning as in section 315 of this Act; but does not include a State highway or a Government road or an access way or a service lane.

**“363. Power to declare regional roads—**(1) The council may from time to time, with the prior written consent of the National Roads Board, by resolution published in the *Gazette* and also publicly notified, but subject to the provisions for objection and appeal contained in this Part of this Act, declare any road or part thereof, whether then actually constructed or not, and any other land that is not theretofore constituted part of a road, to be, or to be required for the purposes of, a regional road within the meaning and for the purposes of this Part of this Act, and shall, by the same or a subsequent resolution published in the *Gazette* and also publicly notified, define the boundaries of that regional road. A copy of every resolution passed under this subsection shall forthwith be sent to every constituent authority within the region and to the District Commissioner of Works:

Provided that where a proposed regional road is included in an approved regional planning scheme for the region, the consent of the National Roads Board to the declaration of that regional road shall not be required.

(2) Any land declared pursuant to subsection (1) of this section to be, or to be required for the purposes of, a regional road shall be deemed to be a road for the purposes of Parts XX and XXI of this Act.

(3) The National Roads Board shall not give its consent under subsection (1) of this section before the council has by resolution recommended a regional planning scheme or an appropriate section thereof in accordance with the Town and Country Planning Act 1977, which shall, among other things, show which existing roads or other land it proposes, initially, to declare as, or as being required for the purposes of, a regional road, unless the National Roads Board is satisfied that it is in the interests of the region or a substantial part thereof that its consent shall be given.

(4) In defining the boundaries of any regional road, the council shall not be constrained to accept the boundaries of any existing road or part thereof, and may, if it thinks fit, declare either permanently or temporarily more than one regional road between any 2 places.

(5) Every resolution under this section may from time to time in like manner and with the like consent of the National Roads Board be varied, altered, or revoked:

Provided that this subsection shall not affect or limit the provisions of section 369 of this Act.

(6) No road or part thereof nor any other land shall, under this section, be declared to be or to be required for the purposes of a regional road unless the road is within the region and unless the council resolves that it is of the opinion that the road—

- (a) Forms part or will form part of a system of arterial and regional traffic routes (including motorways or State highways) providing for through traffic movement and interconnecting or providing access to or discharge from important areas of traffic generation in the region; and
- (b) Is or will be of material advantage to the region as a whole or a substantial part thereof.

(7) No declaration shall be made by the council under this section in respect of any road or other land within a constituent district without prior consultation with the constituent authority for that district.

Cf. 1974, No. 66, s. 608; 1977, No. 122, s. 6

**“364. Constituent authority may request council to declare regional road—**(1) If any constituent authority is of the opinion that any road or part thereof within its district, whether then actually constructed or not, and any other land that is not part of a road should be declared to be or to be required for the purposes of a regional road or part thereof, the constituent authority may, with the prior written consent of the National Roads Board in any case where that consent is necessary under section 363 (1) of this Act, by notice in writing, request the council to pass a resolution under section 363 of this Act declaring the road or part thereof or any other land described in the notice to be a regional road or part thereof, and the said section 363 and section 365 of this Act shall apply to any resolution passed under this subsection.

(2) If the council considers that the road or part thereof or any other land described in the notice given by a constituent authority under subsection (1) of this section should not be declared to be a regional road or part thereof, the council shall, within 3 months from the date of receipt by it of the notice under that subsection, give written notice to the constituent authority that the council refuses to declare the road or part thereof or any other land described in the said notice to be a regional road and of the grounds of its refusal.



(3) Where the council refuses a request made under subsection (1) of this section, the constituent authority whose request is refused may, within 2 months after the date of receipt by it of the written notice of refusal, appeal against the refusal to the Planning Tribunal.

(4) If the council does not give notice of its refusal under subsection (2) of this section, it shall, by resolution made not later than 3 months after the date of receipt by it of the notice under subsection (1) of this section, declare the road or part thereof or any other land described in the notice to be a regional road or part thereof.

Cf. 1974, No. 66, s. 609; 1977, No. 122, s. 6

**“365. Objections and appeals by constituent authorities—**

(1) The Minister of Works and Development or any constituent authority may, within 2 months from the date of receipt of a copy of a resolution referred to in section 363 of this Act, give to the council and to every other constituent authority within the region written notice that he or it objects to the declaration contained in the said resolution, and shall in that notice set forth the grounds of the objection.

(2) The council shall, as soon as reasonably possible after receipt by it of any such objection, give to the Minister of Works and Development and to every constituent authority within the region not less than 1 month’s written notice of the time and place at which the objection is to be considered by the council or by a committee thereof, and the said Minister and every constituent authority shall at that time and place be entitled to make such submissions as he or it thinks fit in support of or in opposition to the objection.

(3) If the council, after hearing the aforesaid submissions (if any), refuses to allow, either in whole or in part, any objection made under this section, the said Minister or any constituent authority may, within 2 months after notice of the disallowance, either in whole or in part, of the objection is given, appeal to the Planning Tribunal against that refusal.

(4) Nothing in this section shall affect the right of objection given to any person by the Public Works Act 1928.

Cf. 1974, No. 66, s. 610; 1977, No. 122, s. 6

**“366. Powers of council in relation to regional roads—**

(1) After—

(a) The council has, as required by the Public Works Act 1928, considered any objection which may lawfully

be made under that Act to the taking of any land pursuant to section 237A of this Act for the purposes of a regional road; and

(b) The council has considered any objection made under section 365 of this Act and any appeal referred to in that section has been determined; and

(c) The issuing of any requisite Proclamation under section 23 of the Public Works Act 1928—

the road or other land specified and so taken, purchased, or acquired shall, subject to any variation thereof made consequent upon the hearing of any objection or appeal thereupon, become a regional road.

(2) The council shall, in respect of every regional road, but subject to sections 367 to 371 of this Act, have the sole powers of formation, construction, upgrading, maintenance, and control thereof; and for that purpose the powers, rights, duties, obligations, and liabilities vested in or imposed on a constituent authority in respect of any road under its control shall in respect of a regional road be deemed to be vested in or imposed on the council:

Provided that nothing in this Part of this Act shall vest in the council the soil of any regional road or part thereof that is vested in any constituent authority.

(3) The council shall, in respect of any land purchased or taken or otherwise acquired pursuant to section 237A of this Act for the purposes of a regional road and not yet used as a road, have the powers of administration, maintenance, sale, leasing, and other disposal that are vested in a territorial authority under this Act or any other Act in respect of public works and in respect of land held for the purpose of a public work.

(4) The council may at any time dedicate as a road any land or part thereof vested in it for the purposes of a regional road.

(5) No rates, whether pursuant to the Rating Act 1967 or any other enactment, shall be payable by the council to any constituent authority in respect of any regional road or in respect of any land purchased or otherwise acquired or taken for the purpose of any regional road:

Provided that—

(a) If any land or part thereof purchased or otherwise acquired or taken for the purpose of any regional road as aforesaid is let or leased by the council, the council shall, in respect of the land so let or

leased for the period of such letting or leasing, pay to the constituent authority in whose district the land so let or leased is situated all rates in respect thereof which the council would be liable to pay but for the exemption granted by this subsection:

- (b) In any case where land liable to any special rate as defined in section 2 of the Local Authorities Loans Act 1956 is purchased or otherwise acquired or taken for the purposes of any regional road pursuant to section 237A of this Act, the council shall, but until such time only as the land is used as a regional road as aforesaid, be liable for payment of the rate for any year during which there is no occupier of the land within the meaning of the Rating Act 1967:
- (c) Where any land to which paragraph (a) or paragraph (b) of this proviso applies does not appear in the district valuation roll, its rateable value for the purposes of any rates payable under either of those paragraphs shall be as shown in a certificate provided for the purpose by the Valuer-General.

(6) Without limiting the liability of the council under paragraph (b) of the proviso to subsection (5) of this section, where a constituent authority has—

- (a) Made a special rate to secure the repayment of money borrowed for the purpose of repaying the whole or any part of any special loan as defined in section 2 of the Local Authorities Loans Act 1956; or
- (b) Made a special rate or a consolidated special rate as security for the new securities issued on the conversion of any special loans—

the council shall, but until such time only as the land on which the rate is levied is used as a regional road, be liable for payment of that rate to the same extent as, but not to any greater extent than, if the special loan has not been repaid or converted.

(7) If any dispute arises as to the extent to which the council is liable for the payment of any special rate or consolidated special rate by virtue of subsection (5) of this section, it shall be determined by the Audit Office, whose decision shall be final.

(8) Nothing in section 48 of the Local Authorities Loans Act 1956, or in any resolution or special order made under that section, shall affect the liability of the council for the payment of any special rates.

(9) Section 326 of this Act shall, with any necessary modifications, apply with respect to every regional road as if the council were a territorial authority, a regional road were a road to which that section applied, and the region were the district of a territorial authority.

Cf. 1974, No. 66, s. 612; 1977, No. 122, s. 6

**“367. Objections to intention to commence formation, construction, or upgrading of regional road—**(1) The powers of formation, construction, or upgrading of any regional road or part thereof conferred by section 366 of this Act shall not be exercised by the council without the prior written consent of the National Roads Board.

(2) Not less than 3 months before applying for that consent, the council shall by notice in writing inform every constituent authority within the region of its intention to proceed with the work, and shall in that notice give all such information relating to the council’s intention as in the circumstances is reasonably necessary to give each constituent authority a proper understanding of the intention. The council shall make available for inspection by any constituent authority plans setting out the proposed design or specification of the road or part thereof.

(3) If any constituent authority to which notice is required to be given under subsection (2) of this section considers—

(a) That priority should be given to the formation, construction, or upgrading of some other regional road;  
or

(b) That the proposed design or specification of the regional road is unsatisfactory,—

it may, within 3 months after the date of receipt by it of the notice, object to the National Roads Board on those grounds, and the decision of that Board on the objection shall be final.

(4) Any constituent authority to which notice is given under subsection (2) of this section which does not lodge an objection on the grounds and within the period specified in subsection (3) of this section shall be deemed to agree with the council’s intention.

(5) Nothing in this section shall be deemed to prevent the council and the constituent authority in whose district the

regional road or part thereof is situated from agreeing upon and carrying into effect any minor variations of the route or design or specification of a regional road or part thereof.

Cf. 1974, No. 66, s. 613; 1977, No. 122, s. 6

**“368. Power to delegate—**(1) The council may, of its own motion or on the application of the constituent authority or, as the case may be, any 1 or more of the constituent authorities, delegate, in whole or in part, the power to construct, upgrade, maintain, and control a regional road conferred upon the council by section 366 of this Act, or any of those powers, to the constituent authority or constituent authorities in whose district or districts the road or part thereof is situated:

Provided that if the constituent authority or constituent authorities so require, the council shall delegate, in whole or in part, that power to that authority or those authorities if in the opinion of the council the authority or authorities have the ability and facilities to carry out the construction, upgrading, maintenance, and control of the regional road in a proper and workmanlike manner in accordance with plans, specifications, or requirements relating thereto prepared or approved by the council, without any undue delay and at a cost acceptable to the council.

(2) Where the powers of the council are not delegated to the constituent authority or constituent authorities under subsection (1) of this section, the council may, in its discretion, with the approval of the National Roads Board, delegate those powers or any of them to any other constituent authority or constituent authorities, or may, with the like approval, undertake the work itself or by or through its contractors.

(3) Any delegation by the council under this section shall be effected by a resolution of the council, and may be either absolute or subject to such conditions as the council may by that resolution determine, and any such delegation may be at any time in like manner revoked or varied.

(4) While any powers of the council are delegated to a constituent authority under this section, the constituent authority shall exercise the delegated powers in its own name and shall be liable accordingly, and the council shall not be answerable for any act or default of the constituent authority.

(5) This section shall, in the case of a united council, be read subject to section 238A of this Act.

Cf. 1974, No. 66, s. 614; 1977, No. 122, s. 6

**“369. Revocation of a regional road—**(1) The council may, with the prior written consent of the National Roads Board, from time to time, by resolution publicly notified, declare that any regional road or part thereof shall cease to be a regional road as from the date specified in the resolution, and as from that date (but subject always to the determination of any appeal under this section) the said road or part thereof shall cease to be a regional road and all the powers, rights, duties, and liabilities in respect of the road or part thereof shall thereupon be transferred to or vested in or imposed upon the constituent authority or constituent authorities in whose district or respective districts the road or part thereof is situated.

(2) A copy of any resolution passed under subsection (1) of this section shall forthwith be sent to every constituent authority in whose district the road or part thereof is situated.

(3) Any such constituent authority may, within 2 months after the date of receipt by it of a copy of the resolution, give to the council written notice that it objects to the declaration contained in the said resolution, and shall in that notice set forth its grounds of objection.

(4) The council shall, as soon as reasonably possible after receipt by it of any objection under subsection (3) of this section, give to the constituent authority making the objection not less than 1 month's written notice of the time and place at which the objection is to be considered by the council or by a committee thereof, and the constituent authority shall, at that time and place, be entitled to make such submissions as it thinks fit in support of its grounds of objection.

(5) If, after hearing submissions (if any) in the manner provided, the council refuses to allow, either in whole or in part, any objection made by a constituent authority under this section, the constituent authority may, within 2 months after receipt by it of notice of the disallowance, either in whole or in part, of its objection, appeal to the Planning Tribunal against that refusal.

Cf. 1974, No. 66, s. 616; 1977, No. 122, s. 6

**“370. Appeals—**(1) Any appeal by the Minister of Works and Development or a constituent authority pursuant to section 364 or section 365 or section 369 of this Act shall be commenced by notice of appeal given within the time specified therein to the Registrar of the Planning Tribunal, which shall hear and determine the appeal in accordance with this Part of this Act.

(2) Notwithstanding anything in section 364 or section 365 or section 369 of this Act, there shall be no right of appeal against any decision of the council under any of those sections giving effect to any provision of an operative regional planning scheme.

(3) The notice of appeal shall set forth the grounds thereof, and a copy of the notice shall at the same time be given to the council, to the Minister of Works and Development, and to every other constituent authority within the region. The Registrar of the Planning Tribunal shall give to the Minister of Works and Development or the constituent authority filing a notice of appeal not less than 1 month's written notice of the date, time, and place at which the appeal is to be heard, and the said Minister or the constituent authority filing the notice of appeal shall give to the council and to every other constituent authority within the region not less than 1 month's written notice of the date and time and place of the hearing of the appeal.

(4) The grounds of any appeal shall be limited—

- (a) In the case of an appeal under section 364 of this Act, to the grounds set out in the notice of objection given under subsection (2) of that section:
- (b) In the case of an appeal under section 365 of this Act, to the provisions of section 363 (6) of this Act and to the grounds set out in the notice of objection given under subsection (1) of the said section 365:
- (c) In the case of an appeal under section 369 of this Act, to the grounds of appeal set out in the notice of objection given under subsection (3) of that section.

(5) On the hearing of any appeal, the council and the Minister of Works and Development and the constituent authority which is appealing and any other constituent authority may appear and call evidence of any matter which the Planning Tribunal considers should be taken into account in determining the subject-matter of the appeal.

(6) If the Planning Tribunal allows, either in whole or in part, an appeal under section 364 of this Act, section 363 (6) of this Act shall not apply to the declaration of the road or part thereof concerned in the appeal as a regional road or part thereof, and the council shall make such declaration with respect to the road or part concerned in the appeal as is necessary to comply with the decision of the Planning Tribunal.

(7) In determining any appeal as aforesaid, the Planning Tribunal may disallow the appeal or allow the same either in whole or in part, and the Planning Tribunal shall, in addition to any other matters which it considers to be relevant in connection with the subject-matter thereof, have due regard to the provisions of section 363 (6) of this Act and to any matters which, in its opinion, are, or are likely to be, included in any regional planning scheme or district scheme or any section or sections thereof and which would be or be likely to be prejudiced or detrimentally affected by allowing the appeal either in whole or in part, but in no case shall the Planning Tribunal allow any appeal, either in whole or in part, in any case where the objection or question in respect of which the appeal is brought is contrary to, or prohibits the implementation of, any of the provisions of a regional planning scheme or any section or sections thereof which has or have become operative.

(8) The Planning Tribunal, on application to it in that behalf, may waive compliance with any requirement of this Part of this Act as to the time or method of serving documents (other than the time for lodging notices of objection or appeal in cases where the council does not consent to any waiver) and as to the documents to be served and the persons or parties upon whom any documents are to be served, if it is satisfied that no person or party to any such objection or appeal will be prejudiced by the waiver.

Cf. 1974, No. 66, s. 617; 1977, No. 122, s. 6

**“371. Limited access regional roads—**(1) The council may from time to time, by resolution publicly notified, declare any regional road, or part thereof, to be a limited access regional road within the meaning of and for the purposes of this Part of this Act.

(2) Where pursuant to this section the council declares any regional road (or part thereof) to be a limited access regional road, the provisions of this Part of this Act shall continue to apply with respect to that limited access regional road, subject to sections 346 to 346J of this Act, which, as far as they are applicable and with the necessary modifications, shall apply with respect to every limited access regional road, as if—

- (a) Every reference therein to the council were a reference to the regional council or united council, as the case may require:



(b) Every reference therein to the district were a reference to the region:

(c) Every reference therein to a limited access road were a reference to a limited access regional road.

(3) This Part of this Act shall apply with respect to every access road constructed pursuant to section 346E (b) of this Act (as applied to limited access regional roads by subsection (2) of this section) as if it were a regional road.

Cf. 1974, No. 66, s. 618; 1977, No. 122, s. 6

**“372. Bylaws—**Every bylaw in force in respect of any road immediately before its constitution under this Part of this Act as a regional road shall continue in force as if made by the council in respect of that regional road or limited access regional road until it is revoked or superseded pursuant to the powers conferred by this Part of this Act.

Cf. 1974, No. 66, s. 619; 1977, No. 122, s. 6

**“373. Road improvement land—**(1) The council may from time to time, by resolution published in the *Gazette* and also publicly notified, declare any land, not being part of an existing road, to be required for regional road improvement, and may at any time in like manner revoke or vary any such declaration. A copy of every such resolution shall be forthwith forwarded to all constituent authorities within the region.

(2) Road improvement land shall, for the purposes of the Town and Country Planning Act 1977, be deemed to be a public work for which the council has financial responsibility.

(3) Any road improvement land may be designated as such in a district scheme, whether proposed or operative, or in a variation, change, or review of any district scheme commenced under the Town and Country Planning Act 1977. Every constituent authority, other than the authority in whose district the designated land is situated, shall be entitled to object against the designation under section 45 of that Act and to appeal under section 49 of that Act against the decision on any such objection.

(4) The council may purchase or take under the Public Works Act 1928 or otherwise acquire any road improvement land designated as such in any operative district scheme, and the council may by agreement with the registered proprietor thereof purchase any land declared, by resolution under subsection (1) of this section, to be required for road improvement.

(5) The council may at any time dedicate as a road any road improvement land vested in the council, and may also declare that land to be a regional road, whereupon section 363 of this Act shall not apply in respect of that land.

Cf. 1974, No. 66, s. 620; 1977, No. 122, s. 6

**“374. Regional motorways—**(1) The National Roads Board is hereby authorised to declare what motorways or proposed motorways within a region are in its opinion regional in character and to be designated as regional motorways.

(2) All powers and responsibilities that may be conferred or imposed on or delegated to constituent authorities within a region in relation to motorways may be conferred or imposed on or delegated to the council.

(3) The National Roads Board may at any time revoke any declaration of any regional motorway under subsection (1) of this section, but no such revocation shall affect its status as a motorway.

Cf. 1974, No. 66, s. 622; 1977, No. 122, s. 6”

## PART II

### MISCELLANEOUS PROVISIONS

**3. Consequential amendments—**(1) The principal Act is hereby further amended by inserting, after the Ninth Schedule (as enacted by section 7 (1) of the Local Government Amendment Act (No. 3) 1977), the Tenth, Eleventh, Twelfth, and Thirteenth Schedules set out in the First Schedule to this Act.

(2) The principal Act is hereby further amended in the manner indicated in Part I of the Second Schedule to this Act.

(3) The Public Works Act 1928 is hereby amended in the manner indicated in Part II of the Second Schedule to this Act.

(4) The Maori Affairs Act 1953 is hereby amended in the manner indicated in Part III of the Second Schedule to this Act.

(5) The enactments specified in Part IV of the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(6) The principal Act (as amended by section 2 of the Local Government Amendment Act (No. 3) 1977) is hereby further amended—

- (a) By inserting in section 98 (1), after the words “(not being the Mayor)”, the words “and any member of a district community council or community council”:
- (b) By omitting from section 98 (2) (b) the words “the council”, and substituting the words “that council”:
- (c) By omitting from subsection (3) of section 151 and also from subsection (4) the words “any separately rateable property”, and substituting in each case the words “all separately rateable property”:
- (d) By omitting from section 160 (1) (a) the words “Part XVIII of that Act”, and substituting the words “Part III of the Counties Amendment Act 1961”:
- (e) By inserting in section 169 (1), after the words “on the capital value”, the words “or land value”:
- (f) By omitting from section 225 (2) (b) the words “within the district”, and substituting the words “whether in the district or not”.

(7) The principal Act is hereby further amended by omitting from clause 10 of the Seventh Schedule (as inserted by section 7 (1) (b) of the Local Government Amendment Act (No. 3) 1977) the words “Akitio County”.

(8) The following notices are hereby revoked:

- (a) The Road and Street Formation Contracts Notice 1954 (S.R. 1954/57):
- (b) The Road and Street Formation Contracts Notice 1954, Amendment No. 1 (S.R. 1954/142):
- (c) The Road and Street Formation Contracts Notice 1954, Amendment No. 2 (S.R. 1965/53).

**4. Repeals and savings—**(1) The enactments specified in the Third Schedule to this Act are hereby repealed.

(2) Notwithstanding the repeal of Part II of the Counties Amendment Act 1961,—

- (a) Section 44 of that Act shall continue to apply, as if it had not been repealed, with respect to every public reserve to which it applied immediately before the commencement of this Act:
- (b) Section 55 of that Act shall continue to apply, as if it had not been repealed, with respect to money to which it applied immediately before the commencement of this Act.

(3) The Local Authorities (Prohibiting Liquor in Streets and Roads) Regulations 1975 (S.R. 1975/268) shall continue in force after the commencement of this Act as if they had been made pursuant to section 343 of the principal Act (as enacted by section 2 of this Act).

(4) All other regulations in force at the commencement of this Act pursuant to any enactment repealed by subsection (1) of this section shall continue in force after the commencement of this Act as if they had been made under the corresponding provisions of the principal Act (as enacted by section 2 of this Act).

(5) For the purposes of the Acts Interpretation Act 1924—

(a) Parts II to XVII of the principal Act (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977) shall be deemed to be an Act consolidating the enactments repealed by section 8 (1) of that Act:

(b) Parts XVIII to XXII of the principal Act (as enacted by section 2 of this Act) shall be deemed to be an Act consolidating the enactments repealed by subsection (1) of this section.

(6) Every reference to any provisions of the Municipal Corporations Act 1954 or the Counties Act 1956 or of any amendment of either of those Acts repealed by this section for which there is a corresponding provision in any Part of the principal Act substituted by section 2 of this Act shall, after the commencement of this Act, be read as a reference to that corresponding provision.

(7) Every special order made under any enactment repealed by this Act and in force at the commencement of this Act shall continue in force after the commencement of this Act, as if it has been made under the corresponding provision of the principal Act as enacted by section 2 of this Act.

(8) Section 9 (22) of the Local Government Amendment Act (No. 3) 1977 is hereby amended by adding the words "In clause 5 of that order the term 'committee' includes and shall be deemed always to have included a subcommittee appointed by a territorial authority or by any committee of a territorial authority".

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## SCHEDULES

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Section 3 (1)

### FIRST SCHEDULE

#### NEW TENTH, ELEVENTH, TWELFTH, AND THIRTEENTH SCHEDULES TO PRINCIPAL ACT

Sections 319 (h), 342 “TENTH SCHEDULE

CONDITIONS AS TO STOPPING OF ROADS AND THE TEMPORARY PROHIBITION  
OF TRAFFIC ON ROADS

#### *Stopping of Roads*

1. The council shall prepare a plan of the road proposed to be stopped, together with an explanation as to the purpose or purposes to which the stopped road will be put, and a survey made and a plan prepared of any new road proposed to be made in lieu thereof, showing the lands through which it is proposed to pass, and the owners and occupiers of those lands so far as known, and shall lodge the plan in the office of the Chief Surveyor of the land district in which the road is situated.

2. On receipt of the Chief Surveyor's notice of approval and plan number the council shall open the plan for public inspection at the office of the council, and the council shall at least twice, at intervals of not less than 7 days, give public notice of the proposals and of the place where the plan may be inspected, and shall in the notice call upon persons objecting to the proposals to lodge their objections in writing at the office of the council on or before a date to be specified in the notice, being not earlier than 40 days after the date of the first publication thereof. The council shall also forthwith after that first publication serve a notice in the same form on the occupiers of all land adjoining the road proposed to be stopped or any new road proposed to be made in lieu thereof, and, in the case of any such land of which the occupier is not also the owner, on the owner of the land also, so far as they can be ascertained.

3. A notice of the proposed stoppage, shall during the period between the first publication of the notice and the expiration of the last day for lodging objections as aforesaid be kept fixed in a conspicuous place at each end of the road proposed to be stopped:

Provided that the council shall not be deemed to have failed to comply with the provisions of this clause in any case where any such notice is removed without the authority of the council, but in any such case the council shall, as soon as conveniently may be after being informed of the unauthorised removal of the notice, cause a new notice complying with the provisions of this clause to be affixed in place of the notice so removed and to be kept so affixed for the period aforesaid.

4. If no objections are received within the time limited as aforesaid, the council may by public notice declare that the road is stopped; and the road shall, subject to the council's compliance with clause 9 of this Schedule, thereafter cease to be a road.

5. If objections are received as aforesaid, the council shall, after the expiration of the period within which an objection must be lodged,

FIRST SCHEDULE—*continued*“TENTH SCHEDULE—*continued*“CONDITIONS AS TO STOPPING OF ROADS AND THE TEMPORARY PROHIBITION OF TRAFFIC ON ROADS—*continued*

unless it decides to allow the objections, send the objections together with the plans aforesaid, and a full description of the proposed alterations to the Planning Tribunal.

6. The Planning Tribunal shall consider the plan, the council's explanation under clause 1 of this Schedule, and any objection made thereto by any person likely to suffer injury thereby, and confirm or reverse the decision of the council which shall be final and conclusive on all questions:

Provided that the Planning Tribunal shall not confirm the decision of the council unless satisfied that adequate access to the lands in the vicinity of the road is left or provided.

7. If the Planning Tribunal reverses the decision of the council, no proceedings shall be entertained by the Planning Tribunal for stopping the road for 2 years thereafter.

8. If the Planning Tribunal confirms the decision of the council, the council may declare by public notice that the road is stopped; and the road shall subject to the council's compliance with clause 9 of this Schedule, thereafter cease to be a road.

9. Two copies of that notice and of the plans hereinbefore referred to shall be transmitted by the council for record in the office of the Chief Surveyor of the land district in which the road is situated, and no notice of the stoppage of the road shall take effect until that record is made.

10. The Chief Surveyor shall allocate a new description of the land comprising the stopped road, and shall forward to the District Land Registrar or the Registrar of Deeds, as the case may require, a copy of that description and a copy of the notice and the plans transmitted to him by the council, and the Registrar shall amend his records accordingly.

*Temporary Prohibition of Traffic*

11. The council may close any road or part thereof to all traffic or any specified type of traffic—

- (a) While the road, or any drain, water race, pipe, or apparatus under, upon, or over the road is being constructed or repaired; or
- (b) Where, in order to resolve problems associated with traffic operations on a road network, experimental diversions of traffic are required; or
- (c) During a period when public disorder exists or is anticipated; or
- (d) When for any reason it is considered desirable that traffic should be temporarily diverted to other roads; or
- (e) For a period or periods not exceeding in the aggregate 31 days in any year for any exhibition, fair, show, market, concert, or public function:

FIRST SCHEDULE—*continued*“TENTH SCHEDULE—*continued*”“CONDITIONS AS TO STOPPING OF ROADS AND THE TEMPORARY  
PROHIBITION OF TRAFFIC ON ROADS—*continued*”

Provided that no road may be used for any purpose specified in this paragraph (e) if that use would, in the opinion of the council, be likely to impede traffic.

12. The powers conferred on the council by clause 11 (except paragraph (e)) may be exercised by the Chairman on behalf of the council or by any officer of the council authorised by the council in that behalf.

13. Where it appears to the council that owing to climatic conditions the continued use of any road in a rural area, other than a State highway or Government road, not being a road generally used by motor vehicles for business or commercial purposes or for the purpose of any public work, may cause damage to the road, the council may by resolution prohibit, either conditionally or absolutely, the use of that road by motor vehicles or by any specified class of motor vehicle for such period as the council considers necessary.

14. Where a road is closed under clause 13 of this Schedule, an appropriate notice shall be posted at every entry to the road affected, and shall also be published in a newspaper circulating in the district.

15. A copy of every resolution made under clause 13 of this Schedule shall, within 1 week after the making thereof, be sent to the Minister of Transport, who may at any time, by notice to the council, disallow the resolution, in whole or in part, and thereupon the resolution, to the extent that it has been disallowed, shall be deemed to have been revoked.

16. No person shall—

- (a) Use a vehicle, or permit a vehicle to be used, on any road which is for the time being closed for such vehicles pursuant to clause 11 of this Schedule; or
- (b) Use a motor vehicle, or permit a motor vehicle to be used, on any road where its use has for the time being been prohibited by a resolution under clause 13 of this Schedule.

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 “ELEVENTH SCHEDULE

## Section 325 (1)

## “WIDTH OF ROADS, ACCESS WAYS, AND SERVICE LANES

1. Every road shall be not less than 20 metres wide, measured at right angles to its course.

2. Notwithstanding anything in clause 1 of this Schedule, where it is difficult or inexpedient to lay off a road at a width of 20 metres throughout the whole of its length as required by that clause, and the council has resolved that any specified width (being not less than 12 metres) is adequate for present and likely future traffic over that road, the council may, pursuant to a special order, lay off or permit the laying off of that road at that specified width for the whole or any part or parts of its length.

FIRST SCHEDULE—*continued*

“ELEVENTH SCHEDULE—*continued*

“WIDTH OF ROADS, ACCESS WAYS, AND SERVICE LANES—*continued*

3. Every service lane shall be of a width approved by the council, being not less than 3.7 metres and not more than 10.7 metres, measured at right angles to its course:

Provided that a service lane may be of any greater width for a distance of not more than 6 metres from where it meets any road or private road:

Provided also that in the case of any service lane which has a blind end, if the council so requires, there shall be provided in any part of the service lane a turning space of a width approved by the council.

4. Every access way shall be of a width approved by the council, being not less than 1.3 metres nor more than 6 metres, measured at right angles to its course.

5. Notwithstanding anything in clauses 3 and 4 of this Schedule, the width of any service lane or access way may be increased in any case where the topographical features are such that it is impracticable to adhere to the widths specified in the said clause 3 or the said clause 4, as the case may be.

6. For the purposes of clauses 1 and 2 of this Schedule, the term ‘road’ does not include a service lane or an access way.”

“TWELFTH SCHEDULE

Section 326 (3)

Form 1

CLAIM FOR PAYMENT ON ACCOUNT OF BETTERMENT FROM THE CREATION OR WIDENING OF A ROAD OR SERVICE LANE

To \_\_\_\_\_, owner of an estate or interest in fee simple [*or as the case may be*] in the land described below.

Whereas the [*Name of council*] has created or widened [*Describe road or service lane*] in the district whereby the value of the land described below which fronts the said road [*or service lane*] and in which you are interested as aforesaid, has been increased.

This is to give you notice that the council claims from you the sum \$ \_\_\_\_\_ on account of betterment for the said increase in value of the said land.

[*Description of land*]

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 19.....

Principal Officer.

Form 2

CHARGE

Section 326 (5) (b)

PURSUANT to section 326 (5) (b) of the Local Government Act 1974, I, the undersigned \_\_\_\_\_, hereby charge my estate or interest as [*Here describe the same*] in [*Here describe land*] with the payment to the [*Name of council*] of [*Number*] equal half-yearly payments of \$ \_\_\_\_\_, each payable on the \_\_\_\_\_ day of the months of \_\_\_\_\_



FIRST SCHEDULE—*continued*“TWELFTH SCHEDULE—*continued*”

in each year, the first payment to be made on the ..... day of ..... 19 ....., the charge to be a first charge upon my said estate and interest in priority to all estates, encumbrances, and interests created by me or any of my predecessors in title, as provided by the said Act; and I, the said ....., hereby covenant with the said council to pay to the council the said several instalments on the respective dates aforesaid.

Given under my hand this ..... day of ..... 19....

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Section 330 (4)

## “THIRTEENTH SCHEDULE

## “CONDITIONS OF FIXING LEVELS OF ROADS

1. The council shall publish in the district a notice of its intention to fix the level, describing therein the road by name and situation, and the proposed level thereof, by reference to plans to be open for inspection at a place named in the notice.

2. The council shall in the notice appoint a day, not being less than 1 month after the publication of the notice, at which it will hear all objections to the proposed level by persons affected thereby.

3. The council shall forthwith after the publication of the notice serve a notice in the same form on the occupiers of all land adjoining that part of the road the level of which is proposed to be fixed and, in the case of any such land of which the occupier is not also the owner, on the owner also, so far as they can be ascertained.

4. All such objections must be in writing, addressed to and sent to the council not less than 10 days before the day of meeting hereinafter referred to.

5. The council shall hold a meeting on the day so notified, at which all persons having so made objections shall be entitled to be heard in support thereof.

6. At that meeting the council may, after considering all such objections, resolve to abandon the proposed level, or to adopt it with any alterations it thinks fit.

7. The council shall publicly notify the level so fixed, and shall in the notice refer to a plan to be deposited at the office of the council, and to be open for inspection.”

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## SECOND SCHEDULE

Section 3 (2), (3)

## ENACTMENTS AMENDED

*Part I—Amendments of Principal Act*

Section of Principal Act Amended	Amendment
Section 2 (1) .....	<p>By omitting from the definition of the term "out-district" (as amended by section 6 (2) of the Local Government Amendment Act (No. 3) 1977) the words "section 626", and substituting the words "section 269".</p> <p>By omitting from the definition of the term "regional road" (as amended by section 7 (2) of the Local Government Amendment Act (No. 3) 1977) the expression "Part XVIII", and substituting the expression "Part XXII".</p> <p>By inserting, in their appropriate alphabetical order, the following definitions:</p> <p>"District scheme", 'operative' in relation to a district scheme, and 'proposed district scheme' have the same meanings as in section 2 (1) of the Town and Country Planning Act 1977:</p> <p>"Farm land' means land used or intended to be used solely or principally for agricultural or horticultural or pastoral purposes or the keeping of bees or poultry or other livestock; and 'farming' and 'farming purposes' have corresponding meanings:</p> <p>"Government road' means a Government road declared as such under any Act:</p> <p>"Planning Tribunal' means the Planning Tribunal established under the Town and Country Planning Act 1977:</p> <p>"Regional planning scheme' has the same meaning as in section 2 (1) of the Town and Country Planning Act 1977:</p> <p>"Rural area' means an area zoned rural in a proposed or an operative district scheme:</p> <p>"State highway' means a State highway declared under section 11 of the National Roads Act 1953."</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part I—Amendments of Principal Act—continued*

Section of Principal Act Amended	Amendment
Section 25 (as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977)	By omitting the words "section 602", and substituting the words "section 265".
Section 39 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977)	By omitting the words "section 628", and substituting the words "section 268".
Section 230 (as enacted by section 2 of the Local Government Act (No. 3) 1977)	By omitting from subsection (5) (c) the words "section 190 of the Municipal Corporations Act 1954 or section 191F of the Counties Act 1956 (as inserted by section 2 of the Counties Amendment Act 1972)", and substituting the words "section 345 of this Act".
Section 231 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977)	By omitting from subsection (1) the words "or under the Municipal Corporations Act 1954 or, as the case may be, the Counties Act 1956".
Part XVIII (as renumbered by section 7 (2) of the Local Government Amendment Act (No. 3) 1977)	By omitting from the heading to this Part the expression "PART XVIII", and substituting the expression "PART XXIII".
Section 600 (as renumbered by section 6 (1) of the Local Government Amendment Act (No. 3) 1977)	By omitting from subsection (3) the words "Sections 601, 602, 603 to 606, 608 to 621, and 623 to 625", and substituting the words "Sections 261, 262, 265 to 267, 604 to 606, 621, and 624".
Part XIX (as renumbered by the said section 7 (2))	By omitting from the heading to this Part the expression "PART XIX", and substituting the expression "PART XXIV".
Part XX (as renumbered by the said section 7 (2))	By omitting from the heading to this Part the expression "PART XX", and substituting the expression "PART XXV".
Part XXI (as renumbered by the said section 7 (2))	By omitting from the heading to this Part the expression "PART XXI", and substituting the expression "PART XXVI".
Part XXII (as renumbered by the said section 7 (2))	By omitting from the heading to this Part the expression "Part XXII", and substituting the expression "PART XXVII".

SECOND SCHEDULE—continued

ENACTMENTS AMENDED—continued

Part I—Amendments of Principal Act—continued

Section of Principal Act Amended	Amendment
Section 642 as (renumbered by section 6 (1) of the Local Government Amendment Act (No. 3) 1977)	By omitting the words “Tenth Schedule”, and substituting the words “Fourteenth Schedule”.
Section 643 (as renumbered by the said section 6 (1))	By omitting from subsection (1) the words “Eleventh Schedule”, and substituting the words “Fifteenth Schedule”.
Tenth Schedule (as renumbered by the said section 7 (2))	By omitting from the heading the words “Tenth Schedule”, and substituting the words “Fourteenth Schedule”.
Eleventh Schedule (as renumbered by the said section 7 (2))	By omitting from the heading the words “Eleventh Schedule”, and substituting the words “Fifteenth Schedule”.

Part II—Amendments of Public Works Act 1928

(Reprinted, 1975, Vol. 3, p. 2283)

Section Amended	Amendment
Section 2	By adding the following definition: “‘Territorial authority’ means a borough council, county council, district council, or town council; and, in relation to land that does not form part of the district of any such council or to land in the County of Fiord, means the Minister.”
Section 13 (as substituted by section 2 (1) of the Public Works Amendment Act 1952)	By omitting from subsection (1) the words “or street”.
Section 42	By repealing paragraph (c) of subsection (2) (as added by section 8 (1) of the Counties Amendment Act 1972), and substituting the following paragraph: “(c) Any road or service lane or access way vested in a territorial authority by section 316 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978):”.

SECOND SCHEDULE—*continued*  
 ENACTMENTS AMENDED—*continued*  
 Part II—*Amendments of Public Works Act 1928*  
 (Reprinted, 1975, Vol. 3, p. 2283)—*continued*

Section Amended	Amendment
Section 42— <i>continued</i>	<p>By repealing paragraph (d) of subsection (2) (as added by the said section 8 (1)).</p> <p>By omitting from paragraph (e) of subsection (2) (as added by the said section 8 (1)) the words “a county”, and substituting the words “the district of a territorial authority”.</p> <p>By omitting from the said paragraph (e) the words “County Council”, and substituting the words “territorial authority”.</p>
Section 112 .....	<p>By repealing subsection (3) (as substituted by the said section 8 (1)), and substituting the following subsection:</p> <p>“(3) The Minister may in like manner declare that any road constructed or controlled by the Minister within the district of a territorial authority shall be under the control and management of the territorial authority, and thereupon that road shall be deemed to be a road within the meaning of Part XXI of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978).</p>
Section 115 .....	<p>By repealing subsections (4) and (5).</p> <p>By omitting from subsection (2) the words “or streets” in paragraph (a) and also the words “or street”.</p>
Section 121 .....	<p>By repealing subsection (1A) (as inserted by section 8 (1) of the Counties Amendment Act 1972).</p> <p>By omitting from subsection (2) (as amended by the said section 8 (1)) the words “the Minister or, as the case may be, the County Council,” and substituting the words “the Minister”.</p>
Section 122 .....	<p>By repealing subsection (3) (as substituted by section 8 (1) of the Counties Amendment Act 1972), and substituting the following subsection:</p> <p>“(3) That notice shall be signed by the Mayor or Chairman, as the case may be, of the territorial authority in the case of roads under the control of a territorial authority, or by the Minister or some person on his behalf in the case of Government roads and State highways.”</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part II—Amendments of Public Works Act 1928*(Reprinted, 1975, Vol. 3, p. 2283)—*continued*

Section Amended	Amendment
Section 134 .....	By omitting the words “or street” in both places where they occur.
Section 135 .....	By repealing the definition of the term “district” in subsection (1), and substituting the following definition: “‘District’ means the district of a territorial authority.”
Section 147 .....	By omitting from subsection (2) (as added by section 12 (2) of the Public Works Amendment Act 1952) the words “or street”.
Section 172A (as inserted by section 4 of the Public Works Amendment Act 1956)	By omitting from subsection (1) the words “or street”. By omitting from subsection (1) the words “section 169 or section 170”, and substituting the words “section 355 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.
Section 216 .....	By omitting from paragraph (d) of subsection (1) the words “or street” in the 3 places where they occur; and by omitting the same words in paragraphs (e) and (i). By omitting from subsection (5) the words “or street” in both places where they occur.
Section 219 .....	By omitting from paragraph (b) of subsection (1) the words “or street” and from paragraph (c) the word “street” in both places where it occurs.
Section 220 .....	By omitting from subsection (1) the words “or street” in both places where they occur; and by omitting those words from subsection (2) and also from subsection (3) in both places where they occur.
Section 221 .....	By omitting from subsection (1) the words “or street” in the 3 places where they occur; by omitting those words from subsection (2) in the 4 places where they occur; and by omitting from subsection (3) the words “or streets”.
Section 223 .....	By omitting the words “or streets” in both places where they occur.

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part II—Amendments of Public Works Act 1928*(Reprinted, 1975, Vol. 3, p. 2283)—*continued*

Section Amended	Amendment
Section 225 .....	By omitting from subsection (1) and also from subsection (4) the word "street".
Section 226 (as substituted by section 2 of the Public Works Amendment Act 1971)	<p>By omitting from subsection (1) the word "street".</p> <p>By repealing paragraph (d) of subsection (2), paragraph (e) of that subsection (as substituted by section 8 (1) of the Counties Amendment Act 1972), and paragraph (f) of that subsection, and substituting the following paragraph:</p> <p style="padding-left: 40px;">“(d) The territorial authority in the case of a road or access way or service lane, or a proposed road or access way or service lane, within the district of a territorial authority.”</p>
Section 253 .....	<p>By repealing subsection (3) (as substituted by section 8 (1) of the Counties Amendment Act 1972), and substituting the following subsection:</p> <p style="padding-left: 40px;">“(3) On the date of publication in the <i>Gazette</i> of a notice under subsection (1) of this section, or on such later date as may be specified in the notice as the date on which it shall take effect, the land to which the notice relates shall vest in the territorial authority named in the notice as road, or in any case where no such territorial authority is so named, shall, notwithstanding anything in section 316 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978), vest in the Crown, in each case free from all other reservations, trusts, rights, titles, estates, or interests of any kind whatsoever.”</p>
Section 254 .....	<p>By omitting the words "or street" in both places where they occur.</p> <p>By omitting from subsection (1) the words "or street" where they first occur.</p> <p>By omitting from paragraph (a) of subsection (1) the words "road, or street", and substituting the words "or road".</p>

SECOND SCHEDULE—*continued*  
 ENACTMENTS AMENDED—*continued*  
 Part II—*Amendments of Public Works Act 1928*  
 (Reprinted, 1975, Vol. 3, p. 2283)—*continued*

Section Amended	Amendment
Section 254— <i>continued</i>	<p>By omitting from paragraph (c) of subsection (1) the words “or street”.</p> <p>By omitting from subsection (2), in the 3 places where they occur, the words “or street”.</p> <p>By omitting from subsection (3) the words “or street” in the first 2 places where they occur.</p> <p>By omitting from subsection (3) the words “road, or street” in both places where they occur and by omitting those words from subsection (4), and substituting in each case the words “or road”.</p>
Section 258 .....	By omitting from subsection (2) the words “or street” in the 6 places where they occur.

Part III—*Amendments of Maori Affairs Act 1953*  
 (Reprinted, 1968, Vol. 3, p. 2199)

Section Amended	Amendment
Section 2 .....	<p>By inserting in subsection (1), after the definition of the term “Registrar”, the following definition:</p> <p>“‘Road’ has the same meaning as in section 315 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978):”.</p> <p>By inserting in subsection (1), after the definition of the term “State Loan Department”, the following definition:</p> <p>“‘Territorial authority’ means a borough council, county council, district council, or town council:”.</p>
Section 173 .....	<p>By omitting from subsection (3) (as substituted by section 20 (1) of the Maori Affairs Amendment Act 1967) the words “sections 430, 432, and 432A”, and substituting the words “sections 430 and 432”.</p> <p>By omitting from the said subsection (3) the words “or street”.</p>



SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*Part III—*Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 173— <i>continued</i>	By omitting from the said subsection (3) the words “a borough or an independent town district, and to partition orders made in respect of land situated in a county”, and substituting the words “the district of a territorial authority”.
Section 415 .....	By omitting from paragraph (a) of subsection (3) (as substituted by section 22 of the Maori Affairs Amendment Act 1967) the words “local authority”, and substituting the words “territorial authority”. By repealing paragraphs (b) to (d) of subsection (3) (as so substituted), and substituting the following paragraph: “(b) The territorial authority in the case of a roadway connected with a road in its district.”
Section 416 .....	By omitting from subsection (5) the words “situated within a borough”. By omitting from subsection (5) the word “street”, and substituting the word “road”. By repealing subsection (6), and substituting the following subsection: “(6) Notwithstanding anything in this Part of this Act, no private road or private way shall be laid out within the district of a territorial authority otherwise than in accordance with sections 347 and 348 of the Local Government Act 1974 (as enacted by section 2 of the local Government Act 1978).”
Section 421 .....	By repealing subsection (7). By omitting from subsection (1) and also from subsection (2) the words “or street”. By repealing subsection (3), and substituting the following subsection: “(3) No roadway shall be declared to be a road pursuant to this section without the consent of— “(a) The National Roads Board and the territorial authority in whose district the land is situated in the case of a State highway or a proposed State highway:

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*Part III—*Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 421— <i>continued</i>	<p>“(b) The territorial authority within whose district the road or proposed road is situated.”</p> <p>By omitting from subsection (4) (as amended by section 8 (1) of the Counties Amendment Act 1972) the words “in the Corporation of the county in the case of a road situated in a county (otherwise than in a dependent town district) or in the Corporation of the borough in which it is situated in the case of a street, as a road or street, as the case may be,” and substituting the words “as a road in the territorial authority within whose district the land is situated”.</p>
Section 422 .....	<p>By omitting from subsection (1) and also from subsection (3) the words “or street”. By omitting from subsection (2) the words “local authority”, and substituting the words “territorial authority”.</p>
Section 423 .....	<p>By omitting from subsection (1) the words “or street”.</p>
Section 425 .....	<p>By omitting from subsection (1) the words “or streets” in both places where they occur.</p> <p>By repealing subsection (2), and substituting the following subsection: “(2) With the consent in writing of the Minister of Works and Development and of the authority having the control of the road under section 317 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978), the Court may make an order closing the road or any defined portion thereof, and every such order shall have effect according to its tenor.”</p> <p>By omitting from subsection (3) the words “or street” in both places where they occur.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part III—Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 426 ..... ..	By omitting from subsection (1) the words "or street" in the 4 places where they occur; by omitting those words from subsection (2) in both places where they occur; and by omitting those words from subsection (3).
	By omitting from subsection (1) the words "local authority", and substituting the words "territorial authority".
Section 429 ..... ..	By omitting from subsection (1) the words "section 125 of the Public Works Act 1928", and substituting the words "Part XXI of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)". By repealing subsection (2), and substituting the following subsection: "(2) When the owner of any Maori freehold land has, to the satisfaction of the territorial authority, complied with the conditions as to roads, water supply, and drainage imposed by the territorial authority pursuant to any provision of Part XXI or Part XXII of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978), the Court, on the receipt of a certificate under the seal of the territorial authority to the effect that those conditions have been complied with to its satisfaction, or that a bond to secure that compliance has been given to the satisfaction of the territorial authority, may make an order vesting in the territorial authority the land required to be dedicated, and declaring the land to be dedicated as a road accordingly."
Section 430 ..... ..	By repealing subsection (1). By repealing subsections (2) and (3), and substituting the following subsections: "(2) For the purposes of section 322 of the Local Government Act 1974 (as enacted by section 2 of the Local Govern-

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*Part III—*Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 430— <i>continued</i>	<p>ment Amendment Act 1978), a partition of Maori freehold land shall be deemed to be a subdivision of that land, and paragraph (d) of subsection (2) and subsection (3) of the said section 322 shall, subject to this section, apply with respect to every such partition.</p> <p>“(3) On application for a partition order in respect of any land to which the said paragraph (d) applies, the Court may make an order vesting in the territorial authority the strip of land required to be dedicated for the widening of the road and declaring that strip to be dedicated as a road accordingly.”</p> <p>By repealing subsection (5), and substituting the following subsection:</p> <p>“(5) A vesting order made for the purposes of this section shall have no force or effect until the territorial authority has, under its seal, accepted the dedication.”</p> <p>By repealing subsection (7) (as enacted by section 5 of the Maori Purposes Act 1965).</p> <p>By repealing subsection (9) (as added by section 15 of the Maori Purposes Act 1960), and substituting the following subsection:</p> <p>“(9) Where the territorial authority has under section 327 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978), or the corresponding provisions of any former enactment, imposed a building-line restriction in relation to land having a frontage to any road and a partition order is made in respect of that land, the Court may embody that restriction in the partition order, and the partition order shall have the same force and effect as if the restriction had been imposed by the council under the said section 327.”</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part III—Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 430— <i>continued</i>	By omitting from subsection (10) (as added by section 15 of the Maori Purposes Act 1960) the words “resolution of the local authority”, and substituting the words “the territorial authority pursuant to the said section 327”.
Section 432 .....	<p>By repealing this section, and substituting the following section:</p> <p><b>“432. Partition of land to comply with Part XX of Local Government Act 1974 as to subdivisions—</b>(1) This section shall apply to any partition of land by the Court which divides the land in such a manner that, if the partition were a subdivision of the land as defined in section 271 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978), it would require the preparation and approval of a scheme plan under the said Part XX.</p> <p>“(2) No partition to which this section applies shall be made otherwise than in accordance with a preliminary plan approved by the territorial authority pursuant to this section.</p> <p>“(3) A preliminary plan of a proposed partition for the purposes of this section shall comply with the provisions of the said Part XX of the Local Government Act 1974 as to the preparation and submission of a scheme plan of subdivision under that Part.</p> <p>“(4) On the submission of a preliminary plan as aforesaid, the territorial authority shall, subject to subsection (5) of this section, deal with the plan and shall have the same powers in relation thereto as if it were a scheme plan of subdivision under the said Part XX of the Local Government Act 1974.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part III—Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 432— <i>continued</i>	<p>“(5) In addition to the grounds set out in section 279 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978) upon which the territorial authority may refuse to approve a preliminary plan under that section, the territorial authority may refuse to approve such a plan and may require the land to be divided by a subdivision under the said Part XX of the Local Government Act 1974, in any case where—</p> <p>“(a) The plan provides for the division of the land into more than 2 parcels or allotments; and</p> <p>“(b) The territorial authority is of opinion that the final settlement of the details of the division requires continued consultation and negotiation, whether in relation to the exact definition of allotments, or to the carrying out of any roading or other work, or to any other matter or circumstance necessary to the effective completion of the division.</p> <p>“(6) Section 300 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978) shall apply to any decision of the territorial authority in relation to a preliminary plan submitted under this section.</p> <p>“(7) On the approval of a plan as aforesaid, the Court may make an order vesting in the territorial authority the land which, in accordance with the plan, is required for the construction of roads, or the making of reserves, and declaring, as the case may require, that the said land is dedicated for the construction of roads,</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part III—Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 432— <i>continued</i>	<p>or is set apart as reserves for the purposes indicated in the plan and subject to the Reserves Act 1977.</p> <p>“(8) No vesting order shall be made under this section in respect of any land that is subject to any lease, licence, mortgage, charge, or other encumbrance. Where any land proposed to be dedicated or set apart under this section is subject to any lease, licence, mortgage, or other encumbrance as aforesaid, the Court, with the consent of the person entitled to the benefit of the encumbrance, may release the land therefrom and the vesting order shall vest the land free from that encumbrance.</p> <p>“(9) A vesting order in favour of the territorial authority made for the purposes of this section shall have no force or effect until the territorial authority has, under its seal, accepted the dedication and has certified in its acceptance that the conditions prescribed by the said Part XX of the Local Government Act 1974 have been complied with to the satisfaction of the territorial authority.</p> <p>“(10) Where any land is dedicated or set apart as aforesaid, the Court shall, in partitioning the residue of the land, make such adjustments as in the circumstances it deems equitable as between the several owners.</p> <p>“(11) No consents in accordance with section 306 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978) shall be required in respect of any partition to which this section applies.</p> <p>“(12) On the completion of a vesting order made by the Court for the purposes of this section, the Registrar of the Court shall forward the order to the District Land Registrar, together with a certified copy of the acceptance by the territorial</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part III—Amendments of Maori Affairs Act 1953*(Reprinted, 1968, Vol. 3, p. 2199)—*continued*

Section Amended	Amendment
Section 432— <i>continued</i>  Section 432A (as inserted by section 23 (1) of the Maori Affairs Amendment Act 1967)	<p>authority of the dedication or setting apart of the land to which the vesting order relates, and the District Land Registrar shall thereupon register the vesting order.</p> <p>“(13) In this section the term ‘territorial authority’, in relation to land in the County of Fiord and to land that does not form part of the district of any territorial authority (as defined in section 2 of this Act) means the Minister of Works and Development.”</p> <p>By repealing this section.</p>

*Part IV—Amendments of Other Acts*

Enactment	Amendment
1947, No. 46—The Public Works Amendment Act 1947 (Reprinted, 1975, Vol. 3, p. 2521)	<p>By omitting from section 4 (1) the word “street”.</p> <p>By omitting from section 5 (5) the words “or streets”.</p> <p>By omitting from section 5 (6) the words “or street”.</p> <p>By omitting from the proviso to section 8 the words “or streets”.</p> <p>By omitting from section 9 (1) the words “road, or street”, and substituting the words “or road”.</p> <p>By omitting from subsection (1) of section 10 and also from subsection (2) the words “or street”.</p> <p>By omitting from section 12 (1) (b) the words “road, or street”, and substituting the words “or road”.</p>
1948. No. 39—The Public Works Amendment Act 1948 (Reprinted, 1975, Vol. 3, p. 2529)	<p>By repealing paragraph (d) of the proviso to section 29 (1), and substituting the following paragraph:</p> <p>“(d) The National Roads Board and the territorial authority in</p>



SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part IV—Amendments of Other Acts—continued*

Enactment	Amendment
<p>1948, No. 39—The Public Works Amendment Act 1948 (Reprinted, 1975, Vol. 3, p. 2529)—<i>continued</i></p>	<p>whose district the land is situated in the case of a State highway or a proposed State highway; and the territorial authority within whose district the land is situated in the case of a road.”.</p> <p>By omitting from section 29 (2) (as substituted by section 8 (1) of the Counties Amendment Act 1972) the words “the Corporation of the county or borough or town district named in the notice as road or street, as the case may be, or, in any case where no such Corporation is so named, shall, notwithstanding anything in section 191A of the Counties Act 1956 (as enacted by section 2 of the Counties Amendment Act 1972)”, and substituting the words “the territorial authority named in the notice as road or, in any case where no territorial authority is so named, shall, notwithstanding anything in section 316 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978),”.</p> <p>By repealing section 29 (3), and substituting the following subsection:</p> <p>“(3) Subject in the case of a State highway to the consent of the National Roads Board and of the territorial authority in whose district the land is situated, and in the case of a road to the consent of the territorial authority in whose district the road is situated, the Minister may, by notice, close that road or any part thereof.”</p> <p>By repealing section 29 (3A) (as enacted by section 8 (1) of the Counties Amendment Act 1972).</p> <p>By repealing section 29 (3B) (as enacted by the said section 8 (1)), and substituting the following subsection:</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*Part IV—*Amendments of Other Acts—continued*

Enactment	Amendment
<p>1948, No. 39—The Public Works Amendment Act 1948 (Reprinted, 1975, Vol. 3, p. 2529)—<i>continued</i></p>	<p>“(3B) The land comprised in any such closed road may be dealt with by the territorial authority in the same manner in all respects as if it had been closed pursuant to the provisions in that behalf of Part XXI of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978).”</p> <p>By repealing section 29 (3c) (as enacted by the said section 8 (1)).</p> <p>By omitting from section 29 (3d) (as enacted by the said section 8 (1)) the words “the Borough Council or Town Council or County Council, as the case may be”, and substituting the words “the territorial authority”.</p> <p>By omitting from the said section 29 (3d) the words “street or” in the 3 places where they occur.</p> <p>By omitting from section 29 (5) the words “or street” in the 3 places where they occur.</p> <p>By omitting from section 29 (6) (as substituted by section 24 (1) of the Public Works Amendment Act 1973) the words “or street”.</p> <p>By omitting from paragraph (a) of section 29 (6A) (as substituted by the said section 24 (1)) the words “or street”.</p> <p>By omitting from paragraph (b) of the said section 29 (6A) the words “corporation of the county, borough, or town district”, and substituting the words “territorial authority”.</p> <p>By omitting from paragraph (c) of the said section 29 (6A) the word “corporation”, and substituting the words “territorial authority”.</p> <p>By repealing paragraph (a) of section 29 (6c) (as substituted by the said section 24 (1)), and substituting the following paragraph:</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part IV—Amendments of Other Acts—continued*

Enactment	Amendment
1948, No. 39—The Public Works Amendment Act 1948 (Reprinted, 1975, Vol. 3, p. 2529)— <i>continued</i>	<p>“(a) The territorial authority may be dealt with by that authority in all respects as if it had been comprised in a road closed under this section:”.</p> <p>By omitting from section 29 (8) the words “or street” in both places where they occur.</p> <p>By omitting from section 32 the words “sections 169 and 170 of the principal Act”, and substituting the words “section 355 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p>
1948, No. 64—The Land Act 1948 (Reprinted, 1972, Vol. 2, p. 1557)	<p>By repealing section 32 (2).</p> <p>By omitting from paragraph (f) of the definition of the term “Crown land” in section 2 the words “Part II of the Counties Amendment Act 1961”, and substituting the words “Part XX of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p> <p>By inserting in section 82, after subsection (3), the following subsection:</p> <p>“(3A) Where any lease or licence constitutes a folium of the register in the office of the District Land Registrar,—</p> <p>“(a) The Commissioner may lodge for deposit with the District Land Registrar a plan of survey of definition or subdivision of the land in the lease or licence; and</p> <p>“(b) Where on the deposit of a plan of subdivision any land on the plan will vest pursuant to any of the provisions of subsections (3) to (5) of section 306 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978), the Commissioner shall request the District Land Registrar to issue a certificate of title under the</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*Part IV—*Amendments of Other Acts—continued*

Enactment	Amendment
1948, No. 64—The Land Act 1948 (Reprinted, 1972, Vol. 2, p. 1557) — <i>continued</i>	Land Transfer Act 1952 in the name of Her Majesty the Queen for the land comprised in the lease or licence at the time of the lodging of the plan for deposit, and the District Land Registrar shall issue a certificate of title accordingly.”
1949, No. 40—The Government Railways Act 1949 (Reprinted, 1973, Vol. 2, p. 1403)	By omitting from section 62 (1) the words “Borough Council, County Council, or Town Council, or any Road Board of a road district in which the Counties Act 1956 is not in full force, or any 2 or more such Councils or Boards”, and substituting the words “borough council, county council, district council, or town council or any 2 or more such councils”.
1952, No. 58—The Public Works Amendment Act 1952 (Reprinted, 1975, Vol. 3, p. 2566)	By omitting from section 62 (1) the words “or Board” in both places where they occur.
1955, No. 51—The Housing Act 1955 (1957 Reprint, Vol. 6, p. 221)	By omitting from the definition of the term “road” in section 11 (1) the word “street”.
	By omitting from section 20 (1) the word “street”.
	By omitting from the definition of the term “local authority” in section 2 (1) the words “or Road Board”, and substituting the words “or District Council”.
	By repealing subsection (1) of section 10, and substituting the following subsection: “(1) Where the Minister desires that any access way or service lane be laid out or constructed in the district of any local authority pursuant to this Part of this Act, it shall not be necessary for the laying out or construction to be authorised by the territorial authority.”
	By omitting from section 10 (2) the words “section 3 of the Public Works Amendment Act 1948”, and substituting the words “Part XXI of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978”.

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part IV—Amendments of Other Acts—continued*

Enactment	Amendment
<p>1955, No. 51—The Housing Act 1955 (1957 Reprint, Vol. 6, p. 221)—<i>continued</i></p>	<p>By omitting from section 10 (3) the words “Part I of the Public Works Amendment Act 1948”, and substituting the words “the said Part XXI of the Local Government Act 1974”.</p> <p>By repealing subsection (1) of section 11 (as substituted by section 8 (1) of the Counties Amendment Act 1972), and substituting the following subsection:</p> <p>“(1) The Governor-General may, by Order in Council published in the <i>Gazette</i>, declare that any road, street, access way, or service lane laid out or constructed under this Part of this Act within the district of a local authority shall be vested in the local authority and be under the control and management of the local authority, and thereupon the road, street, access way, or service lane, and the soil thereof and all materials of which it is composed, shall be deemed to be vested in that local authority in fee simple, and the local authority shall have control and management of the road, street, access way, or service lane, and shall have power to alter, maintain, and repair it in accordance with this section.”</p> <p>By omitting from section 11 (3) (as amended by the said section 8 (1)) the words “the Municipal Corporations Act 1954, the Counties Act 1956”, and substituting the words “Part XXI of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p>
<p>1963, No. 42—The Public Works Amendment Act 1963 (Reprinted, 1975, Vol. 3, p. 2602)</p>	<p>By omitting from section 4 (4) the words “and at the request of the controlling local authority in any case where the limited access road or proposed limited access road is not to be a State highway”.</p> <p>By omitting from section 4 (5) the words “and the local authority in respect of any limited access road under its control”.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part IV—Amendments of Other Acts—continued*

Enactment	Amendment
1963, No. 42—The Public Works Amendment Act 1963 (Reprinted 1975, Vol. 3, p. 2602)— <i>continued</i>	<p>By omitting from paragraph (a) of section 4 (6) the words “or road” in both places where they occur.</p> <p>By omitting from paragraph (b) of section 4 (6) the words “or the controlling local authority, as the case may be” in both places where they occur; and by omitting those words from paragraph (c) in both places where they occur.</p> <p>By omitting from paragraph (a) of section 4 (6) and also from paragraph (b) the word “street”.</p> <p>By omitting from section 4 (7) the words “or street” in the 3 places where they occur.</p> <p>By omitting from paragraph (a) (iii) of section 4 (10) the words “and street”.</p> <p>By omitting from section 4 (11) the words “or a certificate by the controlling local authority where the request to the Minister under that subsection has been made by the controlling local authority”; and also by omitting the words “or street”.</p>
1971, No. 25—The Mining Act 1971	<p>By omitting from the definition of the term “road” in section 110 (1) (as amended by section 8 (1) of the Counties Amendment Act 1972) the words “or of section 191 of the Counties Act 1956 (as enacted by section 2 of the Counties Amendment Act 1972)”, and substituting the words “or of section 315 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p> <p>By repealing the definition of the term “street” in section 110 (1).</p> <p>By omitting from subsection (2) of section 110 the words “or street” in the 3 places where they occur; by omitting those words from subsection (3) in the 4 places where they occur; and by omitting those words from subsection (4) and also from subsection (6).</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part IV—Amendments of Other Acts—continued*

Enactment	Amendment
1972, No. 132—The Counties Amendment Act 1972	<p>By repealing so much of the Second Schedule as relates to—</p> <p>(a) Sections 112 (3) and 120, subsections (1A) and (2) of section 121, and sections 122 and 226 of the Public Works Act 1928:</p> <p>(b) Sections 2, 3, 4, 7, 8, and 29 (1) (d) of the Public Works Amendment Act 1948:</p> <p>(c) Section 415 (3) (c), subsections (3) and (4) of section 421, section 425 (2), and 432A of the Maori Affairs Act 1953:</p> <p>(d) The Housing Act 1955:</p> <p>(e) The Counties Amendment Act 1961:</p> <p>(f) The Mining Act 1971.</p>
1977, No. 66—The Reserves Act 1977	<p>By omitting from the second proviso to section 16 (1) the words “Part XXV of the Municipal Corporations Act 1954 or Part II of the Counties Amendment Act 1961”, and substituting the words “Part XX of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p> <p>By inserting in the second proviso to section 23 (2) (a), after the words “Part XXV or Part II”, the words “or under Part XX of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p> <p>By inserting in section 24 (7), after the words “Land Laws Amendment Act 1920”, the words “or Part XX of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p> <p>By inserting in section 91, after the words “riding accounts”, the words “or out of any separate ward account, in the case of a City Council, Borough Council, or District Council which keeps ward accounts”.</p>

SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part IV—Amendments of Other Acts—continued*

Enactment	Amendment
1977, No. 121—The Town and Country Planning Act 1977	<p>By omitting from section 23 (8) the words “(as enacted by section 2 of the Local Government Amendment Act (No. 2) 1977)”.</p> <p>By omitting from section 63 (2) the words “section 16 (2) (f)”, and substituting the words “section 35 (1) (f)”.</p> <p>By omitting from section 79 (3) the words “section 143 of the Municipal Corporations Act 1954 or section 165 of the Counties Act 1956, as the case may require”, and substituting the words “section 208 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977)”.</p> <p>By omitting from section 87 (1) the words “section 63 of the Municipal Corporations Act 1954 or section 71 of the Counties Act 1956”, and substituting the words “section 104 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977)”.</p> <p>By omitting from section 178 (8) the words “section 143 of the Municipal Corporations Act 1954 or section 165 of the Counties Act 1956, as the case may require”, and substituting the words “section 208 of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act (No. 3) 1977)”.</p> <p>By omitting from clause 7 (h) of the Second Schedule the words “sections 24 and 25 of the Disabled Persons Community Welfare Act 1975”, and substituting the words “section 25 of the Disabled Persons Community Welfare Act 1975 and section 331 (2) of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.</p>



SECOND SCHEDULE—*continued*ENACTMENTS AMENDED—*continued**Part IV—Amendments of Other Acts—continued*

Enactment	Amendment
1977, No. 121—The Town and Country Planning Act 1977— <i>continued</i>	By omitting from clause 6 of the Third Schedule the words “sections 24 and 25 of the Disabled Persons Community Welfare Act 1975”, and substituting the words “section 25 of the Disabled Persons Community Welfare Act 1975 and section 331 (2) of the Local Government Act 1974 (as enacted by section 2 of the Local Government Amendment Act 1978)”.

## THIRD SCHEDULE

Section 4 (1)

## ENACTMENTS REPEALED

- 1928, No. 21—The Public Works Act 1928: Sections 112 (4), 120, 123, 125 to 134, 138, 141 to 146, 168, 169, 170, 171, and 179 to 199, and the Eleventh Schedule. (Reprinted, 1975, Vol. 3, p. 2283.)
- 1935, No. 27—The Public Works Amendment Act 1935: Sections 10 and 11. (Reprinted, 1975, Vol. 3, p. 2480.)
- 1948, No. 39—The Public Works Amendment Act 1948: Part I and sections 23, 24, and 25. (Reprinted, 1975, Vol. 3, p. 2529.)
- 1952, No. 58—The Public Works Amendment Act 1952: Sections 14 (2) and 16. (Reprinted, 1975, Vol. 3, p. 2566.)
- 1954, No. 76—The Municipal Corporations Act 1954: Sections 169, 170, 170A, 170B, 170C, 171 to 174, 176, 177A, 178, 178A, 178B, 179 to 203, 203A, 204, and 206 to 211, Part XXV, and the Sixth, Seventh, Eighth, and Ninth Schedules. (Reprinted, 1969, Vol. 4, p. 2439.)
- 1955, No. 59—The Public Works Amendment Act 1955: Section 6. (Reprinted, 1975, Vol. 3, p. 2583.)
- 1956, No. 39—The Public Works Amendment Act 1956: Section 2. (Reprinted, 1975, Vol. 3, p. 2586.)
- 1956, No. 64—The Counties Act 1956: Sections 191, 191A to 191H, 192 to 198, 198A to 198H, 199A, 199C, 200 to 210, 210A, 211 to 222, and the Third, Fourth, Eighth, and Ninth Schedules. (Reprinted, 1969, Vol. 2, p. 1077.)
- 1958, No. 81—The Municipal Corporations Amendment Act 1958. (Reprinted, 1969, Vol. 4, p. 2731.)
- 1959, No. 91—The Municipal Corporations Amendment Act 1959: Sections 15, 16, 17, and 28. (Reprinted, 1969, Vol. 4, p. 2732.)
- 1961, No. 60—The Municipal Corporations Amendment Act 1961: Sections 9 and 10. (Reprinted, 1969, Vol. 4, p. 2736.)
- 1961, No. 131—The Counties Amendment Act 1961: Part II (except sections 44 and 45) and the First and Second Schedules. (Reprinted, 1969, Vol. 2, p. 1412.)
- 1962, No. 38—The Counties Amendment Act 1962. (Reprinted, 1962, Vol. 2, p. 1412.)
- 1962, No. 39—The Municipal Corporations Amendment Act 1962: Section 4. (Reprinted, 1969, Vol. 4, p. 2737.)
- 1962, No. 135—The Transport Act 1962: Sections 76 and 76A. (Reprinted, 1974, Vol. 3, p. 2489.)
- 1963, No. 102—The Municipal Corporations Amendment Act 1963: Section 2 (1). (Reprinted, 1969, Vol. 4, p. 2738.)
- 1964, No. 119—The Municipal Corporations Amendment Act 1964: Sections 11 to 15, 22 to 28, 30, and 36. (Reprinted, 1969, Vol. 4, p. 2739.)
- 1964, No. 129—The Counties Amendment Act 1964: Sections 9, 19 to 21, and 23 to 29. (Reprinted, 1969, Vol. 2, p. 1413.)
- 1965, No. 26—The Public Works Amendment Act 1965: Section 5. (Reprinted, 1975, Vol. 3, p. 2608.)

THIRD SCHEDULE—*continued*ENACTMENTS REPEALED—*continued*

- 1965, No. 76—The Counties Amendment Act 1965: Paragraphs (c) and (e) of section 2 (2). (Reprinted, 1969, Vol. 2, p. 1416.)
- 1965, No. 121—The Maori Purposes Act 1965: Section 5.
- 1965, No. 127—The Transport Amendment Act 1965: Section 7. (Reprinted, 1974, Vol. 3, p. 2722.)
- 1966, No. 52—The Municipal Corporations Amendment Act 1966: Section 5. (Reprinted, 1969, Vol. 4, p. 2742.)
- 1967, No. 124—The Maori Affairs Amendment Act 1967: Section 23 (1).
- 1967, No. 153—The Transport Amendment Act (No. 2) 1967: Section 10. (Reprinted, 1974, Vol. 3, p. 2729.)
- 1968, No. 123—The Municipal Corporations Amendment Act 1968: Sections 14, 16, 17 (1), (2) (a), 18, and 28 to 33. (Reprinted, 1969, Vol. 4, p. 2743.)
- 1968, No. 124—The Counties Amendment Act 1968: Sections 16 to 18 and Part II. (Reprinted, 1969, Vol. 2, p. 1417.)
- 1968, No. 148—The Transport Amendment Act 1968: Section 15. (Reprinted, 1974, Vol. 3, p. 2731.)
- 1969, No. 30—The Counties Amendment Act 1969: Sections 6 and 7. (Reprinted, 1969, Vol. 2, p. 1444.)
- 1970, No. 58—The Counties Amendment Act 1970.
- 1970, No. 89—The Municipal Corporations Amendment Act 1970.
- 1970, No. 145—The Public Works Amendment Act 1970: Section 7 and so much of the First Schedule as relates to subsections (4) and (5) of section 112 of the Public Works Act 1928. (Reprinted, 1975, Vol. 3, p. 2611.)
- 1971, No. 62—The Municipal Corporations Amendment Act 1971: Sections 16, 18, 20, 21, and 35 to 37.
- 1971, No. 63—The Counties Amendment Act 1971: Section 20 and Part II.
- 1972, No. 15—The Unit Titles Act 1972: Section 3 (2).
- 1972, No. 96—The Public Works Amendment Act 1972: So much of Part I of the Schedule as relates to sections 125, 128, 132, 144, 145, 168, 181, 182, 187, and 189 of and to the Eleventh Schedule to the Public Works Act 1928. (Reprinted, 1975, Vol. 3, p. 2614.)
- 1972, No. 131—The Municipal Corporations Amendment Act 1972: Sections 8 and 9, and so much of the Schedule as relates to sections 169, 170, 186, 188, 203, 207, and 209 of the Municipal Corporations Act 1954.
- 1972, No. 132—The Counties Amendment Act 1972: Sections 2 to 5, 7, and 17 to 19, the First Schedule, and so much of the Second Schedule as relates to sections 32, 112 (3) and 120, subsections (1A) and (2) of section 121, and sections 125, 131, and 132 of the Public Works Act 1928, or to the Maori Affairs Act 1953, or to the Counties Amendment Act 1961.
- 1972, No. 135—The Maori Purposes Act 1972: Section 10.
- 1973, No. 44—The Public Works Amendment Act 1973: Section 13 (2). (Reprinted, 1975, Vol. 3, p. 2416.)

THIRD SCHEDULE—*continued*ENACTMENTS REPEALED—*continued*

- 1974, No. 8—The Counties Amendment Act 1974: Sections 17, 18, and 25 to 27, so much of Part I of the First Schedule as relates to sections 193 and 199B of the Counties Act 1956, and so much of Part II of that Schedule as relates to section 28 of the Counties Amendment Act 1961.
- 1974, No. 9—The Municipal Corporations Amendment Act 1974: Sections 22 and 23 and so much of the Schedule as relates to section 351c of the Municipal Corporations Act 1954.
- 1974, No. 66—The Local Government Act 1974: Sections 601, 602, 603, 608 to 620, 622, 623, 625, 626, and 628 (as renumbered by section 6 of the Local Government Amendment Act (No. 3) 1977).
- 1975, No. 2—The Municipal Corporations Amendment Act 1975: Section 6.
- 1975, No. 8—The Counties Amendment Act 1975: Sections 7, 10, and 12 (2) and Part II of the Schedule.
- 1975, No. 122—The Disabled Persons Community Welfare Act 1975: Section 24.
- 1976, No. 57—The Municipal Corporations Amendment Act 1976: Section 10.
- 1976, No. 58—The Counties Amendment Act 1976: Section 9.
- 1977, No. 66—The Reserves Act 1977: So much of the Second Schedule as relates to the Municipal Corporations Act 1954 and to the Counties Act 1956.
- 1977, No. 121—The Town and Country Planning Act 1977: Section 62 (5) and subsections (2) to (5) of section 79.
- 1977, No. 122—The Local Government Amendment Act (No. 3) 1977: So much of Part II of the First Schedule as relates to sections 600 (3), 608 (4), 609 (1), 611, 612, 613 (1), 614 (1), 615, 617, and 620 (6) of the Local Government Act 1974, and so much of Part I of the Third Schedule as relates to the definition of the term “regional road” in section 2 (1), to Parts XVIII, XIX, XX, XXI, XXII, and to sections 601, 642, and 643 of the Local Government Act 1974, and to the Tenth and Eleventh Schedules to that Act.
- 1977, No. 134—The Counties Amendment Act 1977: Sections 2, 4, and 5.
- 1977, No. 129—The Municipal Corporations Amendment Act 1977: Section 3.
- 1977, No. 169—The Public Works Amendment Act 1977: Section 2 (1) (d).

RESERVES CONTRIBUTIONS:

1.1. INTRODUCTION: Where any person subdivides any land or carries out any development as defined in Section 270 of the Local Government Act, then subject to the provisions of that Act such person shall make provision for reserves in accordance with the requirements of this Ordinance.

1.1.2. RESIDENTIAL SUBDIVISIONS: In determining the provision to be made for reserves in respect of any subdivision of land pursuant to Section 285 of the Local Government Act, Council shall have regard to the following provisions:-

- (a) In respect of any large residential subdivision incorporating suitable areas of flat land, Council may require that such of that land as considered necessary be vested as public reserves for active recreation to the extent of 130m<sup>2</sup> per new residential allotment created less allowance for any development costs incurred.
- (b) In respect of any subdivision within a Conditional Residential zone, a Residential Special zone or a Rural Residential zone, Council may as a condition of its consent to the development of the land pursuant to Ordinance 5.5.4., Ordinance 6.5.4, or Ordinance 6.6.6. require that the subdivider agree pursuant to subsection (2)(b) of Section 285 to vest in Council in lieu of public reserves such land as the Council may consider necessary for the protection of scenic amenities or to accept the imposition of conservation covenants on such land pursuant to Section 77 of the Reserves Act 1977 notwithstanding that the land may be designated in the District Scheme as Scenic Reserve provided that where the value of any provision made under such an agreement is more or less than 7.5% of the value of the new residential lots created the balance shall be secured by the payment of compensation or reserves fund contribution respectively.
- (c) In respect of any residential subdivision, land carrying a zoning other than residential shall not be accepted as reserves contribution unless Council determines otherwise and in accepting such provision Council may require that the land be vested in Council in lieu of public reserves pursuant to subsection (2)(b) of Section 285.
- (d) In respect of any subdivision within a Residential or Rural Residential zone to which the above provisions do not apply, Council shall only require land to be vested as public reserves where that land is designated for reserve purposes in this District Scheme or where in the opinion of Council there is a clear need for provision to be made for reserves in the locality and the land is suitable for the purpose but otherwise Council shall require the payment of a reserves fund contribution pursuant to subsections (2)(a) or (2)(c) of Section 285.

4.3.3. OTHER SUBDIVISIONS: In determining the provision to be made for reserves in respect of any subdivision of land within any Commercial Service, Industrial or Special Purpose zone, Council shall require pursuant to Section 286 of the Local Government Act the payment of a reserves fund contribution of 10% of the value of the new allotments created and the vesting of land as public reserves will only be accepted as full or partial fulfilment of the reserves contributions Scheme provided that for the purposes of subsection(2) of Section 286 the provision of pedestrian shopping areas within commercial developments shall not be offset against any reserves contribution required.

4.3.4. ESPLANADE RESERVES: Where any subdivision of land adjoins any river or stream having an average width of not less than 3m, then in addition to any other reserves contribution Council shall require pursuant to Section 289 of the Local Government Act a strip of land not less than 20m in width along the edge of that river or stream to be vested as a Local Purpose Reserve for access and protection provided that:-

(i) Council may with the consent of the Minister of Lands waive or reduce this requirement if in the circumstances the vesting of a 20m wide reserve would be unnecessary and unreasonable.

(ii) Council may require the vesting of a greater width of reserve if in the opinion of the Wellington Regional Council an increase in width is necessary to avoid hazards from flooding and/or erosion.

(iii) The vesting of such a reserve shall not be required where in any subdivision in a rural zone the allotments are greater than 4 ha in area and Council is satisfied that those allotments will be utilised for farming or forestry purposes on an economically viable basis.

4.3.5. COMMERCIAL OR INDUSTRIAL DEVELOPMENT: Where any development within the meaning of Section 270 of the Local Government Act is carried out in any Commercial, Service, Industrial or Special Purpose Zone, then Council shall require pursuant to subsection (1) of Section 294 of that Act the payment of a reserves fund contribution equal to 0.5% of the value of the development or if appropriate the vesting as public reserves an area of land of equivalent value.

4.3.6. RESIDENTIAL DEVELOPMENTS: Where any development within the meaning of Section 270 of the Local Government Act is intended for residential purposes, then Council shall require pursuant to subsection (2) of Section 294 of that Act the vesting as public reserve an area of land amounting to 20m<sup>2</sup> for every household unit in excess of two units or the payment of a reserves fund contribution of equivalent value provided that in assessing the reserve contribution no open space required to be set aside within the development pursuant to Ordinance 6 shall be taken into account in terms of subsection (5).

4.3.7. UNSUITABLE LAND: In respect of any subdivision where land is deemed unsuitable for development it shall not be accepted as reserves contribution unless that land is designated for reserve purposes in this District Scheme but Council may accept the vesting of such land in addition to the reserves contribution and at no cost.

210/1/2

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UPPER HUTT  
CITY COUNCIL

Box

AA26

ANNUAL REPORT

FOR THE YEAR ENDED 31 MARCH 1990

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**CITY OF UPPER HUTT  
STATEMENT OF EXPENDITURE AND REVENUE  
HOUSING AND PROPERTY  
FOR THE YEAR ENDED 31 MARCH 1990**

Actual 1988/89		Actual 1989/90	Budget 1989/90
	<b>EXPENDITURE</b>		
107,566	Pensioner Housing	122,728	124,387
51,605	Staff and other housing	64,131	65,922
<u>159,171</u>		<u>186,859</u>	<u>190,309</u>
	<b>CAPITAL EXPENDITURE</b>		
	Land Purchase	52,235	52,235
	<b>LOAN EXPENDITURE</b>		
120,000	General Property	1,250	1,250
406,000	Pensioner Housing	442,750	442,750
<u>526,000</u>		<u>444,000</u>	<u>444,000</u>
	<b>LOAN CHARGES</b>		
26,443	Interest	28,281	33,964
21,968	Principal	22,582	16,156
<u>48,411</u>		<u>50,863</u>	<u>50,120</u>
<u>733,582</u>	<b>TOTAL EXPENDITURE</b>	<u>733,957</u>	<u>736,664</u>
	<b>LESS CHARGES AND COSTS RECOVERED</b>		
	Special Fund Receipts	52,235	52,235
166,323	Pensioner Housing Rental	224,725	221,049
119,210	Staff & other Housing Rental	169,024	132,000
511,000	Loan Funds	444,000	444,000
15,000	Subsidy		
<u>811,533</u>	<b>TOTAL COSTS RECOVERED</b>	<u>889,984</u>	<u>849,284</u>
<u>(77,951)</u>	<b>NET CONTRIBUTION TO RATES</b>	<u>(156,027)</u>	<u>(112,620)</u>

Spur purchase shown as "Land Purchase" \$52,235, being \$59,000 less GST (12.5%) and rates paid in advance.

Funds brought into the Property budget from the Special Funds \$52,235.

The notes on pages 16 and 17 form part of, and should be read in conjunction with these financial statements.

Reserve Fund shown in the Special Funds. Despite requests, details of incomings and outgoings for the 1989-1990 Financial year have not been made available.

**CITY OF UPPER HUTT**  
**NOTES TO BALANCE SHEET**

<b>Note 5</b>	<b>Special Fund Balances</b>	<b>1988/89</b>	<b>1989/90</b>
	7,101 Aerial Photography Fund		10,344
	12,300 Salary Contingency		61,099
	209,794 Reserve Fund Contribution		346,906
	Retiring Gratuities		16,427
	2,136 Lemchen Amenities		2,397
	571,178 Plant Renewal		908,359
	90,899 Maintenance in Perpetuity		93,365
	(5,194) River Road		(4,926)
	142,442 Amenities Fund		214,619
	122,375 Building Maintenance		60,000
	91,853 Pedestrian Footbridge		139,082
	42,695 Elections		18,238
	3,736 Computer Funds		62,941
	51,700 Renewal Stormwater Rider Mains		75,461
	Office Furniture Maintenance		9,958
	(331,912) Joint Capital Ventures		(542,690)
	991,529 Property Accounts		1,163,762
	Excess General Fund		184,166
	Local Body Stocks		60,557
	<u>2,002,632</u>		<u>2,880,065</u>
<b>Note 6</b>	<b>Public Debt</b>		
	4,856,899 Public Debt at 1 April		6,454,720
	2,081,100 Add Loans Raised during the year		1,498,000
	913,285 Add Heretaunga/Pinehaven Loans		648,278
	7,851,284		8,600,998
	(483,279) Less Repayments during the year		(298,320)
	7,368,005		8,302,678
	(308,780) Less repayable within 12 months		(121,349)
	<u>7,059,225</u>		<u>8,181,329</u>
<b>Note 7</b>	<b>Sinking Fund</b>		
	2,506,111 Upper Hutt City Council		3,213,475
	101,462 Heretaunga/Pinehaven Riding		105,918
	<u>2,607,573</u>		<u>3,319,393</u>

**Note 8 Ratepayers' Equity**

This represents the net worth of Council, represented by the excess of Assets over the Liabilities and other Reserves.

**Note 9**

The Heretaunga /Pinehaven Riding of the former Hutt County Council was included within the City of Upper Hutt from 1 November 1988. To reflect this and to present a complete position, the accounts of the Riding from 1 April 1989 to 31 March 1990 are incorporated in the Statement of Payments and Related Sources of Funds Applied. The total expenditure is \$2,434,333, and the total revenue \$2,509,417.

As the finalisation of the Hutt County Council accounts, consequent upon the reorganisation had not been completed prior to 31 March 1990, no cash balances were received by Upper Hutt City Council for the period 1 April 1988 to 31 October 1988.

The audit of these transactions and resulting balances have still not yet been completed.

Excerpt from Buddle Findlay legal opinion saying money used for Spur purchase came from the "general budget"

16. The memo also stated that the *"purchase could be funded from Council's Reserve Fund"*. The Council's accounts for the year ended 31 March 1990 suggest that: (1) the Council recorded its expenditure on reserves separately, but did not use separate trust funds for that purpose (the trust funds held by the Council are listed in Note 4 to the accounts); and (2) the Spur was purchased as an item of expenditure in the Housing and Property budget (page 10), rather than the Parks and Reserves budget. Although the Silverstream Railway Society Incorporated's (**Railway**) representative, Mr Durry, has suggested that there was a separate Reserves Fund, and although

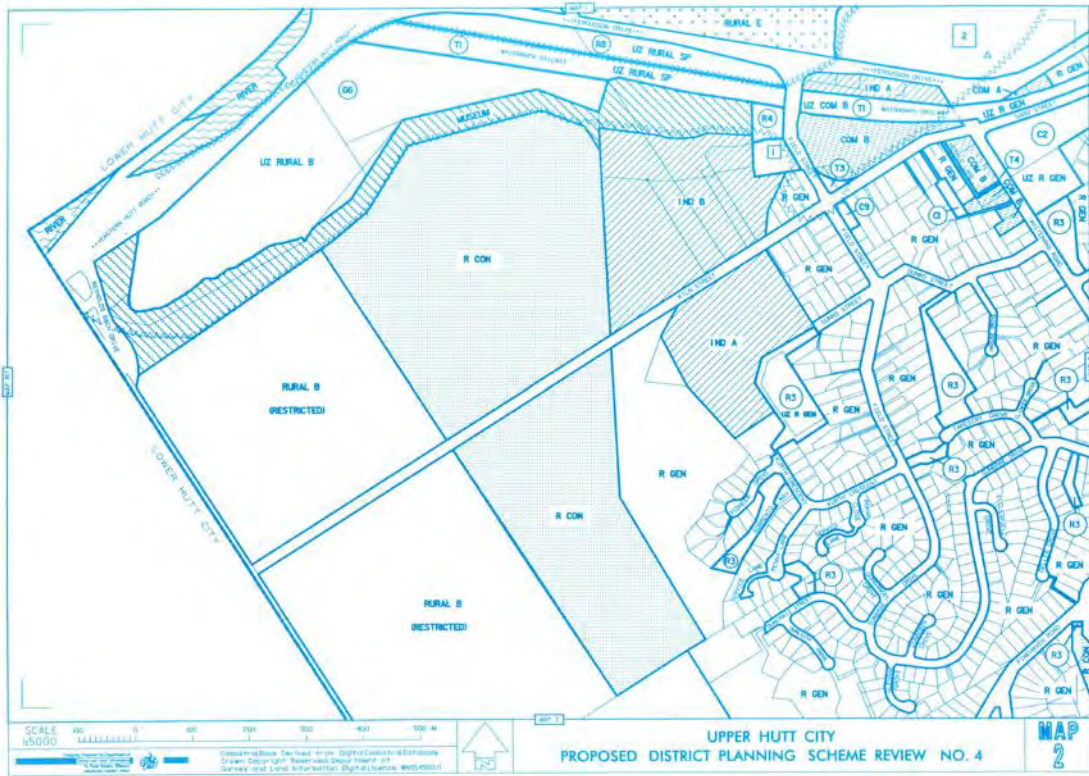
BF16224750813 | Page 3

[buddlefindlay.com](http://buddlefindlay.com)

**BUDDLE FINDLAY**

there is some reference to specific reserves expenditure in the Local Government Amendment Act 1978 (which is discussed below), the evidence suggests that the land was acquired from the Council's general budget rather than from separate funds held on trust for any purpose.





KEY TO DESIGNATIONS		KEY TO ZONED LAND CODE		SYMBOLGY			
<p><b>EDUCATION AND COMMUNITY PURPOSES</b></p> <ul style="list-style-type: none"> <li>01 All-ages or Primary</li> <li>02 Primary School</li> <li>03 Intermediate School</li> <li>04 Secondary School</li> <li>05 Day Centre</li> <li>06 Health Centre</li> <li>07 Hostel</li> <li>08 Residential Hostel</li> <li>09 Fire Station</li> <li>10 Cemetery</li> </ul> <p><b>OTHER GOVERNMENT PURPOSES</b></p> <ul style="list-style-type: none"> <li>11 Govt House</li> <li>12 Public Station</li> <li>13 Museum/Prison</li> <li>14 Defence Purposes</li> <li>15 Military or Transport</li> <li>16 Department of Agriculture and Forestry</li> </ul> <p><b>KEY TO IDENTIFIED LAND</b></p> <ul style="list-style-type: none"> <li>1 Greenhouse/Private School</li> <li>2 St. Patrick's College</li> <li>3 Home of Compassion</li> <li>4 Cemetery Reserve</li> <li>5 Ermitage Home</li> <li>6 Wellington Golf Club</li> <li>7 St. Brigid's School</li> <li>8 Trinity House</li> <li>9 Salvation Army Trading Centre</li> <li>10 Salvation Army Home</li> <li>11 St. Joseph's Home</li> <li>12 St. Joseph's School</li> <li>13 Upper Hutt Bowling and Tennis Club</li> <li>14 Te Maru Golf Club</li> <li>15 Te Maru Show Car Track</li> <li>16 Oakhaven</li> <li>17 Salvation Army Home and Youth Centre</li> <li>18 Wellington Sun Club</li> <li>19 St. Mary's Church</li> <li>20 Maria</li> <li>21 The Loft</li> <li>22 Weyburn Hill</li> <li>23 Weyburn Pump Station</li> </ul>		<p><b>OTHER PUBLIC PURPOSES</b></p> <ul style="list-style-type: none"> <li>24 Upper Hutt City Council/Dept</li> <li>25 Reservoir</li> <li>26 Wharfedale</li> <li>27 Water Treatment Plant</li> <li>28 Cemetery/Prison/Reservoir</li> <li>29 Forestry</li> <li>30 Electricity Substation</li> <li>31 Proposed Water Treatment</li> <li>32 Upper Hutt City Council/Dept</li> </ul> <p><b>TRANSPORT AND COMMUNICATIONS</b></p> <ul style="list-style-type: none"> <li>33 Railway</li> <li>34 Proposed Railway</li> <li>35 Proposed Road</li> <li>36 Proposed Service Lane</li> <li>37 Road to be Stripped</li> </ul> <p><b>RECREATION AND OPEN SPACE</b></p> <ul style="list-style-type: none"> <li>38 Recreation</li> <li>39 Forest Park</li> <li>40 Recreation or Sports Reserve</li> <li>41 Proposed Recreation or Sports Reserve</li> <li>42 Landfill/Reserve</li> <li>43 Scientific and Historic Reserve</li> <li>44 Sports Reserve</li> <li>45 Amenity Reserve</li> <li>46 Proposed Amenity Reserve</li> <li>47 Landfill/Reserve</li> <li>48 Strategic Reserve</li> <li>49 Proposed Regional Park</li> </ul> <p><b>KEY TO OTHER NOTATIONS</b></p> <ul style="list-style-type: none"> <li>Building Line Restriction</li> <li>Proposed Roof Winding</li> <li>Footpath</li> <li>Arterial Road</li> <li>Registered Trees</li> <li>Places of Historic Interest</li> <li>Depth of Trees of District Boundary</li> <li>Restriction Boundary</li> <li>Underlying Line Boundary where not a District Boundary</li> <li>Water Boundary</li> <li>Coloured Boundary</li> <li>Wellington Regional Councils Floor</li> <li>Wellington Regional Councils PM</li> <li>Proposed Water Table</li> </ul> <p>NOTE: Unless Shown Otherwise, the Underlying Zone is the same as the Adjacent Zone</p>		<p><b>ZONE</b></p> <p>RESIDENTIAL GENERAL R GEN</p> <p>RESIDENTIAL CONSERVATION R CON</p> <p>SERVICE SER</p> <p>INDUSTRIAL A IND A</p> <p>INDUSTRIAL B IND B</p> <p>INDUSTRIAL C IND C</p> <p>COMMERCIAL A COM A</p> <p>COMMERCIAL B COM B</p> <p>COMMERCIAL C COM C</p> <p>COMMERCIAL D COM D</p> <p>RIVER RIVER</p> <p>HOTEL HO</p> <p>TOURIST TOURIST</p> <p>COMMERCIAL GARAGE ZONE CGZ</p> <p>MUSEUM MUSEUM</p> <p>SPECIAL DEVELOPMENT SP DEV</p> <p>RURAL A RURAL A</p> <p>RURAL B RURAL B</p> <p>RURAL C RURAL C</p> <p>RURAL D RURAL D</p> <p>RURAL SPECIAL PURPOSE RURAL SP</p> <p>RURAL RESIDENTIAL RURAL RESIDENTIAL</p> <p>RURAL SPECIAL 1 RURAL SPECIAL 1</p> <p>RURAL SPECIAL 2 RURAL SPECIAL 2</p> <p>RURAL SPECIAL 3 RURAL SPECIAL 3</p>		<p><b>SYMBOLGY</b></p> <p>[Symbol for R GEN]</p> <p>[Symbol for R CON]</p> <p>[Symbol for SER]</p> <p>[Symbol for IND A]</p> <p>[Symbol for IND B]</p> <p>[Symbol for IND C]</p> <p>[Symbol for COM A]</p> <p>[Symbol for COM B]</p> <p>[Symbol for COM C]</p> <p>[Symbol for COM D]</p> <p>[Symbol for RIVER]</p> <p>[Symbol for HO]</p> <p>[Symbol for TOURIST]</p> <p>[Symbol for CGZ]</p> <p>[Symbol for MUSEUM]</p> <p>[Symbol for SP DEV]</p> <p>[Symbol for RURAL A]</p> <p>[Symbol for RURAL B]</p> <p>[Symbol for RURAL C]</p> <p>[Symbol for RURAL D]</p> <p>[Symbol for RURAL SP]</p> <p>[Symbol for RURAL RESIDENTIAL]</p> <p>[Symbol for RURAL SPECIAL 1]</p> <p>[Symbol for RURAL SPECIAL 2]</p> <p>[Symbol for RURAL SPECIAL 3]</p>	

UPPER HUTT CITY PROPOSED DISTRICT SCHEME REVIEW NO. 4

# Appendix 22 Land Professionals Fax



## LAND PROFESSIONAL LTD

197 HILL ROAD BELMONT LOWER HUTT TELEPHONE 650.748

The Town Planner  
Upper Hutt City Council  
Private Bag  
UPPER HUTT

(F) 350/21/002

21th Feb 1992

Dear Sir,

RE: SYLVAN HEIGHTS SUBDIVISION KILN STREET

In response to your fax, note dated 20th Feb we submit the planning map amended to recognise the approved scheme of subdivision. We also fax a copy of the scheme plan showing the zone deliniation.

As discussed with you, we explained that we have no records of any notification in our rate account of any District Scheme Review and obviously missed the public notification in the Evening Post. We are more than alarmed to note the rezoning of the Council owned land adjacent to our property from Town Belt to Res. Conservation, the latter permitting residential subdivision. Even though we are out of time, we formally lodge our objection to this zoning.

This matter has consequential effects with respect to our development and cost sharing arrangements with Council already agreed upon and based on Council officer assurances now shown to be incorrect.

We are more than just a little surprised that bearing in mind the obvious ramifications for our development that we were not served with individual notification of the changes proposed.

We seek your assistance to obtain legal standing with respect to our objection.

Yours faithfully,  
P.P. LAND PROFESSIONAL LTD

W.S. WYATT.



# Appendix 23 UHCC reply to LP Fax

UPPER HUTT  
CITY COUNCIL

838-842 Fergusson Drive,  
Upper Hutt  
Private Bag Upper Hutt  
Tel (04) 5288 769  
Fax (04) 5282-652

Mr W.S. Wyatt,  
Land Professional Ltd.,  
197 Hill Road,  
Belmont,  
LOWER HUTT

Ref: 350/21/002  
RGB/pj

(E)

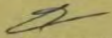
Contact: Mr Birkinshaw  
25 February 1992

Dear Sir,

In reply to your letter received by Facsimile on Friday, 21 February, I can advise that the notation of the land to the north of your subdivision zoned Residential Conservation is incorrect and will be altered, also the eastern boundary of your subdivision where it adjoins the Residential General zone is to be altered in order that it conforms with the actual survey.

I regret these errors caused you concern and appreciate you bringing them to our attention.

Yours faithfully,

  
R.G. Birkinshaw  
CITY PLANNER



# Appendix 24 Memo to Mayor CE CS

MEMORANDUM TO:

HIS WORSHIP THE MAYOR  
CHIEF EXECUTIVE  
CITY SOLICITOR

350/21/002  
Ref: ~~327/14/17~~  
RGB/pj

25 February 1992

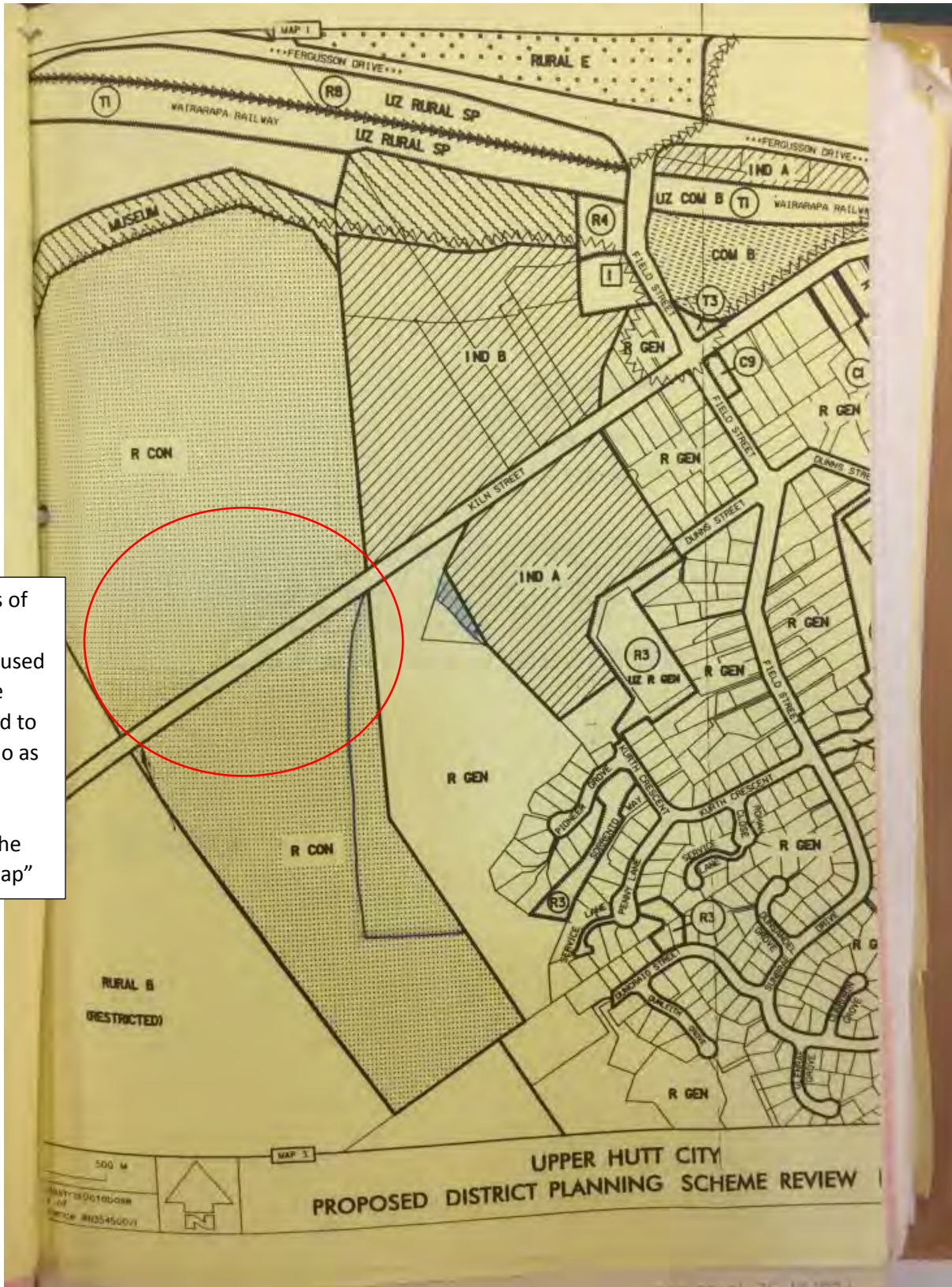
## ERRORS TO ZONING MAP 2 - REVIEW NO. 4

Two errors were found on Zoning Map 2 by Mr Warwick Wyatt and a third error was found by the City Surveyor when checking the original two errors.

- i) The ex: Hutt County Green Belt area bounded yellow on the attached map should be designated (R7) Scenic Reserve and not Residential Conservation.
- ii) The boundary between the Residential General and the Residential Conservation Zones should be as per survey and as shown on the attached plan.
- iii) The boundary of Foodstuffs Industrial A land should be as per survey and as shown on the attached plan.

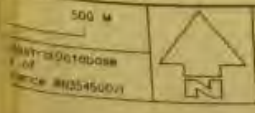
These errors will simply be altered on the Zoning Map.

R.G. Birkinshaw  
CITY PLANNER



Faint traces of the yellow highlighter used to mark the Spur referred to in the memo as "the area bounded in yellow on the attached map"

UPPER HUTT CITY  
PROPOSED DISTRICT PLANNING SCHEME REVIEW



# Appendix 25 DSR#4 Summary of Submissions

UPPER HUTT  
CITY COUNCIL

200-822 Upper Hut  
Upper Hut  
Phone: 041 225 765  
Tel: 041 225 765  
Fax: 041 225 412

210

250/21/002

→ Ref: 221/20/4  
BD/91

Contact: Mr Dodson

3 March 1992

Dear Sir,

UPPER HUTT CITY COUNCIL  
PROPOSED DISTRICT SCHEME (REVIEW NO. 4)

I refer to my letter dated 19 September 1991 with which I enclosed a copy of the public notification of Review No. 4.

A number of objections or submissions were received. Council has prepared a summary of alterations proposed by those submissions or objections. The summary will be publicly notified in the "Leader" on 10 March 1992.

In compliance with Regulation 27 of the Town & Country Planning Regulations 1978 I enclose a copy herewith.

Yours faithfully,

R.R. Dodson  
CITY SOLICITOR



\*@Title

\*@The General Manager  
Wellington Regional Council  
P.O.Box 11646  
WELLINGTON

\*@City Manager,  
Hutt City Council  
Private Bag  
LOWER HUTT

\*@Chief Executive  
Kapiti Coast District Council  
Private Bag  
PARAPARAUMU

\*@Chief Executive  
Porirua City Council  
P.O.Box 50218  
PORIRUA

\*@General Manager  
South Wairarapa District Council  
P.O.Box 6  
MARTINBOROUGH

\*@Secretary  
Ministry of the Environment  
P.O.Box 10362  
WELLINGTON

\*@Regional Manager  
Ministry of the Environment  
P.O.Box 10362  
WELLINGTON

\*@General Manager  
Hutt Valley Energy Board  
Private Bag  
LOWER HUTT

\*@The Secretary  
Wellington District Maori Council  
24 Hereford Street  
PORIRUA

\*@The Regional Manager  
Transit New Zealand  
P.O.Box 27477  
WELLINGTON

\*@Regional Conservator  
Conservation Department  
P.O.Box 5086  
WELLINGTON

The Chavin

~~1920~~ Orcocongual Marae

Box 40752

Upper Hu #

350/21/002

CITY OF UPPER HUTT

PROPOSED DISTRICT SCHEME (REVIEW NO.4)

SUMMARY OF REQUESTS FOR ALTERATIONS

PUBLIC NOTIFICATION of the City of Upper Hutt Proposed District Scheme (Review No.4), was given by advertisement in "The Leader" on 24 September 1991. The public notice called for objections or submissions to be lodged with the Council by 14 January 1992.

A NUMBER of submissions or objections were received. The Council is now required to publicly notify a summary of all requests for alterations to the Proposed District Scheme (Review No.4) contained in the submissions or objections received. That summary is set out below.

COPIES of all the submissions and objections received in respect of Proposed District Scheme (Review No.4), (as well as a copy of Proposed District Scheme Review No.4) may be inspected, without fee, at the following Council offices at any time when those offices are open to the public:

- (a) The Public Counter, Level 2, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt.
- (b) The Upper Hutt City Council Library, Fergusson Drive, Upper Hutt.
- (c) The Silverstream Service Centre, Davison's Books, Cnr. Whitemans Road and Kiln Street, Silverstream.

PERSONS or Bodies affected by Proposed District Scheme (Review No.4) or any part thereof or who represent any relevant aspect of the public interest, may give notice to the Council of support or opposition to any of the submissions or objections received.

Notices of support or opposition must be in writing, in Form D (described in the First Schedule to the Town and Country Planning Regulations 1978), or to like effect and must be lodged with (i.e. received by) the Council by no later than 3.00pm on <sup>3</sup> April 1992.

NOTICES may be delivered at any of the offices where submission or objection are available for inspection or they can be posted. The Council's postal address is Private Bag, Upper Hutt.

COPIES of Form D can be obtained at any of the foregoing offices where the Proposed District Scheme (Review No.4) and copies of submissions and objections thereto, can be inspected.

REQUESTS FOR ALTERATIONS TO THE SCHEME STATEMENT (INCLUDING THE STATEMENT OF PURPOSES, OBJECTIVES AND POLICIES)

1. A.V. & S.E. Westbury ask for the Scheme Statement to contain an accurate description of the land which makes up the Mangaroa Hills ridgetop reserve and a statement as to the classification of the reserve including definitions of the terms used.
2. The Wellington Area Health Board proposes that the Scheme Statement contain proposals regarding alternative landfill sites and disposals methods for use when Silverstream Tip can no longer be utilised.

(c) The information, as to the Wellington Fault, on the objectors Fault Map be reproduced on District Planning Maps; or

(d) That a broad band indicating the zone in which the fault could exist be shown on the District Planning Maps.

- The "key to other notations" (printed on the back of each planning map), to be amended to include additional information, proposed by the objector, regarding references in the "key" to flood limits.
- Correct Map 2 by deleting reference to "Rural E" and substituting "Rural SP".
- Correct Map 7 by showing underlining zoning of "Rural SP" for the land identified as Golf Club.

11. The Upper Hutt City Council seeks the following alterations:

- Key page R10, substitute "propoest" to "proposed".
- G6 substitute "department" for "ministry".
- Identify land No. 22 substitute "hill" for "hall".
- Identified land No. 23 substitute the wording "pump station" for "sewage treatment plant".
- CBD map correct R3 boundary line.
- Remove T3 and underlying of zoning of Commercial D Main Street.
- G1 underlying zoning to be Commercial C.
- G2 underlying zoning to be Commercial D.
- Delete boundary lines on Fergusson Drive between Station Street and Russell Street.
- Fergusson Drive and Station Crescent intersection amend boundary line in Council carpark.
- Station Crescent T3 underlying zoning Commercial D.
- T3 to east of Station Crescent underlying zoning to be Commercial D.
- Correct Map 2 as follows:
  - (a) change zoning of land on northern side of Kiln Street from Residential Conservation to Rural B (restricted) and record its designation as R7 (Scenic Reserve).
  - (b) alter boundaries between: 1. Residential General and Residential Conservation land; and 2. Residential General and Industrial A land both on southern side of Kiln Street to conform with approved Survey Plans.
- R8 Fergusson Drive underlying zoning Industrial A.

- Map 27 Delete R8 zone Rural B
  - Map 30 State Highway 2 to be "T2" Complete correct boundary
12. Foodstuffs Properties (Wellington) Limited want Planning Map C80 amended so that the area bounded by McParland Street, Logan Street, Queen Street and Pine Avenue is in the same form as the operative planning map for that area.

R.S. Tucker,  
CHIEF EXECUTIVE



# Upper Hutt City Council

## PROPOSED DISTRICT SCHEME (REVIEW NO. 4) - PAGE 5 CONTINUED

Fergusson Drive and Station Crescent intersection, amend boundary line in Council carpark.

Station Crescent T3 underlying zoning Commercial D.

T7 to east of Station Crescent underlying zoning to be Commercial D.

Correct Map 2 as follows:

(a) change zoning of land on northern side of Kila Street from Residential Conservation to Rural B (restricted) and amend its designation as R7 (Scenic Reserve).

(b) alter boundaries between: 1. Residential General and Residential Conservation land, and 2. Residential General and Industrial A land both on southern side of Kila Street to conform with approved Survey Plans.

R8 Fergusson Drive underlying zoning Industrial A.

Amend road boundary at intersection of Fergusson Drive and Main Street and Kila Street.

Map 1 substitute R10 with underlying zoning Rural Special Purpose to a Rural Special Purpose Zone.

Map 1 identified land "2" underlying zone Rural Special Purpose.

Map 1 identified land "6" underlying zoning Rural Special Purpose.

Map 1 alter R9 Amenity Reserve to R10 Proposed Amenity Reserve.

Map 2 alter Rural E to Special Purpose.

Map 2 identified use "2" underlying zone Rural Special Purpose.

Map 2 R3 adjust to show access to reserve.

Map 2 T1 underlying zoning of Commercial B and underlying zone Residential General, Show separation.

Map 2 G6 amend underlying zoning Rural B to Rural Special Purpose.

Map 2 boundary adjustments of Foodstuffs Industrial A land south of Kila Street.

Map 3 change R7 "Scenic Reserve" to R8 "Amenity Reserve".

Map 6 change R8 to R10.

Map 7 identified use number "6". Underlying zoning Rural Special Purpose.

Map 7 R10 to R12.

Map 8 identified use 6 underlying zoning Rural Special Purpose.

Map 8 R4 underlying zoning Rural Special Purpose.

Map 8 delete T3.

Map 8 show accessway.

Map 9 add Rimutaka Prison Road.

Map 9 change Rural Special Purpose to Rural B restricted land south of Pinhill Crescent and adjacent to television dam.

Map 10 Land between Whitmane Road and Blue Mountains Road to be Rural Special 2.


Map 10 Remove property boundary east of R9 and west of G3.

Map 11 Rural Special "2".

Map 13 Show Moonshine Road formation.

- Map 13 Show Whakatiki Street formation
- Map 11 small c in McLeod Street both places
- Map 14 Show true formation of northern end of Moonshine Road
- Map 14 R10 to R12 underlying zoning Residential General
- Map 15 underlying zoning Residential General
- Map 15 change Granville Road to Street
- Map 15 change proposed road widening, delete from corner of Granville Street and Amara Street
- Map 15 Show legal road boundaries on Alexander Road
- Map 15 Remove property boundaries on Alexander Road
- Map 15 Rural A to Rural Special Purpose
- Map 15 G6 underlying zoning Rural B Restricted
- Map 16 Main Street to Freyberg Road
- Map 16 Messines Avenue to be written on road reserve
- Map 18 R3 underlying zone River both places
- Map 18 Show correct boundary of Gibbons Street River Road intersection. Show proposed Pine Avenue River Road intersection
- Map 18 Delete R8 and zone Residential General
- Map 18 Wairarapa Railway underlying zone Industrial B
- Map 18 T1 underlying zoning Residential General
- Map 18 Clouston Park Road service lane and access way (note this should be named Alley Way)
- Map 19 C10 underlying zoning Rural Residential
- Map 19 G6 underlying zone Rural B Restricted
- Map 22 C9 to Proposed C9
- Map 22 T2 to match Map 17
- Map 23 Alter to Larcod Grove
- Map 23 add R3 to portion of Reserves R5
- Map 23 R3 underlying zoning delete Residential General for River zone, delete boundary
- Map 23 R3 underlying zoning altered to River zone.
- Map 26 continue Gemstone Drive road boundaries
- Map 26 R10 to R12
- Map 27 Delete R8 zone Rural B
- Map 30 State highway 2 to be "T2" Complete correct boundary

R. S. TUCKER, Chief Executive.

<h3>PUBLIC NOTICES</h3>	<h4>Whakatiki Scout Group AGM</h4> <p>To be held Sunday 22nd March at The Scout Den See You There - 4.30pm</p>	 <h4>Heretaunga Cricket Club</h4> <p>Thank you for your support.</p> <p>Rimutaka Tavern D.B. ♦ Northend Butchery Broadway Butchery ♦ Tip Top Bakery ♦ Good Time Food Newbolds &amp; Others</p>	<h4>UPPER HUTT UNITED JUNIOR SOCCER CLUB</h4> <p>Players still required for the following grades:</p> <p>Under 9 (born 1.8.83 - 31.7.84) Under 12 (born 1.8.80 - 31.7.81) Under 13 (born 1.8.79 - 31.7.80)</p> <p>Other vacancies may also be available. Please contact: Bill Leggett 526 6264</p>
<h4>Brentwood School AGM</h4> <p>Monday 16 March 7.30pm in staffroom</p>	<h4>GOOD NEWS FOR PARENTS</h4> <p>Are you worried that 1992 will continue the same round of problems you and your family experienced in 1991?</p> <p>CATHOLIC SOCIAL SERVICES provides an objective and safe place for all family members to talk about their differences and difficulties.</p> <p>PHONE 365-8642 for more information about our FAMILY COUNSELLING AND SUPPORT SERVICE available in your area.</p>	<h4>UPPER HUTT JUNIOR BADMINTON CLUB</h4> <p>Junior Badminton 9 years upwards</p> <p>Heretaunga College Sports Centre 5.30 - 7.30 pm commencing Tuesday 10 March</p> <p>Qualified Coaches Enquiries to 528 2286</p>	<h4>UPPER HUTT NETBALL CLUB AGM</h4> <p>Thursday 12 March Heretaunga Scout Den 19A Granville Road 7-8pm</p> <p>Enquiries - Delwyn 526 6746</p>
<h4>FAIR UH Plunket</h4> <p>Saturday 14 March 10am St Andrews Church 460 Fergusson Dr</p>	<h4>HOCKEY HOCKEY HOCKEY</h4> <p>Upper Hutt Hockey Club invites EXISTING AND NEW MEMBERS to</p> <h4>Club Day</h4> <p>When: Sunday 22 March 1.00pm Where: Maidstone Park Pavilion</p> <p>For more information contact: Rex Hodgetts: 526 6897</p> <p><i>Trials will be held for both mens/womens, school and serious teams.</i></p>	<h4>PLAY BADMINTON</h4> <p>For • exercise • fun • friendly socialising</p> <p><i>New Members Welcome Free Coaching</i></p>	 <h4>SPELD</h4> <p>Hutt Valley Inc</p> <h4>CAN YOU HELP?</h4> <p>CERTIFIED TEACHERS needed to tutor children with Specific Learning Disabilities</p> <p>TRAINING COURSE</p> <p>Venue: St Johns Church Hall, Ngairi Date: 23 March - 10 April Time: Mon to Fri 9.00am to 3.00pm</p> <p>Phone: Noeline 564-6544 Jenny 528-9722 Gerry 567-5108</p>
<p>For Just \$22.10 incl. GST this space could be yours.</p>	<h4>WESLEY THRIFT SHOP</h4> <p>Queen Street</p> <h4>Half Price Sale</h4> <p>Clearance of all summer goods.</p> <p>The shop will be closed on Saturday 21 March for change-over to winter stock.</p>	<h4>Upper Hutt Badminton Club</h4> <p>Tuesday evenings 7.30</p> <p>Heretaunga College Sports Centre</p> <p>Contacts: Jackie 527 8689 Keith 528 9786</p>	<p>PETER OR LI 017 526 9 MOBILE PH 526</p> <p>PLUM GASFIT REGD CRAFT FOR ALL DOM COMMERC REQUIREM PHON PAUL NY 527 7</p>

TRADE

PLUM STEE HIGH PHO 527 MOE 025 43

PLUM For all plumbing requirements

KEN PE BUIL ★ New Ho ★ Alteratio ★ All Main Phoi 526 77 EVENI

ELECTRI RAY KEA ELECTRIC. Electr Contrac Installati Maintena ALL 777 PHON 528 31 ANYTH

POO & SP \* REPAI \* SERVI \* CLEAN \* INST ALL POOL C

PETER OR LI 017 526 9 MOBILE PH 526

## Appendix 27 UHCC Forestry Consent Application

Chairman & Members,

## PROPOSED SILVERSTREAM FORESTRY PROJECT

### ■ Purpose of the Report

Members will recall that last year the Council considered a proposal to develop its property at Silverstream for forestry purposes, using labour supplied by the Rimutaka Prison. Staff were instructed to report back to the Committee on the financial and planning implications of the proposal.

### ■ The Project

The firm of Arbor Forest Management Limited was commissioned to prepare a feasibility study of the proposal, and the conclusions of the study have now been received. The report concluded that the property is suitable for forestry use and could be viably developed for this purpose as is detailed later in this report. The site is approximately 35 hectares and currently contains the following vegetation: regenerating radiata pine - 6 hectares, regenerating native bush - 3 hectares, miscellaneous scrub (predominately gorse and manuka) - 26 hectares. The Consultant's report proposes that the principal areas of regenerating radiata pine and native bush on the property be retained and that the balance be planted in radiata pine with the exception of a 4 hectare area on the northern end of the property, which is proposed to be planted in eucalyptus for aesthetic reasons. It is proposed that the eucalyptus be tended as a commercial forest, but no allowance has been made in the financial analysis for its harvest value in recognition of the fact that the Council of the day may not wish to harvest this particular area for visual reasons. A full copy of the report from Arbor Forest Management Limited can be made available to any member wishing to see the document.

Following receipt of the Consultant's report, I have discussed the practical implications of the project with the General Manager of Rimutaka Prison and can confirm that he is still keen to be involved in the project. The prison inmates who would be involved in the project would have a minimum security classification and be eligible for community parole. They would be fully supervised by Prison personnel.

### ■ Financial Viability

The Consultants report shows that based on current costs and current rates of return on forestry operations, the proposal is a financially viable one. The cash flow projections for the proposal (expressed in current dollar value terms) shows that a total cash investment of approximately \$60,000 is required to finance the project over the thirty year term of the project, with the peak investment period being in the first three years of the project when a total of approximately \$21,000 is required. The remaining \$39,000 is required over the next twenty-seven years.

The Consultants estimate that the net value of the harvest revenue in the year 2024 (again expressed in current dollar values) based on current market prices is \$978,000. In addition to this the existing regenerating radiata pine that is on the property will be

ready for felling during the period 2010 to 2015 with the minimum income from this source estimated to be \$60,000.

The projected income at harvest time would represent an annual rate of return on the project of approximately 11.25% on the Council's cash investment, provided that the Prison supplied work force is used to its maximum potential. The possibility that the Prison supplied work force will be unavailable at some time in the future cannot be ruled out, although the current General Manager of the Prison considers this to be unlikely. The project would continue to be viable even if this did occur, with an estimated minimum annual rate of return of approximately 8.5% on the cash investment. If the withdrawal of the Prison work force occurred after the initial three years of the project the effect would in fact be quite minimal.

#### ■ Planning Matters

The subject site is partially zoned Rural B Restricted and partially zoned Residential Conservation, with approximately 50% of the site being in each of the zones. Forestry is a permitted use within the Rural B Restricted Zone, but requires resource consent in the Residential Conservation Zone. In view of this, the planning merits of the proposal as it affects that portion of the site that is zoned Residential Conservation, must ultimately be dealt with by the Council acting in its role as Planning Authority. Accordingly, it is important that at this meeting any consideration of the planning implications be limited to those which relate to the Council in its role as land owner. It is important that the Council distinguish its two roles in relation to this matter, since the Resource Management aspects of the proposal will be subject to rights of public scrutiny and objection.

From a property management point of view, the property is ideally suited for forestry use and indeed there would appear to be limited potential for other uses. The fact that 50% is zoned for forestry purposes attests to its suitability for that use. While the balance of the property is zoned as Residential Conservation, it is difficult to imagine there being demand for residential development in that area in the medium term.

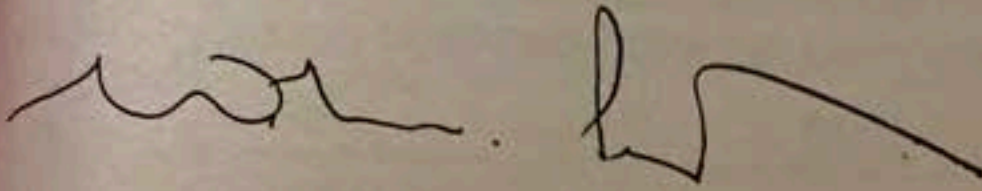
In view of the fact that the project is financially viable, I have lodged the necessary application for resource consent to enable the Council to consider the planning merits of the proposal in a formal sense. The application will be publicly notified in view of the likely public interest in the proposal and, assuming that some public comment is received, the hearing would be set down for consideration at the March meeting of the Judicial Committee. If there are no public submissions the application would be dealt with at the Development Co-ordination Committee. I have attached a copy of the application which contains useful background information on the proposal.

Publ.  
Proposed  
RECOM  
THAT sub  
with its Si  
Rimutaka

Max P  
CHIEF

## RECOMMENDATION

THAT subject to the necessary resource consent being obtained the Council proceed with its Silverstream Forestry Project, and that the Council accept the offer from the Rimutaka Prison to provide assistance with the project.



**Max Pedersen**  
**CHIEF EXECUTIVE**

FORM 5

APPLICATION FOR LAND USE CONSENT UNDER  
SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: *Chief Executive  
Upper Hutt City Council  
Private Bag 907  
Upper Hutt*

\*We (full name of applicant)..... UPPER HUTT CITY COUNCIL

of the following address..... 838-842 FERGUSSON DRIVE  
UPPER HUTT

hereby apply for the land use consent(s) described below :

1. Description of the activity to which the application relates (state fully what is proposed - use additional paper if necessary).  
Undertake commercial forestry development which is a permitted activity in the part zoned Rural B (Restricted) and a non-complying activity in the part zoned Residential Conservation

2. Names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows :  
NIL

3. The location to which this application relates is :  
(a) Street address..... Kiln Street  
Silverstream

(c) Situ  
Vint  
as  
The follow  
propos  
Attach  
activity  
effects  
Attach  
by the  
Address  
Telepho  
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Date

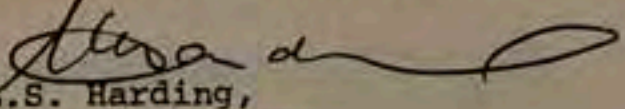
(b) ~~Lot~~ Section 1 ..... DP SO 34755 (CT 36A/978) .....

(c) Proximity to any well known landmark, grid reference (if known)  
SITUATED BETWEEN MAF'S QUARANTINE STATION, THE SILVERSTREAM  
VINTAGE RAILWAY AND REYNOLDS BACH DRIVE. THE AREA IS KNOWN  
AS "LANDCORP SPUR".

4. The following additional resource consents are required in relation to this proposal and have/have not been applied for :  
NIL

5. Attach an assessment of any effects, actual or potential, that the proposed activity may have on the environment and the ways in which any adverse effects may be mitigated.

6. Attach other information (if any) required to be included in the application by the district or regional plan or regulations.

  
L.S. Harding,  
PROPERTY MANAGER,  
UPPER HUTT CITY COUNCIL  
Signature of Applicant or  
person authorised to sign on  
behalf of applicant.

25-1-94  
Date

Address for Service of Applicant..... UPPER HUTT CITY COUNCIL .....

Telephone No : 5288-769 ..... Fax No : 528-2652 .....

Annexures: Four plans, Assessment and Forest Development Notice  
required by Clause 4.8.3.

A fee calculated in accordance with the attached schedule must accompany this application.

Receipt No : ..... Receivers Signature.....

Date.....

CHAIRMAN AND MEMBERS  
JUDICIAL COMMITTEE (MARCH)  
(From: Planning Officer)

Item: A.6  
File: 350/62/308  
DH:JKR  
kr:reports/jud183

8 March 1994

RESOURCE CONSENT APPLICATION

APPLICANT: MR L.S. HARDING  
PROPERTY MANAGER  
ON BEHALF OF THE UPPER HUTT CITY COUNCIL

LOCATION: 60 KILN STREET, SILVERSTREAM

LEGAL DESCRIPTION: SECTION 1, SO 34755

ZONE: RURAL B (RESTRICTED) AND RESIDENTIAL CONSERVATION

PROPOSAL: TO UNDERTAKE A COMMERCIAL FORESTRY OPERATION, WHICH WILL  
REQUIRE CLEARANCE OF VEGETATION

SUBMISSIONS: SILVER STREAM RAILWAY SOCIETY INC.  
REYNOLDS BACH DRIVE  
PO BOX 30-786  
LOWER HUTT

MALLABY MILLS LTD.  
26 GOLF ROAD  
HERETAUNGA

BARRY DINAN  
7 KIWI STREET  
HERETAUNGA

LAND PROFESSIONAL LTD.  
197 HILL ROAD  
BELMONT  
LOWER HUTT

MANAGER POLICY & PLANNING  
WELLINGTON REGIONAL COUNCIL  
PO BOX 11-646  
WELLINGTON

THE PROPOSAL:

An application has been submitted by the Upper Hutt City Council to undertake a commercial forestry development involving clearance of vegetation on the property known as Landcorp Spur.

The site is located at the southern end of Kiln Street, adjoining the unformed road, with an area of 35.5017 hectares. The site rises upwards from both the Kiln Street and the Silverstream Railway sides to the ridgeline which separates Upper Hutt City Council and Hutt City at an altitude of 160m. Gullies dissect the area forming natural watercourses.

Gorse is the main vegetative cover on the site, with large pockets of regenerated pine trees and native bush throughout.

Access to the site is provided via a road off Reynolds Bach Drive. The road is metalled for a distance and travels across the adjoining property before entering the subject site.

The applicants forestry proposal will involve clearing of the area by cutting 2m strips through the gorse at 5m intervals. This method has been chosen due to the prominent location of the site and the close proximity of residential activities. The cut gorse would be stacked on each side as much as possible.

The area will then be planted with an initial density of 1,000 stems per hectare to be thinned to 250 stems per hectare ready for harvesting in 30 years. It is envisaged that the existing stands of self-sown radiata pines will remain and be included in the management of the site for harvesting.

Existing regenerated native bush areas will remain, as indicated on the attached plan.

The applicant proposes to plant eucalyptus in a 4 hectare area on the northernmost end of the property for the purpose of amenity. It is stated that it is unlikely to be harvested, but the area will be thinned and pruned.

A 20m non-millable visual and debris stop barrier is provided around the boundary, but due to the limited area of the site, the applicant wishes to utilise the unformed portion of Kiln Street on the southern side.

Standard forestry practices will be followed throughout the operation.

**STATUTORY PROVISIONS:**

In considering this application for Resource Consent, Section 104 (subject to Part II) of the Resource Management Act 1991 requires that the consent authority shall have regard to:

- (a) Any actual and potential effects on the environment of allowing the activity; and
- (b) Any relevant regulations; and
- (d) Any relevant objectives, policies, rules or other provisions of a plan or proposed plan; and
- (i) Any other matters the consent authority considers relevant and reasonably necessary to determine the application.

Section 105 applies to decisions on applications, whereby after considering an application for -

- (1) ***A resource consent for a discretionary activity, a consent authority may grant or refuse the consent, and (if granted) may impose conditions under Section 108:***

***Provided that, where the consent authority has restricted the exercise of its discretion, conditions may only be imposed in respect of those matters specified in the plan or proposed plan to which the consent authority has restricted the exercise of its discretion:***

- (2) ***A consent authority shall not grant a resource consent***
  - (b) ***Notwithstanding any decision made under Section 94(2)(a), for a non-complying activity unless it is satisfied that -***
    - (i) ***The adverse effects on the environment (other than any effect to which Section 104(6) applies) will be minor; or***
    - (ii) ***Granting the consent will not be contrary to the objectives and policies of the plan or proposed plan; or***



**TRANSITIONAL DISTRICT PLAN PROVISIONS:**

The subject site is zoned Rural B (Restricted) on the top half consisting of approximately 16 hectares. The remaining area, approximately 19 hectares, is zoned Residential Conservation. The requirements of each zone are as follows:

**Rural B (Restricted):**

Permitted Activity - Forestry.

Discretionary activity - the clearance of any vegetation other than trees planted and managed in forestry purposes, covering greater than 1 hectare of land in the restricted category.

**Restricted Category Land:**

In respect of any restricted category land, the Council must be satisfied that any use and/or development of the land will not give rise to any hazard from erosion or land slippage on subsidence or result in any visual or other detraction from the amenities of the District. In making an assessment under this Ordinance, the Council will have regard to the purpose of the restriction applying to any land in the Restricted Category.

**Residential Conservation:**

Non-Complying activity - Forestry:

For all zones, the requirements for a Forestry Development Notice in Ordinance 4.8.3 must be satisfied. The consultant's report attached to the application provided the information for the Notice. This Ordinance also requires a Forestry Harvesting Notice at the time of harvesting.

The various policies within the District Plan will also require consideration.

**SUBMISSIONS:**

Five submissions have been received upon notification of the application. The various concerns raised are summarised as follows:

1. **Silver Stream Railway Society Inc.**, as owners of adjoining land, expressed concerns over possible disturbance of the steep slopes of the common boundary if vegetation were to be removed. This would in turn make the land vulnerable to slippage, causing damage and disruption to the Railway Operation. They would be satisfied if environmental management conditions were applied to ensure risk is minimised.

The Society stated that they wished to remain neutral in regards to the development.

2. **Mallaby Mills Ltd** supported the afforestation of the Rural B land, but not the Residential Conservation land for the following reasons:
  - (a) there is a large area on top of the site that is relatively flat;
  - (b) from the top of the site there is a magnificent view of the upper valley which has benefits for various uses;
  - (c) once established in forestry, the land will be lost to housing forever;
  - (d) electricity and gas services are close.

The submission also raised concerns over the use of eucalyptus and questioned the ability of the species to survive in the area.

3. **Land Professional Ltd.** opposed the applicants proposed use of the unformed road as a visual debris stop barrier. The objector owns the adjoining land which has received approval for a residential development known as Sylvan Heights and is concerned about the close proximity of the forestry plantation. The objection would be satisfied by providing the 20m buffer within the applicant's boundary.
4. **Barry Dinan** of 7 Kiwi Street, opposes the application for the following reasons:
  - (a) the lack of soil depth in the area will require heavy fertilisation for any trees to grow.
  - (b) the area is prone to fire every five years and the trees will not survive.

The objector wishes the applicant to adopt The Hutt City Council's Management Plan for the eastern hills to establish regeneration of native bush.

5. **Wellington Regional Council** did not object to the proposal, but their comments require consideration:
  - (a) the applicant is to be made aware of the Wellington Regional Council's requirements concerning discharge from silt control structures.
  - (b) in their role as a Rural Fire Authority stated that afforestation will not reduce fire risk, but will represent an asset requiring better protection. The method for stacking of gorse poses a major fire hazard.

#### **EVALUATION:**

As a result of the sites high visibility, any development will involve some alteration and disruption to the area. It is a site obviously suited to such a proposal, as suggested by the zoning and the similar use of the surrounding hills of "Pinehaven".

Many issues need to be considered in the evaluation and have been grouped as follows:

#### **Visual and Landscape aspects:**

Due to the high visibility of the site from various directions, mitigation measures need to be included to reduce the impact as much as possible. The most visible periods during the development will be at the establishment and the harvesting phases, two ends of the operation.

To establish the forestry operation, clearance of the site is necessary. The method proposed is line cutting. In order to reduce the visibility of the cut lines, the natural contours of the area should be followed as much as possible. There will still be an effect, but not as visible as if the vegetation were to be cut in vertical strips up and down the hillsides.

The proposal to establish a 4ha amenity planting of eucalyptus trees is not well thought out. In the first instance, such a location would only screen a portion of the site from the users of State Highway 2 travelling south. The remaining viewpoints are not screened at all. It would also appear that this particular species was suggested due to its harvesting potential, although that is not the intention of the applicant.

As mentioned in a submission, the viability of eucalyptus is questioned in this area. In addition, they would pose an added fire risk, as evidenced by the recent Australian bush fires.

It would appear that the species does not fit into the surrounding landscape and would be unnatural.

The solution is to disregard the use of eucalyptus and to establish a more appropriate buffer to benefit the area. Obviously there is no way that the whole operation can be screened, nor would that be a wise option. The site provides the opportunity to complete the backdrop of Pinehaven.

As befits the surrounding hills of Upper Hutt, natives should be established in a buffer zone, namely the debris stop barrier, to achieve an end result similar to that of the Cannon Point area behind Totara Park. Native vegetation provides a graduated transition to the radiata pines. During harvesting, such a buffer would remain to shield the operation. If developed properly, the buffer could become an asset to the residents in the area and provide a habitat for wildlife.

The native buffer area is to be provided around the site.

The retention of existing regenerated native bush and radiata pines will assist in reducing the area to be exposed for planting of seedlings.

Upon harvesting, in approximately 30 years, if the site is not replanted for a further harvest, then it should be returned to native bush. This would ensure the landscape and amenity value of the site is continued.

#### Native Bush Areas:

As the subject site contains significant tracts of regenerated bush throughout, the areas have been identified on the Management Plan to be retained and protected. Measures should be taken to prevent damage to these areas during the operation. Much of the vegetation, along with existing pines, has established in gullies. In addition to the retention of native bush for its intrinsic values, the benefits for minimising natural runoff and filtration of sediments should be recognised. Benefits may also arise as vegetation provides protection for land prone to slipping.

The applicant should endeavour to protect the existing native vegetation as much as possible, even outside the areas marked on the plan. Obviously a compromise over small areas of bush will need to be made to enable a viable forestry operation. Although the applicant is not a member of the Forest Owners' Association, it would be appropriate to consider the contents of the New Zealand Forest Accord, particularly Section 2(ii). Refer to attached document.

#### Visual Debris Stop Barrier:

The debris stop barrier, shown on the attached plan, surrounding the site, does not respect the topography. The main concern is the area adjoining the Railway Society, which contains steep slopes. The 20m separation would not appear reasonable in some instances and planting of such steep slopes would be unwise.

These concerns were expressed by the Railway Society in their submission, raising some valid points regarding possible land slippage.

On inspection of the subject site after the recent fire in the area, it would appear that the soil depth is thin in these areas of concern. In some places, the burnt gorse had fallen down onto the Railway Society land, with some small slippages also occurring.

The request that environmental management conditions be imposed from the Railway Society will be in the form of requiring the area for the debris stop barrier to respect topography and underlying soil structure on the northern boundary. This may necessitate supplementing existing vegetation with natives that would provide stability.

As stated in the landscape aspects, this barrier should be planted in natives, utilising taller species at the closest point to the forestry plantation.

The concerns of the objection by Land Professionals Ltd. to the use of the unformed road as the debris stop barrier are also valid. The area of the unformed road contains regenerated native bush which should be protected and retained to provide added separation from the proposed forestry area and the objectors residential development. As a result of the close proximity to residential uses on the southern boundary, the buffer is to be provided within the applicant's property boundary. It will also provide an added visual buffer to residents in sight of this part of the property.

**Roading:**

The existing access via Reynolds Bach Drive is to be maintained and utilised as the only access to the site. No further roading is to be provided additional to the existing track and required upgrades.

**Land Clearance Methods:**

The use of line cutting and the stacking of cut material to either side as much as possible raises questions of fire hazard risk. To reduce this risk, the cut material should be removed from the site or an alternative method of vegetation removal be sought. Although it is considered that the method chosen is the most appropriate for the subject site.

**Public Access And Recreation Potential:**

To reduce fire hazard and risk to the forestry investment, the applicants accompanying report advised that no public access should be allowed onto the site. Admittedly, this is difficult to control completely.

Obviously the planted seedlings will need to be given an opportunity to establish without being damaged. The applicant should consider access rights of the public once the forest is well established. Combined with the native bush buffer and existing native areas, the site could develop into a valuable local resource and an attractive passive recreation area, which members of the public should be allowed to access at all times.

**Soil Depth:**

The objection by Barry Dinan raised the issue of shallow soil depth making the growth of pines difficult. This characteristic is recognised by the Rural B (Restricted) Zoning imposed on the site. The soil type, Taita Hill, is similar to adjoining sites on the ridge along the city's southern boundary and is obviously capable of growing pines. The subject site has growing capability, as evidenced by the existing self-sown pines which have survived with little or no application of standard forestry practices. The addition of fertiliser will no doubt prove beneficial.

The lack of soil depth is recognised on the northern boundary and the reduction of this risk was discussed previously.

**Fire Risk:**

The susceptibility of high fire risk in this area was also pointed out by Barry Dinan's submission. The applicant is well aware of this fact, as would any forestry owner. This fact alone should not prevent the development from taking place. Whether left in gorse or turned to forestry, the risk is there. In light of this fact, an area of forestry for investment would lend to added precautionary measures and protection of the land. As outlined in the section on land clearance, other measures to reduce fire hazard have been mentioned.

**Zoning Requirements:**

As the zoning indicates, the land is appropriate for a forestry development and is often the only viable option on such land. As a precaution clearance of vegetation, which is a necessary part of a forestry operation, is a Discretionary Activity in Rural B (Restricted). In this part of the site, there is a large portion of regenerated pines to be retained, reducing the area required for clearance. Using the methods proposed with the suggested alterations, this would reduce any adverse erosion effects.

In regards to the Residential Conservation land, it has the same characteristics as the Rural B portion. In the usual sense of the Conservation Zone, this area could not be considered representative.

The issues raised by Mallaby Mills submission cannot be regarded as adequate grounds to refuse the application. Admittedly, it would provide spectacular building sites, but in the current climate, it is uneconomic to develop the site for residential purposes. With the abundance of residential land currently available, this site would not be developed in the foreseeable future and should therefore be allowed to be put to an alternative use.

In fact, the forestry use would appear more appropriate than the location of residential dwellings on this area, which would detract from the amenities. As it stands, this site provides the ideal separation between Hutt City and Upper Hutt.

It would appear that the proposal does not challenge the Policies and Objectives of the District Plan. The Rural Zone promotes forestry activities and is appropriate. Initially, the site will detract from any visual amenity, but will develop into a more attractive area in future.

The afforestation into exotics and natives is a more appropriate use of the site and does not challenge the policies. Rather, one would suggest that it is working towards attaining an improved amenity value for the area in future.

It is recommended that the application for forestry development be granted approval.

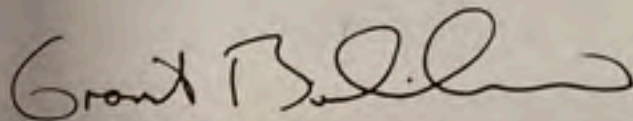
**RECOMMENDATIONS:**

1. **THAT** the report be received.
2. **THAT** pursuant to Section 105 of the Resource Management Act 1991, Council hereby resolve to grant Land Use Consent to the Upper Hutt City Council to undertake a commercial forestry operation involving clearance of vegetation over 1ha as a Discretionary Activity (Rural B Restricted) and forestry as a non-complying activity (Residential Conservation) on the property located at 60 Kiln Street, Silverstream, Section 1, SO 34755, subject to compliance with the following conditions:
  - (a) The visual debris stop barrier on the southern boundary is to be provided within the property boundary. ✓
  - (b) The width of the visual debris stop barrier on the northern boundary is to be reviewed to take into consideration the topography and the minimisation of risk to the adjoining property. The barrier is to be no less than 20m in width. ✓
  - (c) The Eucalyptus amenity planting is not permitted. ✓
  - (d) The visual debris stop barrier is to be planted in non-millable native vegetation to be arranged with taller species towards the inside edge of the barrier. ✓
  - (e) During vegetation clearance, the lines to be cut are to follow the contours of the site as close as possible.

- (f) Significant groupings of native bush are to remain and be protected. On-site management is to ensure minimal damage occurs to these areas of bush.
- (g) Access to the site is to be provided via the existing road off Reynolds Bach Drive and will be upgraded to the required standard at the time of harvesting.
- (h) The standard procedures of the Forestry Code of Practice (New Zealand Logging Industry Research Organisation), or its equivalent at the time of harvesting, are to be applied at all times during the operation.
- (i) The Wellington Regional Council is to be consulted to determine whether any consents are necessary, particularly with respect to discharge from silt control structures.

**Reasons:**

1. The subject site is appropriate for a forestry development and the application of the above conditions will ensure any adverse effects are minimised, particularly with respect to the visual landscape aspects.
2. Once established, the site will provide an important visual amenity backdrop to the surrounding area and the city's southern boundary.
3. The provision of the visual debris stop barrier within the boundaries of the subject site, which will also respect the topography, will ensure any effects upon adjoining land is minimised.
4. The retention of established vegetation will assist in improving amenity, reducing runoff, stabilising slopes, and reduce the amount of land exposed during the establishment phase.
5. The removal of cut vegetation during clearance will assist in reducing the potential fire risk.
6. The retention of existing vegetation, the land clearance method chosen and additional precautions on the northern boundary will minimise the potential for erosion and land slippage.
7. In the existing economic climate, the possibility of residential development on this site is not viable and should be utilised for another appropriate use.
8. The proposal does not unduly challenge the Policies and Objectives of the District Plan.



R.G. Birkinshaw,  
**CITY PLANNER.**

POLICY COMMITTEE

Agenda for Public Excluded Meeting to be held on Wednesday 5 December 2001 at 4.30pm

<u>B.</u>	<u>PUBLIC EXCLUDED BUSINESS:</u>	<u>PAGES</u>
1.	<u>CHIEF EXECUTIVE'S REPORT</u> (301/25/009) Report from the Chief Executive dated 27 November 2001.	154
2.	<u>PROPOSED CULTURAL CENTRE TRUST APPOINTMENTS</u> (331/17/021) Report from His Worship the Mayor to follow. Curriculum vitae.	155-170
3.	<u>FUTURE OF SILVERSTREAM FORESTRY</u> (350/80/005) Report from the Director of Community Facilities dated 22 November 2001.	171-182
4.	<u>COST RECOVERY SILVERSTREAM FORESTS</u> (330/14/004) Report from the Principal Rural Fire Officer dated 20 November 2001.	183-185

**CHAIRMAN AND MEMBERS  
POLICY COMMITTEE (DECEMBER)  
From: Director of Community Facilities**

22 November 2001  
350/80/5  
Jb/mgt/memo/forestry

**FUTURE OF SILVERSTREAM FORESTRY**

**PURPOSE**

This report assesses the current status of Council's forestry operation.

**GENERAL**

The attached reports from Forme consultants paint a fairly gloomy picture of our forestry block as an "investment", although a more recent independent review undertaken by H H Levack and Associates suggests the position could improve in the future. The position is further complicated by the risks of either incurring high fire fighting costs or prohibitive insurance premiums due to the fire risks of the site.

The decisions to be considered at this stage can be summarised as follows:

- Given the risk to Council of covering forest losses and paying high costs for fire fighting, facing increasing fire insurance premiums or finding the forest to be uninsurable, is the projected financial return from the mature forest, or interim sale, adequate.
- If a decision is made, not to continue with a commercial forest, what becomes of the plantings and land.

**FIRE RISK ISSUES**

The Silverstream forestry block is a high fire risk area. It is adjacent to Silver Stream Railway, which generates a fire hazard. It is close to urban areas, so is accessible to arsonists. It is a relatively small block, with adjoining larger plantations, meaning that if a fire starts in the UHCC block, there would be a high likelihood of spread to the larger block, with correspondingly higher risk of negligence claims on the Council. It also has a significant amount of undergrowth, which increases the fire risk. Given rising average summer temperatures and the increasing size of the forest canopy as it ages, all these factors spell a very high risk of fire related costs and loss to Council.

Current insurance details are listed below:

	1999	2000	2001
Value of cover- fire fighting	\$20,000	\$20,000	\$20,000
Value of cover- crop loss	\$99,781	\$120,193	\$134,745
Excess	\$1,000	\$1,000	\$1,000
Cost of premium	\$428	\$500	\$500
Number of fire claims	Nil	2	2



Fire fighting costs to Upper Hutt City Council for the last fire on the spur (actually 2 separate fires) totalled \$76,000. Of this, \$40,000 was covered by insurance, with the balance falling on the forestry budget. Insurance cover for fire fighting has now been increased to \$150,000 with a \$1,200 per annum increase in premium and it is anticipated that this level of cover would cover 90% of the likely fires. In the extreme event of a fire starting on the UHCC block, engulfing the whole plantation and spreading to the adjoining Goodwin forest, it is estimated that fire-fighting costs could be as high as \$1M. In addition there could possibly be claims from the adjoining forest owners for loss of crop, although negligence would have to be proven. Insurance cover to cover \$1M of fire fighting costs is around \$5,500 per annum and this figure (plus additional funding for undergrowth clearance) has been used later in the report when reviewing the discounted net profit figures for the operation on a more proactive risk management basis.

At present Council has been advised by the Rural Fire Authority that it does not qualify for reimbursement of fire fighting costs from the Rural Fire Fund as the plantation is "commercial forestry". The legal implications of this are discussed below.

### LEGAL IMPLICATIONS

There are two acts which govern the liability for fire related costs in rural areas:

- the Forests and Rural Fires Act 1977; and the
- Fire Service Act 1975

In terms of Section 46 of the Forests and Rural Fires Act, if the site were used for *residential or farming purposes*, Council would not be liable for any fire related costs in respect of the levy. In all other cases, whether or not the land is deemed to be a "commercial forest", the Council remains liable for a levy to cover fire-fighting costs. This Act is however not usually used to levy landowners for a fire, except for commercial forests, as in all other cases costs can be claimed from the Rural Fire Fund.

Under the Fire Service Act 1975, all rural fire-fighting costs are recoverable from the Rural Fire Fund, unless the land is deemed to be being used for commercial forestry. If Council retains the forestry block in its current state, and it falls within the "commercial forestry" definition, it will continue to be liable for the levy to cover fire fighting costs and losses in relation to both its own forest and possibly also adjoining plantations, if the fire starts on UHCC land. Whether or not the block is defined as "commercial forestry" hinges on whether the crop is grown for profit and whether the public is allowed access as of right.

The definition in s46C of the Fire Service Act reads:

- [(2) In this section, "commercial or semi-commercial forest area"—**
- (a) Means any area of land—**
- (i) On which trees are managed or harvested or both so that income is thereby gained; and**
- (ii) To which the public has no access as of right;**

Given the way the land is currently zoned and managed, the Rural Fire Authority has deemed it to be "commercial forestry", and Council is liable for all fire fighting costs.

In order to remove this liability, Council would have to ensure that the trees were not classified as "commercial forestry", in which case any fire fighting costs could be claimed against the Rural Fire Fund and the financial risk to Council would be vastly reduced.

The levy provisions of the Forests and Rural Fires Act could still apply, but it actually applies anyway on all Council rural land, which is not used for residential or farming purposes, but normally fire fighting costs do not fall on Council as they can be claimed from the Rural Fire Fund under the Fire Service Act. There would appear to be only two feasible ways of completely eliminating the risk of being liable for fire related costs in terms of the Forests and Rural Fires Act:

1. To clear all pines off the site and use the land for farming or residential purposes
2. To sell the land

However seeking to completely eliminate risk under the Forests and Rural Fires Act may however be too extreme a move and no such action has been contemplated for any other Council land.

The most sensible strategy if Council wishes to minimise its fire related financial risk for this property, would be ensure that any fire related costs can be claimed from the Rural fire Fund, which in essence means ceasing the "commercial forestry" operation and gaining the agreement of the Rural Fire Authority that this has in fact happened.

#### **VIABILITY OF FORESTRY OPERATION**

The current market value of the forest, as assessed by Forme Consulting Group, is \$13,800 - \$27,800, with development costs prior to the Christmas fire totalling \$71,109. The insurance value is somewhat higher at \$40,000 - \$60,000. The new planting area (22ha) matures in 2026 and was estimated in the original report to return \$978,300 under a clearwood regime and \$850,860 for export logs (framing regime). The existing regenerating pine plantation area (5.1ha) is due for harvesting in 2009 at a value of \$100,000 (current value \$9,000).

A report prepared in 1996, showed a discounted net profit for the whole plantation of \$933,072. At that stage it was recommended that a joint venture partner be sought, but despite widespread advertising on two occasions, a willing partner could not be found.

The discounted net profit for both framing and clearwood regimes has now been reassessed (based on a discount rate of 6%), with two different levels of fire insurance in the case of the framing regime (the regime recommended by the consultant) (Appendix A). The estimated revenue from the forest is now approximately 50% of the earlier estimate, due mainly to falling log prices and poorer than expected growth rates on the site. The discounted net profit/loss figures (including the recent uninsured fire costs) show a loss for all regimes ranging from \$71,000 (framing) to \$151,000 (framing regime with increased fire insurance and fire prevention scrub clearance).

Council's expenditure to date for the forestry venture, amounts to discounted costs to June 2001 of around \$146,000, including the latest uninsured fire fighting costs. Ceasing the forestry operation now, would hold the loss at this level.

Continuing with a framing regime, without additional insurance and maintenance costs, would see Council realise the projected revenue from the forest after 2020, and could achieve a lower net discounted loss of \$71,000 mentioned above (as detailed in Appendix A).

However given the fire risks associated with the plantation, it is considered that there would be a high likelihood of some additional fire losses over the next 20 years, which would mean that this level of loss reduction would seem highly unlikely. Rather, if Council continued to run the forestry operation, even with risk reduction strategies such as higher insurance and additional scrub clearance work, it could run the risk of even higher losses than those projected in Appendix A. There is also no guarantee that a worst case scenario would not occur with its consequential liability for huge fire fighting costs and total crop loss.

On balance therefore, continuing with even the lowest risk forest management regime, would leave Council essentially where it is now in relation to forest costs (net \$151,000 unrecovered), while a higher risk operation (less insurance and ground maintenance work) could, on paper, reduce the net loss by \$80,000. Both these figures assume there are no additional fire related costs over the next 20 years and that logging prices/revenues remain constant, neither of which is at all certain.

It would seem therefore that the most prudent financial approach, based on the information from Forme consultants, would be to discontinue the forestry operation, thus minimising Council's future risk and holding the level of loss at its current net discounted level of \$146,000.

Another independent assessment of the forest was carried out recently by H H Levack and Associates. This report projects a better financial result than the Forme report. The more optimistic forecast is due to higher projected revenue from the logs. Using the Levack projections, continuing through to harvesting in 23 years time, at the lowest risk management regime, would result in a discounted net profit of \$52,600. While this would nominally be a better result than writing off the discounted costs to date of \$146,000, achieving this result would be dependent on log prices selling for a higher price and no fire suppression costs being incurred, above the insured level. It would seem very easy for either of these to work against a favourable outcome for Council and exiting the operation would still seem the best option from a risk minimisation perspective.

Levack also forecasts that the current net value of the forest to a purchaser, while negative at present, could become commercially attractive within say five years, and recommends that Council hold the forest until that point, then seek a buyer. This alternative is discussed below.

## CONCLUSION

Discontinuing the Silverstream Spur forestry operation completely is the preferred option from a conservative risk management perspective. Another driver in this direction, is the fact that, if Council continued with a forestry operation (or sold the forest as a going concern), the spur would be clear felled at the time of harvesting which would detract from the visual nature of the spur as an attractive entry to the city, until regrowth occurred. This may have caused some hesitation by Council anyway from 2020 onwards, as harvesting decisions were due.

Forestry is not part of Council's core business. The forestry project arose out of a desire to provide work for the unemployed, but this goal was never met. It is now recommended that Council move to terminate its involvement in forestry.

There are a number of options for Council to consider in order to achieve this.

### **1. Sell the land (with the forest)**

This would achieve the objective of quitting the forestry operation. However it needs also to be weighed against a desire to keep control over the visual nature of the Silverstream Spur, given that it lies at the entry to the Valley. If retention of control over the visual amenity of the land is not a priority for Council, sale is recommended. A purchaser may continue with the forestry or may clear the land for residential development, should this prove viable. The current land value is \$270,000. The sale of the land would completely eliminate the fire related financial risk.

The Levack consultancy report however suggests that there could be some financial benefit in delaying a sale for up to five years, until the crop's value increases. However, in the meantime, Council would still be responsible for insurance and maintenance costs, and carry the liability for fire suppression.

If Council wishes to immediately minimise the fire related financial risks, by selling the land at this stage, it may prove difficult to find interested buyers. A delayed sale may generate more interest, but fire related costs may have worsened Council's financial position.

### **2. Sell the forest only, retaining the land**

It would be technically feasible to find a buyer for the forest only, and to include in the contract, a responsibility for all fire related costs. The market value of the forest is estimated at \$20,000, which would achieve a reduction in the net loss situation, albeit only a minor one. It is considered though, that it would be very difficult, if not impossible to achieve a sale at present, particularly given the state of the forestry market and bearing in mind Council's previous attempts to find a joint venture partner. Issues of a delayed sale raised in the Levack report and discussed above, are also relevant here.

It is also possible that if the forest was sold and the forest owner failed to pay a fire levy, the Council could still be liable as landowner. Harvesting the forest would again create a bare hillside, although presumably the forest owner would have the opportunity to replant, depending on the lease agreement.

### **3. Remove the trees and "farm" the land**

This strategy would also completely eliminate the financial risk under both acts, and achieve some positive revenue even if the trees were only removed for sale as Christmas trees. However it would also affect the visual nature of the spur, the farming activity would have its own costs, albeit minor, and it would also have to be acknowledged that farming is not a good fit with Council activities.

#### 4. Change the status of the land and forest

The first step in this process would be for Council to resolve that the forestry venture has been abandoned, that the trees will no longer be cultivated for revenue gain and that the public has access to the site as of right. This would need to be followed by a District Plan Variation to ensure all the land was zoned as "open space" or alternatively "residential conservation" with a designation of reserve. A Management Plan would be prepared for the land to demonstrate that the trees do not represent a commercial crop and the public has access as of right. Some maintenance work would then be necessary, including tree thinning and track upgrading, in order to manage access and maintain visitor safety.

This strategy carries a limited risk that the redefining of the forest as reserve would not be accepted by the Rural Fire Authority for some years, and the liability would remain in the interim, however if Council chose to adopt this approach, discussions would commence immediately with the Authority on these matters. Initial indications are that its acceptance could be achieved.

Once the rezoning had been carried out and accepted by the Rural Fire Authority, any liability under the Fire Service Act 1975 would be eliminated, leaving only the risk of a levy under the Forests and Rural Fires Act, which applies to all rural land excepting that used for farming or residential purposes. The application of this provision is remote as long as all fire related costs can be claimed through the Rural Fire Fund under the Fire Service Act 1975. As the landowner, the Council would remain liable under common law for damage due to fire spreading from its property, as already discussed.

This approach would leave full control of the visual nature of the spur and all activity thereon in the hands of Council. It would also hold the financial loss at its current level.

#### SUMMARY

Council agreed to purchase the "Landcorp Spur" in 1989, after the matter was raised by the Heretaunga Pinehaven District Council. The report from the City Solicitor at that time commented that *"part of the land may have a potential for development as residential sections although a change of zoning would be required before any such development could proceed. The bulk of the land is best suited to passive reserve uses which could complement the Silverstream beautification reserve and the Keith George Memorial Park and Silverstream Scenic Reserve, which lie immediately across the Hutt River. It would also complement the Silverstream Railway Society facility as well as providing a buffer between that facility and any other development that may take place in the area of the unformed King Street"*.

This seems to make it clear that at that time the visual amenity of the spur was the predominant driver in its acquisition.

The subsequent decision in 1994 to use the land for forestry arose out of a Workshop on Employment Initiatives. Subsequent investigations of the forestry proposal showed that it would only be a real option, if labour was available at no cost, and accordingly the partnership was developed with Rimutaka Prison. The

prison's involvement later encountered problems and was eventually discontinued.

Recent assessment of the walkway potential of the area indicates that it could be developed in the future as a loop off the Hutt River Trail, with possible further links over private land to the eastern hills.

The benefit/risk analysis for the current forestry operation seems to indicate that the plantation should be abandoned, although the Levack assessment suggest that a sale in a few years time would give a better return. Council needs to consider the importance it now places on the land remaining "treed" as opposed to it being developed as residential sections or clearfelled. If Council is not concerned about development on the land, it is recommended that it be sold (option 1). This could be done immediately, if Council felt the removal of the fire risk was a priority, or alternatively if a better return was desired, the sale should be delayed until the plantation was more mature. However if, as the 1989 report seemed to indicate, Council views it to be a visually strategic feature for the city and wishes to retain control over the knoll, it is considered that option 4 should be adopted and the land retained as reserve.

#### **RECOMMENDATIONS**

1. That the report be received.
2. That the forestry operation be discontinued.
3. That, in the light of Council's original rationale for purchasing the Spur, a Variation to the District Plan be undertaken to rezone the land as 'Open Space' and that it be managed as a reserve, with public access as of right.



Jenny Bentley  
**DIRECTOR OF COMMUNITY FACILITIES**

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3 February 2000

Narain Gounder  
Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

Dear Narain

## Silverstream Forest

As requested I have reviewed the current status of the UHCC's Silverstream Forest with regard to making wise decisions for the future.

### FOREST SUMMARY

The Silverstream Forest can broadly be described as a small woodlot comprised mostly of young radiata pine trees. Initial forest growth has been severely hindered by dense gorse and other scrub undergrowth, and low fertility soils. Current growth rates are poor relative to most typical sites in the Wairarapa or the Kapiti Coast regions. The risk of fire during dry summer months will always be high.

### FOREST VALUE AND FUTURE TENDING COSTS

I estimate the current forest value, based on economic theory methods, to fall somewhere between \$40000 - \$60000.

I questioned the merits of implementing the clearwood forest management regime, due to poor growth, in my last report. The objective of the clearwood regime (pruning and thinning) is to produce high value pruned logs. I estimate the cost of the required pruning and thinning for your Silverstream Forest will be over \$50000 spread over the next 8-10 years.

The alternative to the clearwood regime is the framing regime. The objective of the framing regime is to produce a high volume of sawlogs for both domestic and export markets. Future work associated with this regime is a single thinning to crop stocking estimated to cost about \$8000 in 8-10 years time.

The cost of forest silviculture has increased significantly over the past 12 months due to market forces - increased tending programmes as a result of the planting boom in the mid 1990's and a static amount of forestry labour has pushed contract rates up. Forests with heavy hindrance (such as Silverstream Forest) can expect to pay above the going market rate to get work done.

In my professional opinion, and based on my knowledge of Silverstream Forest I believe that the costs of forest tending (clearwood regime) over the next 8-10 years will outweigh the potential financial benefit at harvest time from implementing the clearwood management regime. Financial analysis of this regime (if required) is likely to confirm this.

### FORESTRY RISKS

The ongoing risk of fire due to the flammable scrub undergrowth, dry conditions, and the close proximity to the public, is very real! The construction of firebreaks will not prevent fires

179

occurring but may slow the movement of fire from or into your forest. It is unlikely that your fire insurance premiums will reduce much with more firebreaks.

With regard to building firebreaks to allow public access, fires are usually started by public activity (intentionally or accidentally) hence I recommend that public access, particularly during the summer is discouraged. A few signs strategically placed warning of the fire risk is likely to be more beneficial than opening up public access.

A forest canopy will eventually suppress gorse growth, although not on the edges of the forest, which will reduce the fire hazard a little.

#### OPTIONS FOR THE FUTURE

Realistic options for UHCC to consider:

1. Retain ownership of the forest and do nothing – maybe develop as a park.
2. Retain ownership of the forest and implement the framing regime (thinning to crop stocking only) in the 1994-97 forest planting.
3. Sell the forest.
4. Develop the site for subdivision and residential property.

The forest investment market (for small woodlots) is currently flat, hence the likelihood of selling Silverstream Forest at a price that would recover the development costs to date are very slim.

Exploring the option of developing the site for residential subdivision, as has occurred on the land next to the forest, must be considered, however I am not qualified to comment on the merits or otherwise of this option.

The benefits of the "do nothing" or "framing" regimes are relatively low future costs, and that the high tree stocking will eventually smother the gorse and reduce the fire hazard a little.

#### RECOMMENDATION

My recommendation would be first to consider developing or selling the site for residential subdivision. If this is not an option, then consider retaining ownership of the forest and implement a low cost management approach (ie. the framing regime).

If you have any further queries please contact me.

Yours sincerely,

**FORME CONSULTING GROUP LTD**



**Tony Smith**

NZIF Registered Forestry Consultant



410	PARKS AND RESERVES											
	Info Type	BUDGET 2000/2001	BUDGET 2001/2002	BUDGET 2002/2003	BUDGET 2003/2004	BUDGET 2004/2005	BUDGET 2005/2006	BUDGET 2006/2007	BUDGET 2007/2008	BUDGET 2008/2009	BUDGET 2009/2010	BUDGET 2010/2011
	<b>OPERATING COSTS</b>											
4106740	Silverstream Forestry Project	9,613	5,580	5,646	32,841	6,887	6,898	6,705	6,525	5,382	5,382	5,382
	Harvesting Costs									78,000		
	Planting /Tending										2,000	
	Forestry	9,613	5,580	5,646	32,841	6,887	6,898	6,705	6,525	5,382	85,382	5,382
4106661	Botanical Areas Maintenance	26,700	23,000	23,000	23,000	23,000	23,000	23,000	23,000	23,000	23,000	23,000
4106662	Barton & Domain Bush	14,300	14,100	14,100	14,100	14,100	14,100	14,100	14,100	14,100	14,100	14,100
4106663	Street Tree Maintenance (AMP)	91,200	91,000	91,000	91,000	91,000	91,000	91,000	91,000	91,000	91,000	91,000
4106664	Bedding Reserves	15,100	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000	16,000
4106665	Garden Maintenance	116,700	56,590	56,590	56,590	56,590	56,590	56,590	56,590	56,590	56,590	56,590
4106666	Clematis Vitalba Control	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000	5,000
4106667	New Street Trees	4,300	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500
4106668	Tree Maintenance Reserve	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000	18,000
4106669	Bedding Road Reserves	58,300	61,200	61,200	61,200	61,200	61,200	61,200	61,200	61,200	61,200	61,200
4106670	Bedding Transit	15,500	16,300	16,300	16,300	16,300	16,300	16,300	16,300	16,300	16,300	16,300
4107906	Bedding Transit	-15,500	-16,300	-16,300	-16,300	-16,300	-16,300	-16,300	-16,300	-16,300	-16,300	-16,300
4106671	Garden Mice Road Reserve	58,000	40,510	40,510	40,510	40,510	40,510	40,510	40,510	40,510	40,510	40,510
4106672	Garden Maintenance River Road	7,500	6,300	6,300	6,300	6,300	6,300	6,300	6,300	6,300	6,300	6,300
4106720	Garden Asset Planting (AMP)		18,250	12,050	4,350	11,000	12,100	10,400	6,400	8,400	8,400	8,400
4106673	Bush Regeneration & Amenities	31,000	31,058	31,058	31,058	31,058	31,058	31,058	31,058	31,058	31,058	31,058
4105821	Horticultural Prof. Services	42,636	44,998	44,998	44,998	44,998	44,998	44,998	44,998	44,998	44,998	44,998
	<b>Horticultural Activities</b>	488,736	430,506	424,306	416,506	423,256	424,356	422,656	418,656	420,656	420,656	420,656
4106690	Showers & Changing Rooms	10,100	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500	4,500
4106691	Sportsgrounds Maintenance	117,640	145,000	145,000	145,000	145,000	145,000	145,000	145,000	145,000	145,000	145,000
4105822	Sportsgrounds Prof. Services	37,160	39,294	39,294	39,294	39,294	39,294	39,294	39,294	39,294	39,294	39,294
	<b>Sportsgrounds</b>	164,900	188,794	188,794	188,794	188,794	188,794	188,794	188,794	188,794	188,794	188,794
4106700	Public Conveniences	104,000	92,370	92,370	92,370	92,370	92,370	92,370	92,370	92,370	92,370	92,370
4106701	Playground Maintenance	39,500	38,300	38,300	38,300	38,300	38,300	38,300	38,300	38,300	38,300	38,300
4105105	Building Repairs & Maintenance	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500	2,500
4106703	Amenity Maintenance	43,200	26,500	26,500	26,500	26,500	26,500	26,500	26,500	26,500	26,500	26,500
4105823	Amenities Prof. Services	42,845	30,369	30,369	30,369	30,369	30,369	30,369	30,369	30,369	30,369	30,369
	<b>Amenities</b>	232,045	190,039	190,039	190,039	190,039	190,039	190,039	190,039	190,039	190,039	190,039
4105138	Security	8,750	9,200	9,200	9,200	9,200	9,200	9,200	9,200	9,200	9,200	9,200
4106711	Walkway & Track Maintenance	11,000	22,500	22,500	22,500	22,500	22,500	22,500	22,500	22,500	22,500	22,500
4105805	Water Charges - Internal	12,500	11,863	11,863	11,863	11,863	11,863	11,863	11,863	11,863	11,863	11,863
4105159	Roadway / Car Park Mice	72,300	36,500	35,900	31,540	38,380	39,796	46,500	44,988	46,600	48,400	46,900
4106712	Stream Maintenance	8,400	8,360	8,360	8,360	8,360	8,360	8,360	8,360	8,360	8,360	8,360
4106713	Reserve Maintenance	20,000	19,300	19,300	19,300	19,300	19,300	19,300	19,300	19,300	19,300	19,300
4106714	Mowing Maintenance Reserves	133,750	141,000	141,000	141,000	141,000	141,000	141,000	141,000	141,000	141,000	141,000
4106715	Refuse Collection	95,000	51,750	51,750	51,750	51,750	51,750	51,750	51,750	51,750	51,750	51,750
4106716	Fencing Contributions	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000
4106717	Mowing Mice Road Reserves	15,500	18,900	18,900	18,900	18,900	18,900	18,900	18,900	18,900	18,900	18,900
4107907	Mowing Road Reserves	-15,500	-18,900	-18,900	-18,900	-18,900	-18,900	-18,900	-18,900	-18,900	-18,900	-18,900
4106718	Amenities Replacement	0	0	0	0	0	0	0	0	0	0	0
4105824	General Maint. Prof Services	27,028	33,425	33,425	33,425	33,425	33,425	33,425	33,425	33,425	33,425	33,425



173 Main Road, Tawa

P.O. Box 56-030,  
Tawa, Wellington,  
New Zealand.Telephone: (04) 232-7155  
Facsimile: (04) 232-9472

Website: www.forme.co.nz

350/8/5

PRM

L

2 August 2001

Brett Latimer  
Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

Y

7/8

Dear Brett

### Silverstream Forest

As requested I have recalculated the discounted cashflow of the three forest management regimes using the actual costs to 2001 advised by you. The results are as follows:

Regime	Discounted cashflow (at 6%)
1. Framing (typical costs)	(\$71,055)
2. Framing (includes allowances for high insurance premium and clearing gorse)	(\$151,468)
3. Clearwood (typical costs)	(\$97,240)

The profitability of this forest venture has reduced considerably since the initial projections done by Forme Consulting Group in 1996. There are five main reasons for this:

1. Current trend log prices are lower and aren't expected to improve much in the short term.
2. Harvesting costs (logging and cartage) have increased considerably due to the price of diesel and the impact of the NZD/USD exchange rate on capital.
3. Total estimated recoverable yield is considerably less due to poor growth rates.
4. The estimated costs of tending have increased due to the dense gorse and also market related factors (a shortage of skilled contractors to complete large tending programs following the planting boom in the mid 1990's).
5. The cost of fighting fires and the increased cost of fire insurance premiums.

Bearing in mind the results of the discounted cashflow analysis and the factors impacting on forest investment profitability stated above I repeat the options suggested to UHCC earlier this year.

1. Retain ownership of the forest and do nothing – maybe develop as a park.
2. Retain ownership of the forest and implement the framing regime (thinning to crop stocking only) in the 1994-97 forest planting.
3. Sell the forest.
4. Develop the site for residential property.

The forest investment market (for small woodlots) is currently flat and has been for a while now, hence the likelihood of selling Silverstream Forest at a price that would recover the development costs to date are very slim.

Exploring the option of developing the site for residential subdivision, as has occurred on the land next to the forest, must be considered, however I am not qualified to comment on the merits or otherwise of this option.

The benefits of the "do nothing" or "framing" regimes are relatively low future costs, and that the high tree stocking will eventually smother the gorse and reduce the fire hazard a little.

If you have any further queries please contact me.

Yours sincerely,

**FORME CONSULTING GROUP LTD**

**Tony Smith**

NZIF Registered Forestry Consultant

**CHAIRMAN AND MEMBERS  
POLICY COMMITTEE (December 2001)**

**Item:**  
**File: 330/14/4**  
**DJE/MdW**  
*MdW/DJE/Reports/Cost Recovery*

**20<sup>th</sup> November 2001**

**COST RECOVERY SILVERSTREAM FORESTS**

The Upper Hutt City Council as the Rural Fire Authority is endeavouring to recover the costs involved with the suppression of the fires in Silverstream Forests 15-20 January 2001, a total of \$175,536.30.

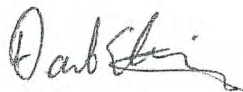
As the fire was in a commercial forest, the costs cannot be claimed against the National Rural Fire Fund. An invoice has been issued to Silverstream Forests and they are disputing some of the costs.

As the Fire Authority and forest owner cannot agree on the costs the Fire Authority has the option of seeking cost recovery by the imposition of a levy under the Forest and Rural Fires Act on the forest owner. The forest owner has the option of seeking mediation from National Rural Fire Authority if he does not agree with the levy.

The Council as the Rural Fire Authority needs to agree to the imposition of a levy before one can be issued, as this authority has not been delegated. A copy of the proposed levy notice is attached.


**RECOMMENDATIONS:**

1. **THAT** the report be received.
2. **THAT** a levy under the Forest and Rural Fires Act be imposed on Silverstream Forests for the recovery of suppression cost for the fire on that property between 15<sup>th</sup> January – 20<sup>th</sup> January 2001.



D J Etchells  
**PRINCIPAL RURAL FIRE OFFICER**

Approved for submission:



Graham Miller  
**DIRECTOR OF REGULATORY SERVICES**

**DRAFT**

**IN THE MATTER OF: Section 46 of the  
Forest and Rural Fires  
Act 1977**

**NOTICE OF LEVY  
(made to recover costs of Fire Fighting)**

**TO: Silverstream Forests Limited at Lower Hutt**

**WHEREAS:**

The Upper Hutt City Council ("the UHFA") is the Fire Authority for the District of Upper Hutt.

You are the owner of the land described in the schedule to this Notice. Your land is situated in the District administered by the UHFA.

On or about 15 January 2001, a fire, or series of fires, broke out on your land.

The UHFA was required to take fire control measures in order to suppress and extinguish the fire(s), (which were confined to your land).

The UHFA incurred costs of \$175,536.30 (GST inclusive) in undertaking fire control measures required to suppress and extinguish the fire(s) on your land.

The UHFA has not been able to recover any part of the costs from the person or persons responsible for lighting the fire(s) because, notwithstanding careful investigation, it has not been possible to identify the person or persons concerned.

The UHFA has been unable to reach an agreement with you for the recovery of the costs from you.

The UHFA has now resolved to impose a levy on you as owner of the land on which the fire(s) occurred.

**NOW TAKE NOTICE THAT** you are required to pay to the UHFA, a levy of \$175,536.30 (GST inclusive) being the total cost incurred by the UHFA in suppressing and extinguishing the fire(s) which started on your land which broke out on 15 January 2001.

Payment is to be made to the Upper Hutt City Council 838-842 Fergusson Drive (Private Bag 907) Upper Hutt.

This levy is made pursuant to Section 46 of the Forest and Rural Fires Act 1977 and a resolution passed by the Upper Hutt City Council, as Fire Authority, on \_\_\_\_\_ 2001.

**DATED** at Upper Hutt this            day of            2001.

W M Pedersen  
Chief Executive  
And Principal Administrative Officer

SCHEDULE**'Your Land'**

A fee simple estate situated in the Land Registration District of Wellington containing 144.5255 ha more or less, being described as Part Sections 247, 249, 252 and 253 Hutt District, Lot 90 DP 8780 and Lot 1 DP 8983 and being all the land comprised and described in Certificate of Title 395/136.

Moved Cr. Thomas/Cr. Newell

CARRIED

(d) POLICY COMMITTEE (M.P.C. 27-28, 05/12/01)

RESOLVED

**THAT the report of the Policy Committee be received and the recommendations contained therein be adopted, excluding item 2 which was put separately.**

Moved Cr. Tchernegovski/Cr. Harris

CARRIED

Item 2: Proposed Cultural Centre Trust Appointment

(307/13/001)

RESOLVED

REPORT of a PUBLIC EXCLUDED MEETING of the POLICY COMMITTEE, held in the Council Chambers, Level 3, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt, on WEDNESDAY 5 DECEMBER 2001, commencing at 6.20 pm.

**PRESENT:** CR. C T TCHERNEGOVSKI (CHAIR), HIS WORSHIP THE MAYOR W N GUPPY, CRS. P R CHRISTIANSON, N M GILLIES, S P HARRIS, P M McCARDLE, H NEWELL, H I PHILLIPS AND B J TIMMS

**IN ATTENDANCE:** CHIEF EXECUTIVE, DIRECTOR OF OPERATIONS, DIRECTOR OF CORPORATE SERVICES, DIRECTOR OF COMMUNITY FACILITIES, DIRECTOR OF REGULATORY SERVICES, CITY SOLICITOR AND MANAGEMENT SERVICES OFFICER,

**B. PUBLIC EXCLUDED BUSINESS:**

*(Pursuant to a resolution under Section 48 of the Local Government Official Information and Meetings Act 1987, that the public be excluded from the proceedings of the meeting).*

**1. CHIEF EXECUTIVE'S REPORT (301/25/009)**

Report from the Chief Executive dated 27 November 2001 (refer agenda page 154).

**RESOLVED TO RECOMMEND**

That the report be received.

**2. PROPOSED CULTURAL CENTRE TRUST APPOINTMENTS (331/17/021)**

Report from His Worship the Mayor dated 3 December 2001 - separately circulated.

Curriculum vitas (refer agenda pages 155-170).

**RESOLVED TO RECOMMEND**

1. That the report be received.
2. That the draft Trust Deed be amended to set the total number of Trustees at seven, with six appointed from community nominations.
3. That the following be appointed as Trustees on the Upper Hutt Cultural Centre Charitable Trust Incorporated:

- Lady Beattie
- Barry Houston
- Bryan Jackson
- Tom Leckie
- Nicola Meek
- Peter Richardson

**3. FUTURE OF SILVERSTREAM FORESTRY (350/80/005)**

Report from the Director of Community Facilities dated 22 November 2001 (refer agenda pages 171-182).



**RESOLVED TO RECOMMEND**

1. That the report be received.
2. That the forestry operation be discontinued.
3. That, in the light of Council's original rationale for purchasing the Spur, a Variation to the District Plan be undertaken to rezone the land as "Open Space" and that it be managed as a reserve, with public access as of right.

**4. COST RECOVERY SILVERSTREAM FORESTS (330/14/004)**

Report from the Principal Rural Fire Officer dated 20 November 2001 (refer agenda pages 183-185).

**RESOLVED TO RECOMMEND**

1. That the report be received.
2. That a levy under the Forest and Rural Fires Act be imposed on Silverstream Forests for the recovery of suppression cost for the fire on that property between 15 January - 20 January 2001.

The Public Excluded meeting concluded at 6.38 pm.

Cr C T Tchernegovski  
**CHAIR**



Civic Administration Building  
838-842 Fergusson Drive,  
Upper Hutt  
Private Bag 907, Upper Hutt  
Tel: (04) 527-2169  
Fax: (04) 528-2652  
Email: uhcc@uhcc.govt.nz  
Website: www.upperhuttcity.com

National Rural Fire Officer  
National Rural Fire Authority  
P O Box 2133  
**WELLINGTON**

File: 350/80/5

20 December 2001

Dear Sir

**DISCONTINUANCE OF SILVERSTREAM FORESTRY OPERATION**

Council has been concerned for some time at the financial viability of its small forest at Silverstream and last week passed a resolution to discontinue the forestry operation. It further resolved to initiate a Variation to the District Plan to rezone the land as 'Open Space' and to manage the land as a reserve with public access as of right.

The main reasons for this decision were:

1. That the land on which the trees had been planted, was originally purchased to preserve the green approach to the City, and that felling the forest would have an adverse impact on the visual amenity of the area.
2. That the original intention behind entering into the forestry project was to use prison labour, which had not proven to be sustainable.
3. That the financial viability of the forestry operation was less than satisfactory, given the unavailability of prison labour, the uncertainty over future log prices and increases in annual costs.

The existing plantation will not be maintained or harvested and the trees will not be pruned or thinned. Over time public tracks will be developed and it is likely that these will form part of an integrated walkway network. A detailed reserve management plan will now be prepared, and steps will be taken to process the District Plan Variation next year.

I would be grateful for confirmation from the National Rural Fire Authority, that the area will no longer be defined as 'commercial forest' in terms of the Fire Service Act 1975.

Yours faithfully

Jenny Bentley  
**DIRECTOR, COMMUNITY FACILITIES**

B4 JB 5-2-02

Appendix 31 Letter from Rural Fire Authority



National Rural Fire Authority

5th Floor, 33 Bowen Street  
PO Box 2133, Wellington

350/80-5 ✓

(P)

RUR\_ A10.40.60

30 January 2002

Jenny Bentley  
Director, Community Facilities  
Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

1	CEO	UPPER HUTT CITY COUNCIL	PRM
2	DO	- 1 FEB 2002	Wentling
3	DC	000561	psc always involved for mgt plan
4	DCS	DRS	

BU DCF 1-8-03  
Variation  
~~1-8-03~~  
1-4-04

Dear Jenny

**Discontinuance of Silverstream Forestry Operation**

Thank you for your letter of 20 December outlined the Upper Hutt City Council's future intentions for the forest at Silverstream.

You have asked for confirmation from the National Rural Fire Authority that the area will no longer be defined as "commercial forest" in terms of the Fire Service Act 1975. Section 46 C defines, "commercial or semi-commercial forest area" as meaning

- (a) Any area of land—
  - (i) On which trees are managed or harvested or both so that income is thereby gained; and
  - (ii) To which the public has no access as of right; and
- (b) Includes any area of land that is the subject of a Crown forestry licence, whether or not there is a public right of access to that area; but
- (c) Does not include—
  - (i) Any area of land on which trees are planted as a shelter belt to mitigate the effect of wind on adjoining pasture or crops [[or orchards]]; or
  - (ii) Any area of land on which trees, shrubs, plants, or grasses are maintained under section 134 of the Soil Conservation and Rivers Control Act 1941.

Based on this definition and the Council's stated intention as outlined in your letter:

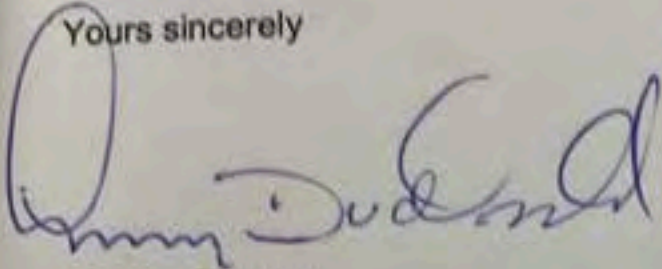
- To process a District Plan Variation to rezone the land as Open Space and to manage the land as reserve with public right of access. As a result of this action the intention is:
  - To prepare a detailed management plan for the area that will outline the future management of the land, including:
    - To no longer maintain or harvest the forest or prune and thin the trees
    - To develop public tracks as part of integrated walkway system to allow public access to the area as of right

the National Rural Fire Authority can confirm that the area will no longer be defined as "commercial forest" in terms of the Fire Service Act.

Partners in responsible fire management.

Publishing this intention through the approval of the District Plan Variation by rezoning the land as Open Space and managing the land as reserve with public right of access will further confirm this change of status.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Murray Dudfield'. The signature is written in a cursive style with a large initial 'M'.

Murray Dudfield  
National Rural Fire Officer



**FILE**

4223

EXTRACT

M.P. 69

MEETING OF SPECIAL COUNCIL HELD 6 JUNE 2002

SILVERSTREAM FORESTRY AND CITY ENVIRONMENTAL ENHANCEMENT (350/80/5)

A MOTION WAS PROPOSED

**That a report on the Silverstream Spur Reserve, addressing the issues of landscaping, loss of forestry land use and other issues be brought to a meeting of the Facilities & Services Committee for consideration.**

Moved Cr Newell/Cr Gillies

**CARRIED**

MAN AND MEMBERS  
PLAN REVIEW 2002

Item:  
File: 350/80/5  
Rep Ann Pl Sstrm For

13 May 2002

### SILVERSTREAM FORESTRY AND CITY ENVIRONMENTAL ENHANCEMENT

#### PROPOSE

Letter has been received from the Royal Forest & Bird Protection Society requesting Council to give consideration to the enhancement of the southern entrance to the City, particular the land to the north of Fergusson Drive, which is owned by the Riding for the Disabled and St Patricks College and also the hills above the Silverstream Railway known as the Silverstream Spur Reserve.

#### GENERAL

The establishment of native planting on the north side of Fergusson Drive to mirror the work carried out by Upper Hutt City Council some time ago in Pumpkin Cottage Reserve would require the approval of the land owners, namely St Patricks College and the Riding for the Disabled, (RDA) as there is insufficient room available within the road reserve to undertake this level of planting. The owners of this land have been contacted regarding this possibility and the St Patricks Trust Board has indicated that it is adamant that no planting of any sort will be allowed on land controlled by the Board, due mostly to the limitations it places on the future use of the land.

A representative of the RDA has indicated that they may be prepared to allow some planting to take place, provided it does not reduce the amount of land available for grazing. Interestingly, this section of Fergusson Drive actually has established exotic trees growing along the north side of the road, which were planted by the Hutt County Council several years ago. It is felt that the introduction of native planting in this area would be out of character with the area in general.

With regards to the Silverstream Spur Reserve, as the forestry development will now no longer be pursued, a revegetation plan needs to be put in place that will encourage further revegetation of the area as there are a number of gullies and steep hill faces, which are already showing signs of native revegetation.

With regard to the 22ha of pine trees which were planted as part of the forestry development, a decision needs to be made to either leave them as they are to grow naturally or to remove them now, which will encourage native regrowth through the gorse, provided fires are kept at bay. If the pines were removed soon by either the use of chemicals or by manual cutting, it would allow the area to regenerate, however if the pines were left to grow the regeneration process would take a lot longer and pine seedlings would be a continuing problem. Bearing these points in mind, it is felt that the removal of the pine trees may be the best option, however, the entrance to the city would still be seen by many, as being attractive even if the pines were left to grow. It is therefore felt that the pine trees should only be removed if the Forest and Bird Society can supply all labour and materials for this project, at no cost to Council.

provided these areas are enhanced with further native planting, some weed control is undertaken and fires are kept out of the gorse areas, the area will, in time, regenerate back into native bush, which would balance the entrance to the city.

The draft Management Plan that has been prepared for this reserve reflects this outcome and the extra planting of the gullies and other areas will take place within our existing bush regeneration programme.

#### CONSULTATION

Representatives of the St Patricks Trust Board and the Riding for the Disabled were contacted regarding this matter.

#### FINANCIAL IMPLICATION

Considering funds are already provided for in Council's Bush Regeneration Programme there is no requirement to provide any additional funds at this stage.

#### LEGAL IMPLICATION

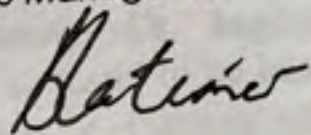
There are no legal implications.

#### CONCLUSION

Due to the lack of support from the St Patricks Trust Board, and the limitation the Riding for the Disabled have placed on the use of their land, it is felt that the landscaping of the northern side of Fergusson Drive should not be pursued at this stage. However the enhancement of the Silverstream Spur Reserve should proceed in accordance with the Management Plan, when it is approved.

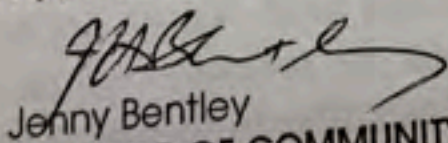
#### RECOMMENDATION

1. That the report be received.
2. That Council agree to the removal of the Pine trees from the Silverstream Spur Reserve provided this can be done at no cost, utilising resources from the Forest and Bird Society.
3. That the enhancement of the Silverstream Spur Reserve proceed in accordance with the Management Plan, when it is approved.



B H Latimer  
PARKS & RESERVES MANAGER

Approved for Submission



Jenny Bentley  
DIRECTOR OF COMMUNITY FACILITIES

HIS WORSHIP THE MAYOR AND COUNCILLORS  
COUNCIL MEETING (AUGUST)

Item: A5a

File: 350/80/5  
BHL  
Silv Spur

5 August 2002

SILVERSTREAM SPUR RESERVE AND  
CTY ENVIRONMENT ENHANCEMENT

**Purpose**

Council's Facility and Services Committee (July) has recently considered a report on the options regarding the future landscaping of the Silverstream Spur Reserve at Silverstream.

Mr Barry Wards, Chairman of the Upper Hutt Branch of the Royal Forest and Bird Protection Society (UHRF&BPS) was unable to speak to the item at that time and has submitted a letter (copy attached) detailing an alternative Option which Forest and Bird believe Council should consider, namely,

" To remove all the Pine Trees in the afforested area, allow natural regeneration in areas where this is occurring satisfactorily at present, and supplementary plant regenerating areas where appropriate."

**Commentary**

Clearly, there is no doubt that if all the Pine trees were removed from the afforested area, native vegetation would gradually re-establish itself and the area would revert back to native bush, provided fire outbreaks are kept to a minimum.

Forest and Bird have offered to remove the Pine trees over a two-year period at a cost of \$20,000 and to also provide and plant 20,000 native plants over a 10 year period at a cost of \$1 per plant. Comparative costs to achieve a similar result using private contractors would be significantly higher and clearly this offer from Forest and Bird is considered to be value for money.

As I concluded in my previous report, the clearing of the Pine trees from the hillside is not considered to be a high priority and currently there are no additional funds available to carry out this level of clearance. However, if funds were made available or the Forest and Bird offered to eradicate the Pines at no cost to Council, then this project could proceed forthwith.

This matter was originally raised during the 2002 Annual Plan review, and it was recommended that Council agree to the removal of Pine trees from the Spur Reserve provided it could be done at no cost to Council, utilising resources provide by UHRF&BPS.

**Consultation.**

No further public consultation has taken place.



### Financial Implications.

If Council agreed to remove the Pine trees from the afforested area and accept UHRF&BPS offer to carry out this work, an additional \$20,000 would need to be provided through the Annual Plan process. Realistically, the earliest this could be considered is 2002/03. The cost to provide between 500 and 800 additional plants per annum for regeneration of the Spur Reserve could be accommodated within Councils existing Bush Regeneration Programme. However, UHRF&BPS have indicated that more plants are required, therefore additional funding would be required and this could also be addressed through the Annual Plan process.

UHRF&BPS have also indicated that due to the lack of "aesthetic bushiness" they consider that there would be no profit in selling the trees at Christmas time and therefore they would not pursue this option to offset costs.

### Legal Implications

There are no legal implications.

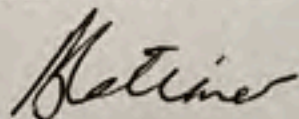
### Conclusion

It is considered that the removal or retention of the Pine trees at this stage will not make a significant impact on the environment, however their removal at an early stage would assist the revegetation process, if native revegetation of the whole hillside is the preferred option.

The UHRF&BPS offer to undertake the removal of the Pine trees at a cost of \$20,000 and to provide plant material over a 10 year period up to a value of \$20,000 is considered to be reasonable cost wise. The earliest this project could be considered would be the 2002/03 Annual Plan review, however as the project is not considered to be a high priority, it is felt that it should be included in the 2004 Strategic Plan review where its value can be weighed up against other projects being considered by Council. Alternatively, if the project can be completed at no cost to Council, as was originally recommended, it could proceed immediately.

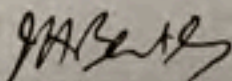
### Recommendation

1. That the report be received.



B.H. Latimer  
PARKS AND RESERVES MANAGER

Approved for submission



J.H. Bentley  
DIRECTOR OF COMMUNITY FACILITIES

*H.O. Add the value of the regenerating pines  
old report refer to the above concerns*

**FILE COPY**

**Memo**

**DATE:** 27 July 2005  
**TO:** Brett Latimer, Parks and Reserves Manager  
**FROM:** Heather Leckie, Horticulture Officer  
**FILE:** 350/80/005  
**RE:** Silverstream Spur Reserve, Regenerating Pines

As requested the information on file regarding the regenerating pines is as follows:

**Value**

A report to Council dated November 2001 states that the area of regenerating pines has a value of \$100,000 should they be harvested in the recommended year of 2009. This is based on the area of 5.1 ha, however, from a recent aerial photo, this area now appears to have increased to approximately 9.8 ha, please refer to the attached map. As the forestry market and the condition of the trees are likely to have altered significantly since that time that figure should not be taken as correct.

**Cost**

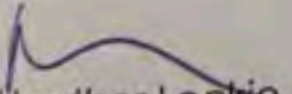
The cost given in 2001 to remove the pines was \$1.00 per tree and the estimated number of trees within this area was 2,500, so the total cost was \$2,500 at that time. No funds were allocated for pruning or thinning of the trees, and this wasn't recommended here as the trees would then be opened up to wind throw. The cost and number of trees to be felled has altered in the last three years. Should the trees be removed additional costs to replant the area in natives could be involved. If the pines were felled in several sections the cost of replanting natives could be completed within the Bush Regeneration Contract. Should the pines be felled altogether then an additional cost of \$10,000 for plant supply and installation may be required.

**Impact**

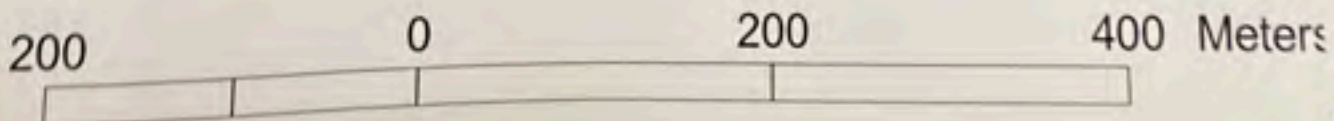
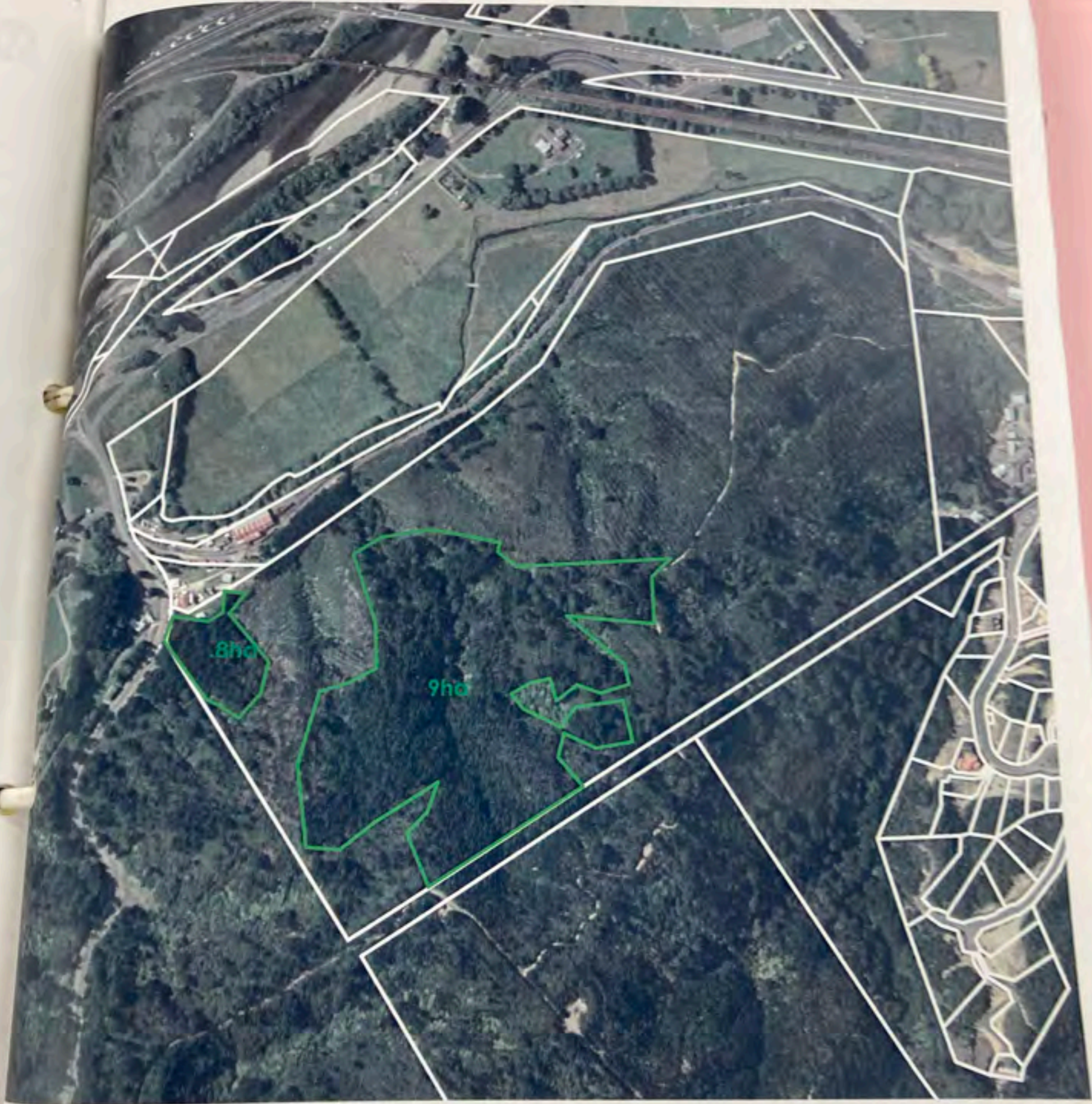
The visual impact, should the pines be felled would certainly be significant in some areas when viewed from the Eastern Hutt Road. Revegetation planting would offset that; however there would be open areas for approximately 18 months following the felling. As the removal operation is likely to be land based there could also be significant damage caused by heavy vehicles.

**Recommendation**

The status of the forestry industry has changed since the last report was completed in 2001 with values dropping drastically. In light of the above, it is recommended that an up to date report on the costs and gains involved in milling the regenerating pines is obtained from a consultant. People with local forestry expertise such as Peter O'Flaherty or Jeff Cameron could be approached to provide a current report on the feasibility of felling and removing the pines could be obtained for a minimal cost.

  
Heather Leckie  
HORTICULTURE OFFICER

# Silverstream Spur Reserve Regenerating Pines



(F)



Royal Forest and Bird Protection Society of New Zealand Inc

Upper Hutt Branch.

P O Box 40-875, Upper Hutt

350180-5

15 October 2007

Marty Greenfield \*  
Parks & Reserves  
Upper Hutt City Council  
Private Bag 907  
Upper Hutt

1 CEX	UPPER HUTT CITY COUNCIL			8
2 DIS	449			9
3 MCM	5 FEB 2008			10
4 DCOR	5 DS&P	6 DRS	7	11

Marty,

During March 2007 I discussed with Brett in relation to the removal of the pine trees from the Silverstream spur. Originally F&B, Upper Hutt had a contract with UHCC for these pines to be removed and unfortunately the job became too big for our volunteer members to complete. I had spoken to John Helmbright (Tairāwhiti Polytechnic Paparua Forestry Training in Upper Hutt) about sub contracting the work to them as training project.

On further investigation they felt it was not suitable as a training area but were looking at it as an area some of their training supervisors may be able to handle. On speaking to Brett, he advised that F&B, UH should relinquish the contract and that UHCC "deal with the problem from here on". I phoned and emailed Brett and agreed that we would hand it back to UHCC but would like the pines removed as soon as possible, to allow the native bush to re-generate as quickly as possible to blend in with the work we are doing at Hull's Creek in Silverstream.

Could you please advise the time frame for this work to be done as the pines are now at a stage where the work will be getting more difficult and the re-generation will be delayed.

Regards,

Graham Bellamy  
Forest & Bird, Upper Hutt Branch Committee

Appendix 36 Reply to F&BUH letter



Civic Administration Building  
838-842 Ferguson Drive,  
Upper Hutt  
Private Bag 907, Upper Hutt  
Tel: (04) 527-2169  
Fax: (04) 528-2652  
Email: askus@uhcc.govt.nz  
Website: www.upperhuttcity.com

Graham Bellamy  
Forest & Bird, Upper Hutt Branch Committee  
PO Box 40-875  
Upper Hutt 5140

File:  
Ref: MG:KH

07 February 2008

Thank you for your letter dated 16 October 2007 in which you raised the issue of pine tree removal from the Silverstream Spur.

As you will be aware, there are numerous stands of pine trees throughout the city that Council would like to remove so as to enable the rejuvenation of native bush.

Such removal needs to be well planned and comes at a cost. The current focus and priority for pine tree removal and native bush rejuvenation is concentrated on the Maidstone Park area.

Once the pine tree removal project at Maidstone Park has been completed Council will be in a position to consider the other stands throughout the city.

Once again thank you for your letter and the support your organisation provides in maintaining the native beauty of our plants and birds in Upper Hutt.

Yours sincerely

Marty Grenfell  
Director Community Services

DDI: (04) 5272 158  
Mobile: 027 453 4971  
marty.grenfell@uhcc.govt.nz

800500012  
RTK2707-224203

17 July 2007

Mr Max Pedersen  
Chief Executive  
Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

~~307/12-1~~

1 ✓ CEN	UPPER HUTT CITY COUNCIL			6 Direct Dial: (04) 471 5854 richard.kemp@izardweston.co.nz
2 DIS	3008 18 JUL 2007			9
3 DCOM				10
4 DCOR	5 DS&P	6 DBS	7	11

**THE GUILDFORD TIMBER COMPANY LIMITED (GUILDFORD) PROPOSED PURCHASE OF COUNCIL LAND SITUATED AT 60 KILN STREET, SILVERSTREAM, UPPER HUTT**

We refer you to previous discussions and correspondence in relation to this matter.

Miranda Squire of our firm is currently on leave and accordingly the writer is dealing with the matter in her absence. We have been instructed to prepare and now **enclose** an Agreement for Sale and Purchase in relation to the above-mentioned property. The Agreement has been signed on behalf of our client company.

In relation to the Agreement we make the following comments:

3.1 You will notice that the purchase price is expressed to be plus GST. The valuation undertaken by Truebridge Advisers and Valuers in accordance with instructions from our client values the property at \$1,674,000.00 which is the purchase price recorded in the Agreement. However, Truebridge's valuation is expressed to be "inclusive of GST".

However, our clients are aware of your expectations in relation to the value of the property and accordingly they have elected that GST will be in addition to the purchase price. In terms of the Agreement GST is payable by our client company.

If our client's offer had been inclusive of GST then the effective purchase price would have been reduced to \$1,488,000.00.

If GST is added to the purchase price (rather than forming part of it) the effective increase on the amount payable to you would be \$395,250.00.

A copy of Truebridge's valuation report dated 21 May 2007 is also **enclosed** for your information.

3.2 Our client places considerable value on the strategic importance of the subject property as it represents the "green entrance" to Upper Hutt. Our client's intention is that this significant factor will be maintained and will provide a very special entrance to our client's proposed development on the subject property and the adjoining land owned by our client. Our client's

consider that the proposed development will be unique and will very much enhance the Upper Hutt Urban environment.

Our clients are available to discuss any part of the Agreement with you. Their respective contact numbers are as follows:

4.1 Ralph Goodwin – 496 5317

4.2 Rick Griffin – 0274 777 870

In addition you may wish to call the writer, particularly in relation to any legal aspects of the Agreement.

We look forward to hearing from you.

Yours faithfully  
**IZARDWESTON**



**Richard Kemp**  
Partner

**SHORT FORM AGREEMENT FOR CONSULTANT ENGAGEMENT  
(COMMERCIAL)**

UPPER HUTT CITY COUNCIL  
(CLIENT)

CONNELL WAGNER LTD  
(CONSULTANT)

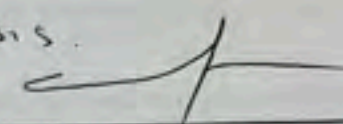
BETWEEN:  
AND:

PROJECT:  
UCC SILVERSTREAM SPUR LAND

LOCATION:  
KILN STREET, SILVERSTREAM

SCOPE & NATURE OF THE SERVICES:  
REVIEW RESIDENTIAL DEVELOPMENT POTENTIAL OF THE BLOCK OF LAND AND DEVELOPMENT OF CONSTRUCTION  
COST ESTIMATES.

PROGRAMME FOR THE SERVICES:  
AS SET OUT IN CORRESPONDENCE DATED 21<sup>ST</sup> AUGUST 2007.

Slope Analysis 

FEES & TIMING OF PAYMENTS:  
AS SET OUT IN CORRESPONDENCE DATED 21<sup>ST</sup> AUGUST 2007.

INFORMATION OR SERVICES TO BE PROVIDED BY THE CLIENT:

The Client engages the Consultant to provide the Services described above and the Consultant agrees to perform the Services for the remuneration provided above. Both Parties agree to be bound by the provision of the Short Form Model Conditions of Engagement (overleaf), including clauses 1, 8 and 9, and any variations noted below. Once signed, this agreement, together with the conditions overleaf and any attachments, will replace all or any oral agreement previously reached between the Parties.

VARIATIONS TO THE SHORT FORM MODEL CONDITIONS OF ENGAGEMENT (OVERLEAF):

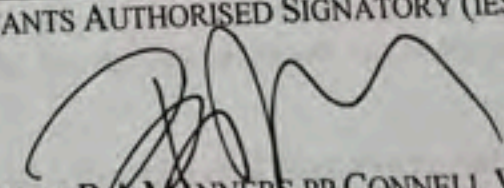
**CLAUSE 17:** ADD THE FOLLOWING NEW CLAUSE 17, THAT PROVIDES "NOTWITHSTANDING ANY OTHER PROVISION OF THIS AGREEMENT, IF THE CONSULTANT IS DELAYED IN PERFORMING THE SERVICES BY AN ACT OR EVENT BEYOND THE CONSULTANT'S REASONABLE CONTROL, OR BY THE CLIENT'S ACTS OR OMISSIONS, THE CONSULTANT SHALL BE ENTITLED TO A REASONABLE EXTENSION OF TIME FOR PERFORMING THE SERVICES".

**CLAUSE 18:** ADD THE FOLLOWING NEW CLAUSE 18, THAT PROVIDES: "NOTWITHSTANDING ANY OTHER PROVISION OF THIS AGREEMENT, IF THERE IS A DEFAULT IN PAYMENT OF ANY MONIES DUE TO THE CONSULTANT AND THAT DEFAULT CONTINUES FOR FOURTEEN DAYS, THE CONSULTANT MAY GIVE THE CLIENT WRITTEN NOTICE SPECIFYING THE DEFAULT AND DIRECTING ITS RECTIFICATION WITHIN THE PERIOD OF NOT LESS THAN SEVEN DAYS FROM THE DATE OF SERVICE OF THE NOTICE. IF THE CLIENT FAILS TO RECTIFY THE BREACH WITHIN THE PERIOD SPECIFIED IN THE NOTICE, THE CONSULTANT SHALL BE ENTITLED TO FORTHWITH SUSPEND ITS SERVICES WITHOUT FURTHER NOTICE".

CLIENT AUTHORISED SIGNATORY (IES):

PRINT NAME: Chris Upbin  
DATE: 14 Sept 2007

CONSULTANTS AUTHORISED SIGNATORY (IES):

  
PRINT NAME: BJA MANNERS PP CONNELL WAGNER  
DATE: 21<sup>ST</sup> AUGUST 2007



# COLIN W. JENKINS

REGISTERED PUBLIC VALUER

ANZ.IV.

GIBSON SHEAT CENTRE  
1 MARGARET STREET  
CNR QUEENS DRIVE  
LOWER HUTT

TELEPHONE: (04) 566-3864  
FAX (04) 566-6135  
P O BOX 30-191  
LOWER HUTT

14 March 2007

The Parks and Reserves Manager  
Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

Attention: Mr B Latimer

Dear Sir

Re: **THE PLANTATION BLOCK  
KILN STREET, SILVERSTREAM**

In response to your request and further to my report dated 14 August 2006, I now advise my opinion of the current value of this block of land as follows.

RESIDENTIAL CONSERVATION ZONE (19ha)	\$1,800,000
RURAL HILL ZONE (15ha)	<u>\$200,000</u>
	<u>\$2,000,000</u>

**TWO MILLION DOLLARS**

That is a valuation made to exclude any GST.

Since reporting on the previous occasion there have been sales of sub dividable land around the Hutt Valley, these as follows.

- The land with an area of 14.13 hectares in the Lower Hutt suburb of Kelson, with frontages at Kaitangata Crescent and Christchurch Crescent as well as Waipounamu Drive, which was sold late last year for \$3.4 million to include GST or \$3,022,000 excluding GST. These is a block comprised of a number of ridges and gully's and a major cut and fill development would be required in order to make the total 170 building sites as had originally been proposed, and even if there be a less intensive subdivision carried out, there would still need to be quite major earthworks.

The blocks of land to either of side of the Highway approach road to the Mount Marua development and Timberlea, with area totalling 18.34 hectares, which was sold in mid 2006, but reported more recently, at the price \$5 million to exclude GST. Earthworks are now being carried out for the first stage of the subdivision to the northern side where there was a low ridge and a gully behind. The southern end of this block is more favourably contoured and on this part there should not be the same earthworks requirement.

There is also the record of a sale of a Kingsley Heights block, made at \$5 million, this presumably for the whole of that block, including that part with the roading etc already in place, plus the hillsides, ridges, and gully's further to the north or east as well as the rear.

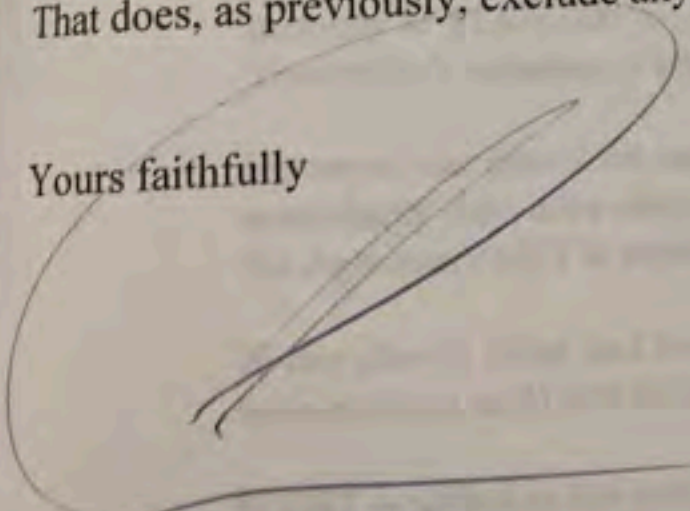
On the subject Kiln Street block there is the area of approximately 19 hectares which is in the "Residential Conservation" zone, plus the balance of approximately 15 hectares extending further to the Hutt City boundary.

With fairly major earthworks there could be access formed up from the end of Kiln Street, and while there are surely some parts of the block that are of relatively easy contour, other fairly major earthworks would be required in order to make a low intensity subdivision of say 50 to 60 lots, and most of the lots would have good appeal, with a pleasant setting and attractive views. The balance of the land in the "Rural Hill" zone would need to be incorporated in one large lifestyle block.

Taking account of the sales evidence, my valuation of August last year must be revised upwards, and is now, as apportioned, the total of \$2 million.

That does, as previously, exclude any GST.

Yours faithfully



COLIN W JENKINS

Brett Latimer

From: Mike Hurley  
Sent: Wednesday, 4 April 2007 20:16  
To: Brett Latimer  
Cc: Richard Harbord  
Subject: RE: Zone Changes  
Attachments: Form 23.doc

Information as requested is below. Basically I would recommend rezoning the land as either one plan change with logical groupings depending on the numbers of sites. Let me know if you want any more information.

Regards,  
Brett

Uplift or Partially Uplift a Designation

To remove a designation all that is required is notice from the Requiring Authority (i.e. Council) that the designation is no longer required. This notice is required to be served on all owners and occupiers of land and anybody affected by the uplifting of the designation. Form 23 (see copy attached) of the Resource Management (Forms, Fees, and Procedure) Regulations 2003 sets out the information that is required on the form.

The Notice should from the department of Council that would make any decisions in relation the activities occurring on the designated piece of land (i.e. in this case Parks and Reserves).

Once notice is received from the designation is uplifted and the District Plan is updated (reprinted) to reflect that fact that the designation no longer exists or in the case of a partial removal no longer exists over a portion of land.

While there is a requirement to avoid delays; the reprinted District Plan pages (including Maps) for minor designation changes and uplifts are sometimes not distributed until next significant update/plan change for a District Plan is distributed in order to reduce costs to the Council. However, regardless of when the reprinted pages are distributed the designation is deemed to be uplifted from the time that the notice is received unless Council does not accept the uplifting of the designation.

Rezoning of Land

Any changing of the zone for a parcel of land requires a Plan Change. A basic summary of the Plan Change process is as follows:

- The proposed policy/direction is developed.
- A report analysing the options is prepared (including the status quo).
- The proposed plan change is written.
- Approval to notify the plan change is sought from Council.
- Plan Change is publicly notified and submissions sought.
- Submissions are summarised.
- Public notification of the Summary of Submissions and further submissions are sought (further submissions can only agree or disagree with a submission).
- Hearing on the Plan Change is held and Council makes decisions on Submissions and further submissions.
- Decisions of Council notified and appeal period commences.
- If no appeals are received then the plan change can be advertised as being operative.
- Plan Change is operative from date specified in public notice (must be advertised five days in advance).

*Agreements will be needed around the loss of open space + loss of recreational opportunities*

*Word/misio - ok because we are better utilizing the water space*

*Whitman's Valley - possible in US/Canada*

*Clyde - more difficult!*

5/04/2007

• District Plan is updated to reflect changes.

In terms of when a plan change has effect there are two options when you notify a plan change. One is that the plan change has no effect until the the plan change is operative. The other is that the plan change must be considered in any resource consent application from the time it is notified (the amount of weight that the plan change is given increases as it proceeds through the plan change process). In this case I would advise that the plan change should have no effect until the plan change becomes operative. This is because it would be extremely difficult to administer the District Plan with two conflicting sets of rules to apply. The current open space zoning does not permit residential dwellings, while the plan changes would permit residential dwellings.

In terms of this proposal it is possible to combine the rezoning of multiple sites as one plan change or each site as a separate plan change. This may depend on the number of sites proposed. It is also possible to combine the rezoning of the reserves as part of a larger plan change possibility as part of the urban growth strategy work.

There are advantages and disadvantages with each option:

Each site as a separate plan change would narrow the scope of the plan change to a particular area and this may reduce the amount of public interest and any opposition to the plan change. Also the Plan Change could be made operative for a site even if there is opposition/appeals relating to other sites. However, this option would also involve a duplication of work and resources. If there are a large number of sites it may not be easy to defend a plan change if there are cumulative effects from multiple sites and the duplication required for each plan change could be expensive. If there are only a few sites it would be possible to run them as separate but concurrent plan changes i.e. notify them on the same public notice and include them in the same hearing.

A rule in a proposed plan is deemed to be operative from the time that the appeal period has expired and there are no appeals or submissions in opposition that have not been determined. This means that part of a plan change can be treated as operative once all of the opposition to that part of the plan change has been determined, dismissed, or withdrawn.

If any the rezoning of the land is combined with other UGS work or plan changes there is potential for the proposed rezoning to be 'lost' in the other proposals that are included in the Plan Change. However, if there are proposals that can be logically grouped with the rezoning of the reserve land then this would reduce the resource requirements of individual plan changes. There is also the potential for other plan changes to assist in the justification for the rezoning of the reserve land. For instance, if there was going to additional protection of hillside land as open space it could assist any justification of the rezoning on the basis that the land is no longer required as open space land is being provided in other areas.

Depending on the number of sites I would recommend that sites are either grouped together (e.g. urban/rural or by geographical location) or all considered in the one plan change. In terms of analysing the alternatives and the justification for the plan change it is likely to be much more transparent to consider all of the sites at once. The plan change reports would also be required to consider what effects there are from the rezoning and loss of open space/recreation land. If the rezoning can be justified on the basis of the amount of reserves in other locations then it would be advantageous to justify all the sites at once or in groupings. The Plan Change will be required to consider what the effects of the rezoning are and this would include the lost of visual amenity and changes to the character of an areas even if the parks have few users. It would potentially be easier to deal with these issues in the one plan change and include analysis of the whole open space network.

#### Other Considerations

Must consider whether the land being rezoned is suitable for habitable buildings. For instance, the site beside flood extent.

Would public access be maintained to the Mangaroa River if the land was sold?

If we are disposing of reserve land this could make it hard to justify any future requirements to require land for reserves as part of any future subdivisions in the area. Is this an issue for the Ag Research Land?

Need to consider environmental effects of proposed rezoning. If challenged, it would be difficult to defend the Plan Change(s) solely on the grounds of financing the library redevelopment.

Sent: Wednesday, 4 April 2007 1:52  
To: Mike Hurley  
Subject: RE: Zone Changes

Thanks

Brett H. Latimer  
Manager Parks and Reserves  
Upper Hutt City Council  
Private Bag 907, Upper Hutt  
Ph (04) 527 2169  
Mob. 0274 527451  
Fax (04) 528 2652

visit our website [www.upperhuttcity.com](http://www.upperhuttcity.com)  
"A Great Place to Live"

From: Mike Hurley  
Sent: Wednesday, 4 April 2007 12:30  
To: Brett Latimer  
Subject: RE: Zone Changes

Yes. I'll do it tonight.

From: Brett Latimer  
Sent: Wednesday, 4 April 2007 11:49  
To: Mike Hurley  
Subject: Zone Changes

How are you getting on the memo on zoning changes? Will it be completed by tomorrow morning ??

Brett H. Latimer  
Manager Parks and Reserves  
Upper Hutt City Council  
Private Bag 907, Upper Hutt  
Ph (04) 527 2169  
Mob. 0274 527451  
Fax (04) 528 2652

visit our website [www.upperhuttcity.com](http://www.upperhuttcity.com)  
"A Great Place to Live"



Simpson  
Grierson

Partner Reference  
Duncan Laing - Wellington

Writer's Details  
Direct Dial: +64-4-924 3500  
Fax: +64-4-472 6986

E-mail: donna.hurley@simpsongrierson.com

5 September 2007

6 SEP 2007

Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

For: Chris Upton

**Proposed Sale 60 Kiln Street, Upper Hutt - Guildford Timber**

Please find enclosed a note of our fees and disbursements, together with details of our attendances on the above matter, dated 31 August 2007.

Yours faithfully  
SIMPSON GRIERSON

Donna Hurley  
Senior Associate

\$ 4,229.32

Paid 5805109

17/9/2007

# Appendix 38 GTC Sale and Purchase July 2007

## AGREEMENT FOR SALE AND PURCHASE OF REAL ESTATE

Fourth Edition 2004

This form is approved by the Real Estate Institute of New Zealand Inc and by Auckland District Law Society

July 2007

THE UPPER HUTT CITY COUNCIL

**PURCHASER** THE GUILDFORD TIMBER COMPANY LIMITED (or its Assignee)

**PROPERTY**  
 28 Kila Street, Upper Hut (the Property)

**THE SIMPLE** ~~COMPLEX~~ ~~CHARGEABLE~~ ~~CHARGEABLE~~ ~~CHARGEABLE~~  
~~CHARGEABLE~~ ~~CHARGEABLE~~ ~~CHARGEABLE~~ ~~CHARGEABLE~~ ~~CHARGEABLE~~  
 If none is desired the simple

**Legal description:** Lot 12/12/1  
**Lot or share of lot:** part section 1 Survey  
**Lot or share of lot:** Office Plan 34755

**DP:**

**Unique Identifier or CT:** WN47A/214

**AMOUNT OF PURCHASE PRICE**  
 Purchase price: \$1,674,000.00  
 One million six hundred and seventy four thousand dollars

**Deposit (clause 2.2):** \$100,000.00 (One hundred thousand dollars)

**Amount of purchase price to be paid or satisfied as follows:**  
 Cash payment in cleared funds on the settlement date

**Interest rate for late settlement:** 10% p.a.

**Stamp duty:** (clause 3.0) on the date of settlement

**CONDITIONS (clause 5.0)**  
 LIM required:  Yes/No  
 O&A Consent required:  Yes/No  
 Variation date:

**FINANCES (clause 6.0)**  
 Finance advanced:  Yes/No  
 Rent: Term: Right of renewal:

**General Provisions**

**Warranties**  
 I warrant that the vendor sells and the purchaser purchases the property, and the chattels listed in Schedule 1, on the terms set out above and in the General Terms of Sale and any Further Terms of Sale.

Licensee Real Estate Agency  
 Lic No: 1001 000 000 000



## OTHER TERMS OF SALE

See attached.



**SCHEDULE 1**  
List all chattels included in the sale  
(strike out or add as applicable)

Stove     Fixed floor coverings     Blinds     Curtains     Drapes     Light fittings  
 Table.

**WARNING** (This warning does not form part of this agreement)

Read the back page of the contract. Read the information set out on the back page before signing.

Signature of vendor(s)

Signature of purchaser(s)  
The Guildford Timber Company Limited  
per:

*[Handwritten signature]*



**OTHER TERMS OF SALE**

**Settlement**

- 15.1 The settlement date shall be the later of the following:  
30 March 2009 or one month after this Agreement becomes unconditional.

**Conditions**

16.1 The Agreement is conditional upon:

16.1.1 The purchaser's board of directors approving the terms of the transaction recorded in this Agreement in all respects within ten working days from the date of execution; and

16.1.2 **Due Diligence**

The purchaser after carrying out a due diligence investigation of all aspects of the Property which the purchaser considers appropriate being satisfied by 29 March 2009 that the Property is in all respects suitable for the purchaser's requirements. The purchaser's due diligence investigation shall include but shall not be limited to a consideration of:

16.1.2.1 The vendor and purchaser being able to work together to identify and protect certain areas of public interest due to the high profile nature of the Property, particularly the slopes facing the valley floor because it is anticipated that both active and passive interests components for public benefit may be identified as part of the master planning process.

16.1.2.2 The purchaser completing a master plan in relation to the Property and also in relation to the purchaser's adjoining property.

16.1.2.3 Identifying whether the Property will provide adequate public vehicular road access to both the Property and the purchaser's adjoining property.

16.1.2.4 The purchaser obtaining Private Plan Change final approval in relation to its proposed development of the Property and its adjoining property.

16.1.2.5 Obtaining appropriate and satisfactory financial contributions by the Upper Hutt City Council in relation to Developer Impact Levies in the event that it is determined there will be additional costs associated with the development of the Property and the adjoining property owned by the purchaser for providing services to other adjacent communities within the Upper Hutt District.

Handwritten note on a yellow sticky note:  
"16.1.2.5  
Developer Impact Levies  
financial contributions"

Handwritten initials or signature.

## OTHER TERMS OF SALE

- 16.1.2.6 The terms of all unregistered interests as well as all encumbrances, rights, notices, easements, restrictions and interests required, or to be registered against the title to the Property and to the pastures adjoining property
- 16.1.2.7 The overall financial viability of the purchaser's proposed investment in the Property
- 16.1.2.8 Boundary encroachment and survey matters relating to the Property
- 16.1.2.9 Such other matters as the purchaser in the purchaser's sole discretion considers pertinent

### 16.2 Vendor to supply information

- 16.2.1 The vendor shall promptly upon request provide the purchaser with all relevant material and information which the vendor has in its actual knowledge, control or possession in relation to all or any part of the Property, including the supply of copies of all documents or reports which the purchaser may specify to assist the purchaser to complete its due diligence investigation

### 16.3 Non-fulfilment of conditions

- 16.3.1 If the conditions set out in clause 16.1 are not satisfied or waived by their specified times for satisfaction, or such extended times for satisfaction as may be *orally* agreed in writing between the parties, the purchaser (or the vendor if it is not in breach of its obligations under clause 16.2 and 16.3) may cancel this Agreement by giving written notice of cancellation to the other party. In the event of any such cancellation, any deposit or other monies paid by the purchaser shall be refunded in full together with all accrued interest thereon and neither party shall have any claim against the other whatsoever.

### 16.4 Due Diligence for benefit of purchaser

- 16.4.1 The parties acknowledge that the conditions in this clause 16 are inserted for the sole benefit of the purchaser, and at any time prior to this Agreement being declared unconditional or avoided may be waived by the purchaser either in whole or in part by giving written notice of waiver to the vendor

### 16.5 Purchaser not obliged to give reasons

- 16.5.1 If the conditions in this clause 16 are not fulfilled the purchaser shall not be obliged to state any reasons for the non-fulfilment

### 17 Site Access

- 17.1 To assist the purchaser with its due diligence investigation the vendor gives the purchaser and its consultants and agents right to inspect the Property at any time (including weekends) from the date of this Agreement. The purchaser shall ensure that

*Handwritten initials*

no damage will be caused to the Property, or be suffered by the vendor through the exercise of the rights conferred by this clause

- 17.2 If the purchaser considers that it is necessary to construct any access tracks or other constructions on the Property in order to properly carry out its due diligence process, it will require the prior consent in writing of the vendor (which consent will not be unreasonably or arbitrarily withheld if the vendor is satisfied that such access tracks or other construction does not have a permanent detrimental impact on the value of the Property)

#### **Vendors obligations**

- 18.1 In addition to the provisions of clause 16.2.1, from the date of this Agreement until settlement, the vendor shall:

18.1.1 Not enter into any agreement relating to the leasing or management of the Property without the prior written consent of the purchaser

18.1.2 Keep the purchaser fully informed as to any legal proceedings or arbitration threatened or commenced by the vendor, or by any party against the vendor in any matter relating to the Property, and deal with all such matters having regard to the best interests of the purchaser

18.1.3 Assist the purchaser as far as possible to expedite the consideration and approval of the purchaser's Private Plan Change in relation to the Property and the purchaser's adjoining property for the development of a new estate for Upper Hill.

#### **GST**

- 19.1 The vendor acknowledges that while the purchaser shall be responsible for payment of any GST in relation to this transaction the requirement for payment of GST will not occur until the settlement date.

#### **Deposit**

- 20.1 The deposit payable by the purchaser in terms of the Agreement shall be held in either the vendor's or the purchaser's solicitors trust account in an interest bearing deposit account.

20.2 In the event that this Agreement is declared unconditional then all accrued interest will be payable to the vendor.

20.3 In the event that this Agreement is not declared unconditional and is consequently cancelled by either party, then all accrued interest earned on the deposit shall be payable to the purchaser in addition to the refund of the full amount of the deposit.

#### **Additional Vendor warranties**

- 21.1 The vendor warrants and undertakes that

## OTHER TERMS OF SALE

- 21.1 at the date of this Agreement the vendor is unaware of any matter not disclosed to the purchaser that would materially affect the value of the Property, and
- 21.2 if the vendor becomes aware of such a matter prior to this Agreement becoming unconditional it shall immediately notify the purchaser in writing

### Lowest Price

- 22.1 The parties acknowledge and agree that the purchase price does not include any capitalised interest and that for the purposes of this Agreement, the "lowest price" for the purposes of the definition "cost acquisition price" in Section EW32(3) of the Income Tax Act 2004 is equal to the purchase price

Draft 1  
21 December 2007

## **DEVELOPMENT AGREEMENT**

---

**UPPER HUTT CITY COUNCIL**

**THE GUILDFORD TIMBER COMPANY LIMITED**

**[NAME OF COVENANTOR]**



**Simpson Grierson**

Barristers & Solicitors  
Auckland & Wellington, New Zealand  
[www.simpsongrierson.com](http://www.simpsongrierson.com)

**PARTIES**

1. UPPER HUTT CITY COUNCIL (Council)
2. THE GUILDFORD TIMBER COMPANY LIMITED (Developer)
3. [Name of Covenantor] (Covenantor)

**BACKGROUND**

- A. The Council owns the Land.
- B. The Council has agreed to grant the Developer an exclusive licence to:
  - (a) investigate the feasibility of developing the Land for residential use, and
  - (b) present a Comprehensive Development Proposal to the Council.
- C. If an acceptable Comprehensive Development Proposal can be agreed between the Developer and the Council, then:
  - (a) The Comprehensive Development Proposal agreed between the parties will become the Comprehensive Development Plan for the Land;
  - (b) The Developer may elect to proceed with the Comprehensive Development;
  - (c) A District Plan Change must be initiated (as necessary) to enable the Comprehensive Development Plan to be implemented;
  - (d) The Council will sell the Land to the Developer, subject to:
    - (i) an encumbrance by the Developer to develop the Land in accordance with the Comprehensive Development Plan; and
    - (ii) the other terms and conditions set out in this Agreement.
- D. This Agreement sets out the terms and conditions agreed to by the parties.
- E. The Covenantor has agreed to give the Council a covenant in support of the obligations of the Developer under this Agreement.

**THIS AGREEMENT RECORDS THAT:****1. DEFINITIONS AND INTERPRETATION**

- 1.1 **Definitions:** In this Agreement, unless the context indicates otherwise,  
**Agreement** means this Agreement and includes the Schedules and Appendices;

## Guildford Land Purchase.

1. Purchase \$1,913,142.50 including GST.  
\$1,674,000 exclusive.
2. Settlement Date 30 March 2009.  
By settlement Date valuation  
will be ~~at~~ just over 2 years  
old.
3. ~~Deposit~~ Deposit - refunded in full  
plus interest incurred  
up until settlement Date.
4. Milestones, agreements between  
parties, sign off off stages.  
concept etc.

→ Donna Hurley

- Aerial Photo with contours.  
and services in the area.  
utility
- Disk

# TAX INVOICE



Upper Hutt City Council  
Private Bag 907  
UPPER HUTT

REGISTERED

November 30, 2007  
Account Reference 451006-1768558  
Tax Invoice No. 377445  
G.S.T. Reg No. 48-371-809  
Ref. DMH

For: Chris Upton

## Proposed Sale 60 Kiln Street, Upper Hutt - Guildford Timber

To: Our fee for attendances from 21 November 2007 to 30 November 2007; telephone conversation with Chris Upton; redrafting and considering agreement; checking and reviewing redrafts; telephone conversation with Chris Upton; emailing document to Chris Upton; receiving comments from Chris Upton and incorporating into draft agreement; forwarding a further draft; reporting and incidental attendances.

OUR FEE

5,873.50

### Disbursements

Photocopy, Print, Phone and Fax

Net	GST
25.00	3.13
<u>25.00</u>	<u>3.13</u>

25.00

GST on above

*paid.*

737.32

\$6,635.82

Payments by Direct Credit to account 030104 0943847 00.  
Reference to accompany payment: 451006 - 1768558 - 377445.

INVOICE	377445
DATE	30/11/07
PRICE CHECKED:	KM
GOODS/SERVICE REC.	<input checked="" type="checkbox"/>
CHARGE No.	5805109
MANAGER'S SIG.	<input checked="" type="checkbox"/>

THIS ACCOUNT IS NOW DUE FOR PAYMENT

### BARRISTERS AND SOLICITORS

WELLINGTON: HSBC Tower, 195 Lambton Quay, P O Box 2402, Wellington, New Zealand.  
Telephone +64-4-499 4599. Fax +64-4-472 6986. DX: SX 11174.  
Website: www.simpsongrierson.com E-mail: info@simpsongrierson.com





# Appendix 40 Annual Plan Submission SSR

**IN THE MATTER** Section 95 of the Local Government Act 2002

**A N D**

**IN THE MATTER** Draft Annual Plan for 2014/2015 for the Upper Hutt City Council.

**A N D**

**IN THE MATTER** The special consultatiton process required by sections 82 and 83 of the Local Government Act 2002

**Submission on Behalf of New Zealand Railway and  
Locomotive Society Incorporated.  
Silver Stream Railway Incorporated  
and The GB Trust**

## **Introduction**

1. This submission is in opposition to the proposal by Upper Hutt City Council to dispose of 35.1407 Ha of Land Described as Pt Section 1 SO 34755 and known as Silver Stream Spur which is owned by the Council.
2. The Silver Stream Railway Incorporated own and operate an extensive heritage railway on land stretching from Reynolds Bach Drive up to Field St. All three submitters own the parcel of land on which the New Zealand Railway and Locomotive Society has developed a large restoration shed, and Silver Stream Railway have a large rolling stock storage shed sited upon this land.
3. There has been a railway line in this area since the 1870s and as such has historical importance.
4. All of these facilities have been the result of hundreds of thousands of hours of volunteer labour, which has turned the formerly abandoned railway land ( bypassed by a deviation in the 1950's) into a fully functioning heritage railway now home to a sizeable collection of historically important and unique equipment and infrastructure. It continues to be maintained, developed, expanded and operated for the enjoyment of the public entirely by volunteers.

5. Silver Stream railway is a nationally important tourism attraction and is an important community and strategic asset for upper Hutt City. Thousands of members of the public visit Silver Stream Railway each year.
6. This is recognised in part by the zoning of the site as Special Activity and the provision for railway museum and ancillary facilities as permitted activities within the scheme of the Plan
7. Part of Silver Stream Railway land was purchased from Upper Hutt City Council in 1995 for the purpose of establishing and running a heritage railway museum and associated facilities. The remainder of the Land is owned by Silver Stream Railway Incorporated.
8. The Submitter's consider that the proposal to dispose of Silver Stream Spur would undermine their ability to continue to operate Silver Stream Railway, and would lead to the demise of the facility.
9. The Submitters consider that this proposal by the Council in combination with the recent (and ongoing) threat to Silver Stream Railway from Proposed Plan Change 15 is a major betrayal of trust by the Council and is out of accord with the original sale of the property to the submitters by the Council.
10. The practical impact of the recent difficulties with the council's plans is to divert the submitter's valuable time and funds away from maintaining, operating and developing a community asset. Rather they have had to become involved in the Councils consultation processes in order to ensure that Silver Stream Railway can keep operating.
11. The major concern with the current Annual Plan Proposal is the fact that the railway will not be able to obtain insurance for running purposes as the risk is too great of fire and resulting destruction of any houses built on Silver Stream Spur. Further any houses built up there would object to smoke (westerly winds being prevailing), noise and the fear of fire from sparks from railway engines.

**Effect of the Proposed Sale of Silver Stream Spur on Silver Stream Railway.**

12. Silver Stream Spur's entire northern boundary abuts Silver Stream Railway. The Silver Stream railway property along this boundary includes all of the current buildings and a large section of the narrow rail corridor. In effect the majority of Silver Stream Railways current activities occur on or very close to the boundary with Silver Stream Spur.
13. The current zoning of Silver Stream Spur is rural hill and residential conservation with approximately equal proportions. This means that if Silver Stream Spur was sold to a private developer the property could yield around twenty residential sections as a controlled activity (ie Council could not refuse

consent). Further there would be no opportunity for Silver Stream Railway's interests to be represented through the statutory process.

14. It is an almost inevitable that housing development of at least this density would be a consequence of a council decision to sell the land.
15. There is also the potential for the Rural Hill portion of the property to be rezoned into a residential zoning with the number of sections being doubled. . While clearly such a rezoning would require public notification, Silver Stream Railway would have to waste additional time and resources to protect their interests. There is no certainty that even if they fully participated in such a plan change process that their interests would be recognised and protected.
16. There are four major problems for Silver Stream Railway arising from residential development on Silver Stream Spur:
  - Reverse Sensitivity
  - Insurability
  - Fire
  - Stormwater

### **Reverse Sensitivity**

17. Silver Stream Railway is a heritage railway museum with operational locomotives including steam locomotives. These activities are by their nature noisy and smoky. While such effects may have been acceptable 100 years ago they do not fit within the normal ambit of residential amenity and are simply not compatible with residential development adjoining the Special Activity Zone and especially Silver Stream Railway.
18. It is inevitable that residential development of Silver Stream Spur would result in complaints from new residents some of whom are likely to be less than ardent rail enthusiasts. Silver Stream Railway are rightly concerned that such complaints would force Council to take action that would result in a restriction in Silver Stream Railways Activities. Complaints and consequential restrictions could occur regardless of any existing use rights and non-complaints covenants and Council has statutory responsibilities to respond to such complaints.

### **Insurability**

19. I am advised that Silver Stream Railway would not be able to obtain public liability and fire insurance for their facility in the event that housing was developed on Silver Stream Spur. This effectively would mean that Silver Stream Railway would no longer be able to operate.

### **Fire**

20. The nature of Silver Stream Railways Activities (especially those related to steam engines) is such that there is an ongoing fire risk for the forested land on Silver Stream Spur. I understand that there have been fires from time to time. There was quite a major one, the effects of which can still be seen if one stands on the motorway and looks across the valley. That one needed helicopters with fire buckets and it can be seen that that particular fire went well up into Silver Stream Spur land which could be subject to residential development.
21. Fires on the spur in its current condition are a significant risk for Silver Stream Railway. This risk is reflected in their insurance premiums. However as Silver Stream Spur is vacant the risk is not for dwellings or life.
22. This risk would dramatically increase if Silver Stream Spur was sold and subsequently developed.

### **Stormwater**

23. The Silver Stream Railway land is immediately downhill of Silver Stream Spur and consequentially much of the stormwater from the spur flows through Silver Stream Railway land. While some of this flows via streambeds there is also general overland flow in more significant rainfall events.
24. I understand that when Council established pine forest above the railway this caused considerable extra runoff on to Silver Stream Railway land and also due to the very unstable rock nature of Silver Stream Spur there were many rock-falls. Once the scrub regrew after planting of pine trees that then abated. One would expect the same thing to happen if the property above were developed which you seem to have also covered.
25. The Silver Stream Railway's infrastructure has been designed to cope with the current pattern and flows of stormwater.
26. Earth works, buildings and other impermeable surfaces consequential from the development of Silver Stream Spur are likely to change the intensity and pattern of stormwater flows. This may have a significant adverse effect on Silver Stream Railways Land.

### **Reason for the Purchase of Silver Stream Spur**

27. The Submitters' understand that Silver Stream Spur was originally purchased by Upper Hutt City Council in order to provide a green belt at the entry to Upper Hutt City. While the Council controversially decided to plant some of the Area in production forestry, the plantings were not maintained and the green belt function remains a significant amenity for the whole of upper Hutt.
28. The amenity purposes remain and it is the Submitters' view that it would be both irresponsible and illegal for Council to dispose of this land when it still has the values and the purpose which justified its original purpose.

## **Relief**

29. For the reasons detailed above the Submitter's seek that Upper Hutt City Council remove the proposal to dispose of Silver Stream Spur from the Draft Annual Plan for 2014/2015.

Ian Stewart

28/04/2014

Report

# Disposal of Silverstream Spur Reserve Land Assessment of Concerns Raised

Prepared for Upper Hutt City Council

Prepared by Beca Ltd (Beca)

15 December 2014



## Contents

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### Appendix A: Marshall Day Noise Assessment Report

# 1 Introduction

---

Upper Hutt City Council (Council) has indicated within its Annual Plan 2014-15 the potential for sale of a number of parcels of Council-owned land. The sales have been proposed to ensure that rates remain prudent while also allowing for further investment in the community.

Through community engagement, a range of concerns have been raised through submissions in relation to the potential sale of the Silverstream Spur. The land was originally purchased by Council in 1989 on the basis that part of the land could have potential for residential development, with the bulk of the land more suited to passive reserve use. Council has planted the majority of the site in pines.

The Silverstream Spur is viewed by submitters as an important green space landform with a range of ecological and amenity values. In addition, its proximity to the Silverstream Railway has raised concerns around fire risk and reverse sensitivity issues should the land be disposed of and developed for residential use. All concerns raised have merit for assessment and are the types of land use issues that Council has regard to through decision-making on policies and objectives as set out in the District Plan and its long-term planning documents.

The purpose of this report is to assess the concerns raised by submitters in relation to the sale of the Silverstream Spur. Each issue will be assessed in terms of its potential risk (i.e. the likelihood of the issue occurring combined with the anticipated impact on the community if the issue did occur). Mitigation measures and/or further investigations will be recommended to Council in relation to each issue to inform Council decision making on the future of the Silverstream Spur.

## 1.1 Summary of Findings

The primary concerns raised by submitters in relation to disposal of the Silverstream Spur relate to the potential for:

- loss of an ecological corridor;
- reduction in visual amenity;
- fire risk to the Silverstream Spur from Silverstream Railway (Silverstream Railway); and
- reverse sensitivity effects from new homes in proximity to Silverstream Railway (potential future complaints on noise, smoke for example).

Overall, the Silverstream Spur is situated in a strategic position in the valley. The vegetation is mostly pine trees that were planted by Council around 15 years ago, with native regrowth occurring in some areas. There is potential to provide a buffer area between the Railway operation and any future residential development of the spur. Such a buffer area could mitigate reverse sensitivity issues (complaints around noise, smoke, amenity from the Railway operation) and also help provide an ecological corridor/ open space through design and restriction of development in places. The disposal of the land for residential development could enhance the area as pine trees are progressively removed and areas that are not suitable for development could regenerate.

There are a range of measures, from careful siting of houses away from the Railway operation and provision of green/ vegetated areas through to 'no complaint' covenants on each new residential Certificate of Title that can be employed to address the concerns raised. Council also has the consideration to either part-sell or fully sell the site with these matters in mind. Again, these are next step discussions between prospective developers and Council should the sale and development of the Silverstream Spur progress.

We also identify some possible further investigations in response to submissions raised.



## 2 Planning Context

### 2.1.1 Location and planning features

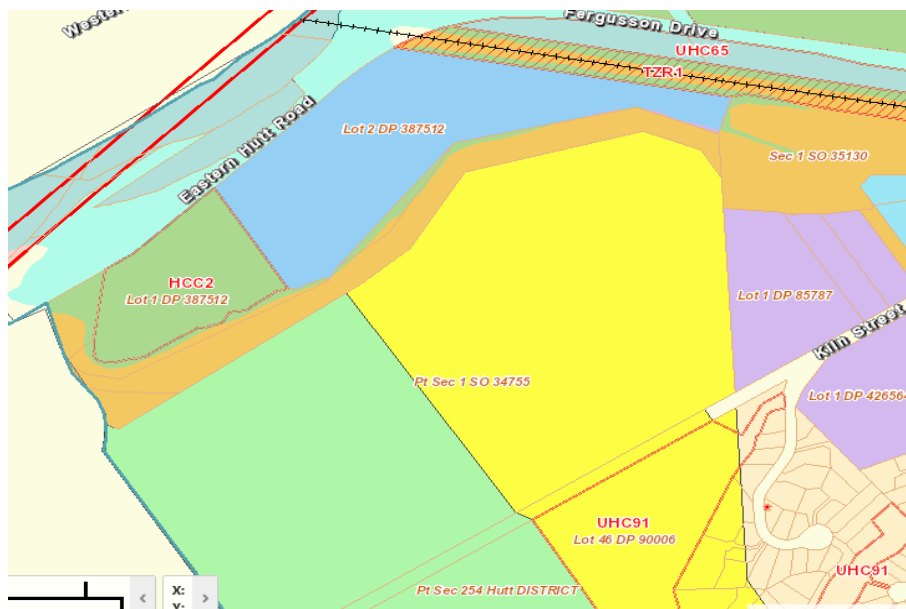
The 35.14ha site is legally described as Pt Section 1 SO 34755 and is located at number 690 Kiln Street in Upper Hutt City. The site sits above Upper Hutt's southern suburbs, overlooking the Taita Gorge.

The site is not recognised in the relevant District or Regional Plans as having any notable planning features in regards to heritage, ecology, natural hazards or other land use restrictions.



### 2.1.2 Zoning

The site is split zoned. Approximately 16.5ha is Rural Hill Zone (green) and 18.5ha is Residential Conservation Zone (yellow).



### 2.1.3 Existing Development Rights to Forest, Build Dwellings and Subdivide

Zoning	Forest Harvesting <i>NB* Permitted Activity subject to conditions</i>	Density per site	Site Coverage	Boundary Setbacks	Subdivision (Minimum Net Site Area) <i>NB* Subdivision Requires resource consent as a Controlled Activity subject to conditions</i>	Potential to create new lots <i>NB* Subdivision Requires resource consent as a Controlled Activity subject to conditions</i>
Rural Hill Zone	Permitted subject to standards	One dwelling + one family flat	N/A	12m from all boundaries	20 ha	None, factoring Rural Hill zoned land only
Residential Conservation Zone	Work affecting indigenous or exotic trees are Permitted subject to standards  Forestry is a Discretionary Activity	One dwelling + one family flat	30% of net site area	-3m from side boundary -6m from front boundary -3m from rear boundary	-750m <sup>2</sup> (front and side lots) with a minimum frontage of 6m; or -950m <sup>2</sup> (rear lots); and -Requirements for a shape factor of 17m	200+ based on a basic calculation of site area divided by density allowed.  (Unlikely given topographic and infrastructure constraints)

It is likely that any residential development of the site will require resource consent for subdivision, earthworks and land use. In terms of likely development potential, we understand that Graeme Walker has provided a preliminary development plan for the site that shows a total of 6 residential houses located around the top of the spur accessed from Kiln Street. This may be conservative; however it does provide some reality around the development potential of the site – that it is unlikely to provide for 200+ new lots based on a crude calculation of land area as tabled above.

### 3 Summary of Issues Raised

Name	Submission Summary	Assessment Response
Chris Cosslett	Please read in conjunction with submission 67 regarding the proposed sale of land adjacent to the Pinehaven Library. The Pinehaven Progressive Association (PPA) is very concerned about the proposed sale of the Silverstream Spur. The spur forms a geographic connection between Keith George Memorial Park and the forested hills to the east, enhancing the visual appeal of the entrance to Upper Hutt. The PPA supports the recent proposal by Forest and Bird and others to protect a green belt around Upper Hutt City. Silverstream Spur is a critical part of the proposed green belt. The Upper Hutt branch of Forest and Bird have worked hard in building an ecological corridor along Hulls Creek to link Silverstream Spur with Keith George Memorial Park and if sold for urban development, it would become a habitat fragment, reducing its ecological value and opportunities to develop a green belt reserve would be constrained. Additionally the Silverstream Rail Museum could be negatively affected by development on this land. The PPA further believes that proceeds from the sale of less significant and sensitive land could be directed towards enhancing the reputation of Upper Hutt as an outdoor recreational destination by the establishment of a green belt. The PPA is not opposed to the sale of surplus land in principle, but asks that the Upper Hutt City Council carefully consider the long term implications of the sale of such a significant piece of land.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback If the land was sold for residential development, protection of the significant vegetation could be imposed to assist with the retention of wildlife corridors.</p> <p><u>Key issues raised by submitter:</u></p> <ul style="list-style-type: none"> <li>■ Visual/amenity</li> <li>■ Ecological corridor/green belt</li> <li>■ Adverse impact on Silverstream Railway</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor and retain visual amenity through design and restriction of development in places.</li> <li>■ There is an opportunity maintain a fire break/buffer through design and restriction of development in places.</li> </ul>
Pat Van Berkel	Submitter opposes the process for the sale of surplus land particularly around Silverstream.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. Opposition to land sales is noted.</p> <p><u>Key concerns raised by submitter:</u></p> <ul style="list-style-type: none"> <li>■ Opposes sale</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ Opposition to sale noted. This is a process matter for Council to consider.</li> </ul>
Lynn McHugh	I find the way the questions above have been presented offensive and very disappointing. Be careful how you use and represent your response rates as you have failed to develop a good question format. Submitter is opposed to the sale of the Silverstream Spur - being an important portion of the open space and proposed green belt around Upper Hutt. It is paramount to preserving what is ecologically important for the area. Submitter says, " I have taken the time to submit comments because I value living in this community."	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. Opposition to the sale of the Silverstream Spur land is noted.</p> <p><u>Key concerns raised by submitter:</u></p> <ul style="list-style-type: none"> <li>■ Ecological corridor/green belt</li> <li>■ Open space</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor and open space through design and restriction of development in places.</li> </ul>
Bev Abbott	Wellington Botanical Society would like to see Wi Tako Paper Road and land at Silverstream Spur retained. The Wi Tako paper road forms a buffer of indigenous vegetation between the reserve and private properties. It also appears contiguous with Fendalton Park. The botanical treasures in Wi Tako Reserve include a populations of more than thirty plants of the uncommon swamp maire (mida salicifolia) and the dwarf mistletoe Korthalsella salicornioides. This may be the only place in the Hutt Valley where this plant can be found. Selling the land is likely to result in the loss of this buffer vegetation. We would like to see the land incorporated into Wi Tako scenic reserve. We recommend Council retains Silverstream Spur because it has the potential to contribute to a vital ecological corridor linking indigenous plant communities with those on the other side of the valley. Retention of these properties is consistent with the values expressed in the Draft Annual Plan "We're immersed in scenic beauty, we love our river, and feel alive in our great outdoors. Our clean river, our bio-diverse bush and our majestic regional parks attract tourists, events and business."	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. The areas of the No 1 road to be incorporated into the adjoining land would not have a significant impact on reducing the buffer between Witako reserve. The land that is not going to be disposed of would be incorporated into the Witako Reserve. Comments relating to the Silverstream Spur Reserve is noted.</p> <p><u>Key concerns raised by submitter:</u></p> <ul style="list-style-type: none"> <li>■ Ecological corridor/green belt</li> <li>■ Important buffer vegetation for the Witako Reserve</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor and buffer vegetation through design and restriction of development in places.</li> </ul>

Name	Submission Summary	Assessment Response
Tom Halliburton	Submitter is concerned the proposed timetable for sale appears too short to achieve full value. Submitter proposes only a part of the Silverstream Spur should not be sold - maintain a reserve strip of 200-300m alongside the railway, plus a strip up the ridge as a reserve for wildlife.	<p><u>Council response to date:</u> The timetable for disposal has not yet been determined, however when it is determined full consideration will be given to how the land will be marketed to achieve a maximum return to Council. The comment from the submitter concerning the retention of certain parts of the Silverstream Spur land has been noted and will be further considered at the time disposal takes place.</p> <p><u>Key concerns raised by submitter:</u></p> <ul style="list-style-type: none"> <li>■ Timing of sale may impact on value gained</li> <li>■ Ecological corridor/green belt</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor through design and restriction of development in places.</li> </ul>
Logan McLean	Submitter is opposed to the sale of the Silverstream Spur land parcel and sites the recent Southern Hills consultation having identified a strong desire to maintain our bush-clad vistas on the hills. Submitter requests a similar study to the Southern Hills study, be carried out before selling the land. Submitter believes the land may be needed for future development.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. The Silverstream Spur is situated in a strategic position in the valley. The vegetation is mostly pine trees which were planted by Council around 15 years ago, with native regrowth occurring in some areas. The disposal of the land for residential development could enhance the area as pine trees are progressively removed and areas that are not suitable for development could regenerate.</p> <p><u>Key concerns raised by submitter:</u></p> <ul style="list-style-type: none"> <li>■ Visual/amenity</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain visual amenity and bush-clad vistas through design and restriction of development in places.</li> </ul>
Jane Derbyshire	Submitter proposes the money from the sale of land goes towards an upgrade of the children's playgrounds and the water park area at Harcourt Park. Submitter is opposed to the sale of the Silverstream Spur land parcel and sites the recent Southern Hills consultation having identified a strong desire to maintain our bush-clad vistas on the hills. Submitter requests a similar study to the Southern Hills study, be carried out before selling the land. Submitter believes the land may be needed for future development.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. It is intended that the funds generated from the sale of land will be used in the first instance to retire the loan (\$1.1 million) raised for the Development of Maidstone Park, Stage 1 &amp; 2. Any additional funds received could be used by Council to further reduce debt or fund the various projects proposed in the 2014/15 Annual Plan.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Visual/amenity</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain visual amenity and bush-clad vistas through design and restriction of development in places.</li> </ul>
Nick Saville	Submitter opposes the sale of land and states the following examples why: 1. Rata Park is one of the few remaining valley floor forest remnants left in the Hutt Valley, 2. Gentian Reserve contains the naturally uncommon swamp Maire tree, 3. the number 1 line paper road in Silverstream/Pinehaven is close to the regionally rare plant Gahnia rigida, 4. development will lessen their future value and put pressure on the biodiversity within them, 5. larger pieces of land like Silverstream Spur could play a keen part in the green belt.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. Whilst some of the land adjoins native bush areas it is unlikely the change of use of some of the adjoining land will have a significant impact on the reserves. Special plants and trees can be identified and provided with protection measures. Access to the bush area at Rata Park will not be affected as currently there are no formal accessways created through this area, but is something that could be established in the future.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Ecological values/conservation of forest floor remnants in nearby parks and reserves</li> <li>■ Ecological corridor/green belt</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor through design and restriction of development in places.</li> </ul>

Name	Submission Summary	Assessment Response
Calvin Berg	Submitter supports the Forest and Bird submission.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Ecological values/conservation of flora and fauna</li> <li>■ Ecological corridor/green belt</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</li> </ul>
Kim Thorsen	Submitter opposes the sale of land in particular to 28 Duncraig Street, 14 Duncraig Street, Dunleith Reserve, Silverstream Spur, 2-4 Jocelyn Cres, Timberlea Park, and Birchville Park. Submitter is not opposed to the sale of local commercial or residential property in our area unless it is affecting the local green belt surrounding our community, or land already zoned and/or used commercial land. Of most concern is the green land used for sports and recreation or land that lines the green belt which is counter to the council's sustainability and eco-corridor plans. Submitter believes there is already sufficient land for sale in Upper Hutt.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. No areas used for organised sports activities are affected by the land sale proposal nor are the eco corridor plans severely affected.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Ecological corridor/green belt</li> <li>■ Recreation/open space</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</li> </ul>
Leo and Lynne Smith	Submitter strongly objects to some of the land for sale. Parcel B (Number One Line) - this will destroy regenerating native forest having been nurtured by a dedicated group for 30 years. Land "appropriate for expansion of properties" is ill-informed in regards to global warming - Council the ecological affect and our future generations. (Further information supplied) Parcel C (Dunleith Grove reserve)- submitter strongly object to this sale as it is the only safe off-road play area for local children. Parcel O (Silverstream Spur) - opposes this sale as it is cross valley link for native birds.	<p><u>Council response to date:</u> None</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Cross valley link for native birds</li> <li>■ Ecological corridor/green belt</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor/ green space through design and restriction of development in places.</li> </ul>
Sue Millar	Submitter proposes the money from the sale of land goes towards cycle and walking paths in Maidstone Park and upgrading facilities at Harcourt Park. Submitter supports some land sale but opposes the sale of the Silverstream Spur and Gentian Drive. Use money from Timberlea Park sale to improve the drainage, and money from the sale of Jocelyn Cres should be retained for local Pinehaven development projects.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. It is intended that the funds generated from the sale of land will be used in the first instance to retire the loan (\$1.1 million) raised for the Development of Maidstone Park, Stage 1 &amp; 2. Any additional funds received could be used by Council to further reduce debt or fund the various projects proposed in the 2014/15 Annual Plan.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Opposition to sale.</li> </ul> <p><u>Summary Assessment:</u> Opposition to sale noted.</p>
John O'Malley	Submitter proposes the money from the sale of land goes towards the library and youth activities. Silverstream Spur - first preference is not to sell. Second preference, sell with the following conditions: 1. further development be a fully notifiable process under the Resource Management Act with notifications made within at least a kilometre of the property as the crow flies with public submission. 2. New owners obtain road access off Reynolds Bach Drive form Hutt City. 3. If sold for logging then in the interest of safety that logging trucks not be permitted to use Kiln St, only newly acquired Reynolds Bach Road.	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. The subdivision of the Silverstream spur would require Resource Consent which would include resolving any access issues.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ First preference not to sell</li> <li>■ Second preference fully notified planning process and conditions on development</li> <li>■ Safety of traffic access and movement</li> </ul>

Name	Submission Summary	Assessment Response
		<p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ District Plan controls access standards. Resource Consent for subdivision would include consideration of site access</li> <li>■ Statutory requirements for public participation will be applied by Council as appropriate.</li> </ul>
Russell Bell	<p>Lower Hutt Forest and Birds comments are confined to items affecting indigenous flora and fauna or natural systems concerning the Silverstream Spur. Ecological corridors, joining natural areas provide the diversity to function as one area. It is very possible to join Lower Hutt's corridors to those around Upper Hutt, significantly enhancing native bird life. By reserving part or all of the Silverstream Spur it would be possible to connect into the Southern Hills. Submitters are opposed to the sale of the Silverstream Spur because it is the only area of land that can connect the Southern Hills to cross Valley ecological corridor.</p>	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. It may still be possible to both dispose of the land and retain part of the Silverstream Spur land to allow for connection to the ecological corridor.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Spur is the only area of land that can connect the Southern Hills to cross Valley ecological corridor</li> <li>■ Ecological corridor/green belt</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</li> </ul>
Bart Hogan	<p>Submitter opposes the sale of parks, reserves and open spaces - with the increasing population they will be needed more. Submitter is very concerned with the sale of the Silverstream Spur with it being critical to the green belt and as part of the ecological corridor connecting Upper Hutt to Lower Hutt and a vital link to Keith George Memorial Park.</p>	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Ecological corridor/green belt</li> <li>■ Recreation/open space</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</li> </ul>
Ian Stewart	<p>Council Solutions Limited is not opposed to the disposal of surplus land provided the land no longer serves a community purpose, is not likely to serve a community purpose and the original reason the land was acquired is no longer valid. Submitters support the Silver Stream Railway group submission opposing the sale of the Silverstream Spur. Submitter also opposes the sale of 22 Whitemans Valley Road - 1. the rural strategy identified the need for publicly owned rural areas, 2. it is a useful place for development of community facilities, 3. the sale continues Council's disregard for the needs of new rural residents, 4. the land was identified in Plan Change 15 Flood Hazard maps as being within a flood hazard (ponding and overland flow path).</p>	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. The need for rural open space reserve areas needs to be questioned as does the demand to develop community facilities in the rural area.</p> <p><u>Key concerns raised by submitters:</u> Support submission from Silverstream Railway Group which include:</p> <ul style="list-style-type: none"> <li>■ Adverse impact on Railway Museum</li> <li>■ Fire/smoke risk to new homes</li> <li>■ Noise disturbance to new homes</li> <li>■ Stormwater overflow hazard</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain a buffer zone/ fire break along the boundary with Silverstream Railway. This would be a 'no development' setback along the boundary and potentially extending up the spur given its relatively steep nature. Further work could be done to remove dry pine branches/ wood from the buffer zone to reduce fire risk. It would likely be problematic to completely remove vegetation from the toe of the spur because it would likely result in a more unstable top soil/ slope.</li> <li>■ Reverse sensitivities to noise/smoke can be managed by one or more of the following: <ul style="list-style-type: none"> <li>- Silverstream Railway compliance with noise standards/emission standards at the boundary. We understand that the railway typically operates on a Sunday only and the noise/smoke generated from the activities are generally regarded as an acceptable, temporary and established part of the area.</li> <li>- Any new houses could be sited around the top of the spur and Kiln Street and setback from the toe of the spur near the railway operation as set out in the Marshall Day Noise Assessment Report.</li> <li>- Reverse sensitivity covenant on new land titles (e.g. 'no complaints in regard to reasonable existing activity from Silverstream Railway site')</li> </ul> </li> <li>■ Any new development of the Spur would need to suitably manage stormwater and water run-off. Resource consent for subdivision would likely require a stormwater management plan.</li> </ul>

Name	Submission Summary	Assessment Response
Ian Stewart (PhD Resource Management)	Silver Stream Railway Inc. (SSR) opposes the sale of the Silver Stream spur as it would undermine their ability to continue to operate. Part of the SSR land was purchased from UHCC in 1995 to establish and run a heritage railway museum and associated facilities. The major concern is the railway will not be able to obtain insurance as the risk of fire and resulting destruction of any houses built on the spur would be too great. Houses would also be subjected to smoke, noise and the fear of fire from sparks from engines. The majority of SSR activities occur on or close to the boundary of the spur. Development of the spur is likely to change the intensity and patterns of stormwater flows resulting in a significant adverse effect on the SSR land for which the SSR infrastructure has been designed to cope with. (Submitter provides more extensive details).	<p><u>Council response to date:</u> Council notes this submission and thanks the submitter for their feedback. A number of fires have been started in the vicinity of the railway line due to the use of steam engines. Several years ago some of the fires in the Spur were actually started by an arsonist who was the caretaker looking after the railway. It may be possible to subdivide a strip of land running adjacent to the railway track as a protection zone to be owned and maintained by the SS Railway.</p> <p><u>Key concerns raised by submitters:</u></p> <ul style="list-style-type: none"> <li>■ Adverse impact on Railway Museum</li> <li>■ Fire/smoke risk to new homes</li> <li>■ Noise disturbance to new homes</li> <li>■ Stormwater overflow hazard</li> </ul> <p><u>Summary Assessment:</u></p> <ul style="list-style-type: none"> <li>■ There is an opportunity to maintain a buffer zone/ fire break along the boundary with Silverstream Railway. This would be a 'no development' setback along the boundary and potentially extending up the spur given its relatively steep nature. Further work could be done to remove dry pine branches/ wood from the buffer zone to reduce fire risk. It would likely be problematic to completely remove vegetation from the toe of the spur because it would likely result in a more unstable top soil/ slope.</li> <li>■ Reverse sensitivities to noise/smoke can be managed by one or more of the following: <ul style="list-style-type: none"> <li>- Silverstream Railway compliance with noise standards/emission standards at the boundary. We understand that the railway typically operates on a Sunday only and the noise/smoke generated from the activities are generally regarded as an acceptable, temporary and established part of the area.</li> <li>- Any new houses could be sited around the top of the spur and Kiln Street and setback from the toe of the spur near the railway operation as set out in the Marshall Day Noise Assessment Report.</li> <li>- Reverse sensitivity covenant on new land titles (e.g. 'no complaints in regard to reasonable existing activity from Silverstream Railway site')</li> </ul> </li> <li>■ Any new development of the Spur would need to suitably manage stormwater and water run-off. Resource consent for subdivision would likely require a stormwater management plan.</li> </ul>

## 4 Discussion of Issues Raised

General Issues Raised	Specific Issues Raised	Percentage of feedback on issue	Likelihood of issue or event arising	Impact of issue or event arising	Overall Risk	Discussion	Possible Further Investigations																											
Ecology	Loss of ecological corridor/green belt	59%	Medium	Medium	Medium	<p>The Silverstream Spur has not been identified as ecologically significant in District or Regional Plans. The site is predominantly covered in pine plantation which was established by Council around 15 years ago, with native regrowth occurring in some areas. However, the site does have some ecological value as a large vegetated/ undeveloped area and there is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places. Equally, special plants and trees can be identified and provided with protection measures during any future development.</p> <p>Based on our preliminary investigation, it is likely that the any future residential development would be restricted to the top of the spur and away from the Silverstream Railway operation around the toe of the spur. This steep terrain could be maintained as an undeveloped buffer and there is potential to continue an ecological corridor given the relatively large scale of the site and its steep terrain in places.</p> <p>We have assessed the overall risk as Medium at this preliminary stage; however this could be downgraded to a Low risk if during any future subdivision/ development planning it was confirmed that an ecological corridor/ open space will be maintained through design and restriction of development in places.</p>	<p><u>Further investigations:</u></p> <p>Consider what (if any) significant indigenous vegetation is on site. Such areas could be incorporated into a protected ecological corridor on site.</p> <p>Confirm that any future residential development would be restricted to the top of the spur and away from the Silverstream Railway operation around the toe of the spur.</p>																											
	Loss of ecological values and conservation of native flora and fauna	29%	Medium	Medium	Medium			Green space	Loss of open space and recreational area	18%	Medium	Low	Low	<p>The site is not identified as a park or reserve by the Upper Hutt City Council. We understand that the area is informally used for recreation such as walking through.</p> <p>As above, there is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</p>	<p><u>Further investigations:</u></p> <p>Consider areas of land which are challenging for development in terms of topography and infrastructure provision. These areas could be retained as areas of green/open space.</p> <p>Confirm how the site is valued as a recreational space – for example where are people walking informally? – is there a common track or places of local interest? Such areas could be considered as part of any future development plans and integrated into an overall development plan for the site.</p>	Reduced visual/amenity	18%	Medium	Medium	Medium	<p>The site is not on a ridge line or hill top that the Council has identified for protection or special management. However, the site is a relatively prominent and undeveloped spur with some local visual/amenity value.</p> <p>As above, there is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</p>	<p><u>Further investigations:</u></p> <p>Consider areas of land which are challenging for development in terms of topography and infrastructure provision. These areas could be retained as areas of green/open space.</p> <p>Confirm how the site is valued visually – for example where are the important viewshafts to the Spur, what are the important visual aspects of the spur? Such areas could be considered as part of any future development plans and integrated into an overall development plan for the site.</p>	Infrastructure Capacity	Stormwater overflow hazard	12%	Low	High	Medium	<p>The site is not within the 1 in 100 year flood zone. The site has not been identified as a ponding area. Any residential development will require suitable infrastructure capacity. Any resource consent for subdivision will require a stormwater management plan.</p> <p>We have assessed the overall risk as Medium at this preliminary stage; given that the impact of such a hazard arising is High. In reality, stormwater overflows can be suitable controlled and managed through subdivision and development standards.</p>	<p><u>Further investigations:</u></p> <p>Stormwater management as part of any future resource consent application for subdivision and development.</p>	Safety of traffic access and movement	6%	Low	High
Green space	Loss of open space and recreational area	18%	Medium	Low	Low	<p>The site is not identified as a park or reserve by the Upper Hutt City Council. We understand that the area is informally used for recreation such as walking through.</p> <p>As above, there is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</p>	<p><u>Further investigations:</u></p> <p>Consider areas of land which are challenging for development in terms of topography and infrastructure provision. These areas could be retained as areas of green/open space.</p> <p>Confirm how the site is valued as a recreational space – for example where are people walking informally? – is there a common track or places of local interest? Such areas could be considered as part of any future development plans and integrated into an overall development plan for the site.</p>																											
	Reduced visual/amenity	18%	Medium	Medium	Medium			<p>The site is not on a ridge line or hill top that the Council has identified for protection or special management. However, the site is a relatively prominent and undeveloped spur with some local visual/amenity value.</p> <p>As above, there is an opportunity to maintain an ecological corridor/ open space through design and restriction of development in places.</p>	<p><u>Further investigations:</u></p> <p>Consider areas of land which are challenging for development in terms of topography and infrastructure provision. These areas could be retained as areas of green/open space.</p> <p>Confirm how the site is valued visually – for example where are the important viewshafts to the Spur, what are the important visual aspects of the spur? Such areas could be considered as part of any future development plans and integrated into an overall development plan for the site.</p>																									
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	Safety of traffic access and movement	6%	Low	High	Medium			<p>Access and safety would be a consideration within any application for resource consent for subdivision of the site. The design and traffic effects proposed for access must be deemed appropriate by Council in terms of the District Plan design standards and Code of Practice for Civil Engineering Works.</p> <p>We have assessed the overall risk as Medium at this preliminary stage; given that the impact of such a hazard arising is High. In reality, traffic safety can be suitable controlled and managed through subdivision and development standards and road standards and safety rules.</p>	<p><u>Further investigations:</u></p> <p>Access and traffic impact as part of any future resource consent application for subdivision and development</p>																									



General Issues Raised	Specific Issues Raised	Percentage of feedback on issue	Likelihood of issue or event arising	Impact of issue or event arising	Overall Risk	Discussion	Possible Further Investigations
Reverse Sensitivity Effects on Silverstream Railway Operations	Potential fire risk from Silverstream Railway operations to any new homes on the Silverstream Spur	12%	Low	High	Medium	<p>There are records of fire in this location - we understand at least one caused by operations at the Silverstream Railway.</p> <p>We have assessed the overall risk as Medium at this preliminary stage; given that the impact of such a hazard arising is High. In reality, fire risk can be suitably controlled in a number of ways – both in terms of minimising the risk at the Silverstream Railway through appropriate fire risk management and also as part of any future development of the Silverstream Spur. As an example, any future development will likely need to be restricted away from the Railway operation towards the top of the Spur due to the steep topography of the site and potential noise issues. This area between the Railway operation and the top of the Spur could provide a natural buffer/ fire break to help minimise the risk.</p>	<p><b>Further investigations:</b></p> <p>Consider the range of mitigation measures as part of the conditions of sale or any future resource consent application for subdivision and development</p> <p>Consider a buffer area between the Railway operation and any new house as part of any future resource consent application for subdivision and development.</p>
	Noise and smoke disturbance from Silverstream Railway operations to any new homes on the Silverstream Spur	12%	Low	Medium	Low	<p>The Marshall Day Noise Assessment Report attached at Appendix A shows that the area at the top of the Spur can be developed within permitted noise standards of the District Plan. There is a portion of the site, being the steeper terrain and toe of the spur adjoining the boundary with the Railway operation that is not recommended for residential development because the noise limits of the District Plan would be breached when the railway is operating. Overall, the risk of noise complaints is low if any future residential development is sited within the permitted noise limit contours as shown in the Marshall Day Noise Assessment Report.</p> <p>Similarly, complaint of smoke risks will be low if residential development is sited at the top of the spur and away from the boundary with the Railway operation.</p>	<p><b>Further investigations:</b></p> <p>Consider the range of mitigation measures as part of the conditions of sale or any future resource consent application for subdivision and development.</p> <p>Consider a buffer area between the Railway operation and any new house as part of any future resource consent application for subdivision and development. The buffer area should align with the noise standard buffer outlined in the Marshall Day Report.</p>

**Key**

		Risk Level		
		Medium	High	Critical
Likelihood	High	Low	Medium	High
	Medium	Low	Low	Medium
	Low	Low	Medium	High
		Impact		

## 4.1 Other Matters Raised

Other matters were raised in relation to Council processes, as outlined below:

1. *Need for public participation in planning process*

Council is bound by statutory requirements under the Resource Management Act in relation to public involvement in any resource consent process.

2. *Timing of sale may impact on value gained*

Council must consider a range of factors in the disposal of any land. Value of the land is one of these considerations.

3. *Council purchase of the land*

The submission point raised is that the Council's proposal to sell the site conflicts with the original reasoning for purchasing the land "as a passive reserve and buffer area". The supporting document dated 20 November 1989 recommending Council purchase the site states in terms of potential future uses that "*part of the land may have potential for development as residential sections although a change of zoning would be required before any such development could proceed*". We note that change in zoning has since occurred, allowing for some residential development on the site subject to conditions. The document goes on to say "*the bulk of the land is best suited to passive reserve uses which would complement the Silverstream beautification reserve and Keith George Memorial Park and Silverstream scenic reserve which is immediately across the Hutt River. It would also complement the adjacent Silverstream Railway Society facility as well as providing a buffer between that facility and any other development that may take place in the area of the unformed Kiln Street*". Our assessment is that this original vision for future development at the time when the site was recommended to be purchased by Council still stands as a likely outcome should the land be sold by Council. That is, there is some potential for residential development and certainly potential to maintain undeveloped vegetated areas for passive reserve and a buffer area with the Silverstream Railway operation, particularly given the steep nature of the terrain in places. We further note it is not uncommon for Councils across the country to regularly review the reserve lands they manage and either seek to dispose of reserve land or purchase new areas of reserve land as circumstances change over time.

## 5 Conclusion

---

Our assessment is that the original vision for future development at the time when the site was recommended to be purchased by Council in 1989 still stands as a likely outcome should the land be sold by Council. That is, there is some potential for residential development and certainly potential to maintain undeveloped vegetated areas for passive reserve and a buffer area with the Silverstream Railway operation, particularly given the steep nature of the terrain in places.

Overall, the concerns raised by submitters are all important considerations for the future management and potential development of the Silverstream Spur. Our assessment is that the concerns raised can all be mitigated in a range of ways as set out in the tables above.

The degree to which Council seeks to mitigate these concerns and at what stage should the decision be made to progress the sale of the site (for example prior to sale, as a condition of sale, or as a requirement of any prospective developer of the site at subdivision/development stage) will be a matter for Council to decide as a next step.

Concerns around maintaining a green belt and ecological corridor can be addressed through good design of any future development. The Silverstream Spur has not been identified as ecologically significant in District or Regional Plans. The site is predominantly covered in pine plantation which was established by Council around 15 years ago, with native regrowth occurring in some areas. However, when it is considered in the wider context of green undeveloped land across the Hutt Valley and linking to the green hills either side, it clearly has an important place in that network of green space and will no doubt have some ecological merit.

Ecological corridors are areas or strips of land that connect significant ecological areas together. They allow flora (seed dispersal and habitat) and fauna (e.g. insects, reptiles and birds) to migrate between different areas. These corridors support habitat, species and genetic diversity by not isolating species into small patches, which may ultimately affect population sustainability. Increased species diversity provides greater health and robustness to climatic events, infestations of weed and/or pests, and recovery from disaster such as storms and fires, disease and other factors.

This report has not included a detailed ecological assessment of the site. A field flora and fauna survey would provide additional information and allow for more confidence on existing species diversity, and identification of any threatened species. Such a detailed assessment would be appropriate as part of the assessment of any future development of the site, particularly to assist a prospective developer to provide for ecological and amenity design – either as a larger single swath of land or smaller interconnected areas around housing/street plans. This is because the design and planning of ecological corridors and retention of existing plants and trees depends on the species present, their natural methods of dispersal and migration along with the ecological values sought to be protected.

However, in general terms and in response to submitters concerns, the application of ecological design principles can be incorporated into a future residential development successfully and provide for an aesthetically pleasing and ecologically sound environment. These could include retention or establishment of either one larger or multiple smaller links to act as corridors areas connecting adjacent undeveloped areas, restriction on the size of individual housing sites, development of buffer zones between existing developed land (for instance Silverstream Railway), retention of existing plants and trees within properties or between properties and use of open space areas.

In terms of fire risk, future development of the site aside, the toe of the spur in close proximity to the Silverstream Railway activity is typically dry and steep, with large trees in close proximity. The area has a history of fire events as a result of railway activity and arson, and there is a degree of fire risk present.

There are a number of measures that the Silverstream Railway operator can do to minimise fire risk. Such measures include making sure hot ash is disposed of carefully, installing 'spark arrestors' in the trains and ensuring adequate fire fighting water supply and equipment on site. It is likely that at least some of these measures are being carried out already.

Equally, there are a number of measures that can be undertaken on the Silverstream Spur site to minimise fire risk. Such measures may include felling the pines in close proximity to the railway activities (which provide a potential source of fuel) and create a more suitable 'fire break' at the boundary of both sites. Another measure for future development would be to site residential development well back from the Silverstream Railway, ensure adequate access for fire fighting trucks to any new residential lots and ensure the provision of adequate fire fighting water supply through Council's reticulated system or on-site supply.

Matters of amenity, access and infrastructure capacity, reverse sensitivity of any future residential subdivision can be suitably assessed by Council at the time of resource consent. The Marshall Day Noise Assessment Report shows the area towards the top of the Spur that is appropriate for development from a noise perspective. This setback for noise can equally provide a setback for other reverse sensitivity

complaints towards the Railway operation (for example smoke and visual) and can also help provide for an ecological/ open space buffer link called for by other submitters.

The resource consent process provides opportunity to include affected parties should Council consider them affected. For more significant development of the site, given its prominence, Council may well decide it merits full public notification. These process matters are all to be decided at the appropriate time in the future should the sale and development of the Silverstream Spur progress.

Overall, the Silverstream Spur is situated in a strategic position in the valley. The vegetation is mostly pine trees that were planted by Council around 15 years ago, with native regrowth occurring in some areas. There is potential; and good reason as shown in the Marshall Day Noise Assessment Report, to provide a buffer area between the Railway operation and any future residential development of the spur. Such a buffer area could mitigate reverse sensitivity issues (complaints around noise, smoke, amenity from the Railway operation) and also help provide an ecological corridor/ open space through design and restriction of development in places. The disposal of the land for residential development could enhance the area as pine trees are progressively removed and areas that are not suitable for development could regenerate.

There are a range of measures, from careful siting of houses away from the Railway operation and provision of green/ vegetated areas through to 'no complaint' covenants on each new residential Certificate of Title that can be employed to address the concerns raised. Council also has the consideration to either part-sell or fully sell the site with these matters in mind. Again, these are next step discussions between prospective developers and Council should the sale and development of the Silverstream Spur progress.

Appendix A

# Marshall Day Noise Assessment Report



**SILVERSTREAM SPUR - PROPOSED DEVELOPMENT**

**Noise Assessment**

**Rp 001 2014647W**

**9 December 2014**



Project: **SILVERSTREAM SPUR - PROPOSED DEVELOPMENT**

Prepared for: **Upper Hutt City Council  
Private Bag 907  
Upper Hutt 5140**

Attention: **Brett Latimer**

Report No.: **Rp 001 2014647W**

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#### Document control

Status:	Rev:	Comments	Date:	Author:	Reviewer:
Draft for comment			08/12/14	B. Wood	S. Arden
Approved			09/12/14	B. Wood	S. Arden

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## 1.0 INTRODUCTION

Upper Hutt City Council is currently considering the sale of an area of Council-owned land on the Silverstream Spur. Its proximity to the Silverstream Railway has raised concerns regarding fire risk and reverse sensitivity issues, including noise disturbance.

Marshall Day Acoustics has been engaged by Upper Hutt City Council to assess the operational noise of the Silverstream Railway, and to consider noise mitigation options where required, in order to avoid problems of reverse sensitivity.

A glossary of acoustic terms used within this document can be found in Appendix A of this report.

## 2.0 SILVERSTREAM RAILWAY OPERATION

Silverstream Railway is a working heritage railway, and operates on Sundays and selected public holidays. Trains operate over a 1.5 km length of track that was originally part of the Wellington to Upper Hutt main line. This track is located at the toe of the Silverstream Spur, in Upper Hutt, and consists of a single track with reversing loops at both ends.

The operations typically consist of a steam locomotive, sometimes supplemented with a diesel locomotive or railcar.

Figure 1 shows the subject site and the location of the Silverstream Railway.



**Figure 1:** Location of the subject site (approximate area highlighted) and surrounds (Base image: Beca report 03/10/14).

## 3.0 NOISE LEVEL MEASUREMENTS

A site inspection was carried out on Sunday 30 November 2014, between 2pm and 3:30pm. During this site visit, noise from steam locomotives and other rolling stock on the

Silverstream Railway was measured, generally in accordance with NZS 6801:1991. Weather conditions were fine, with wind speeds of up to 5 m/s.

All noise level measurements were carried out using a Brüel & Kjær Type 2260 Analyser, serial number 2320956, next calibration due 30/09/2016.

At the time of the measurements, two small steam locomotives were operating: these were the Barclay PWD 531, and the larger L class number 509.

Measurements were carried out at the positions marked MP 1 to MP 4 as indicated on the figure included as Appendix B, and the table in Appendix C summarises the measurement results.

The noise level measurements were used to determine the sound power level ( $L_w$ ) of the two locomotives, rolling stock, and whistle blasts. These values were used in the noise modelling, and are as follows:

PWD 531:	$L_w$ 96 to 99 dBA;
L509:	$L_w$ 114 to 117 dBA.
Whistle blast (L509):	$L_w$ 138 dBA

For the noise modelling, an  $L_w$  of 117 dBA, and an  $L_{max}$   $L_w$  of 138 dBA from L509 were used.

#### 4.0 NOISE PERFORMANCE STANDARDS

For this situation it is considered that the primary method of avoiding reverse sensitivity issues related to the noise from operation of locomotives on the Silverstream Railway is to determine a setback, or buffer distance, required for the operational noise to be at a level that would be considered reasonable, when received at a residential property.

In order to determine what would be considered to be a reasonable noise level, the Upper Hutt District Plan, and the World Health Organisation both provide guidelines.

##### 4.1 Upper Hutt District Plan

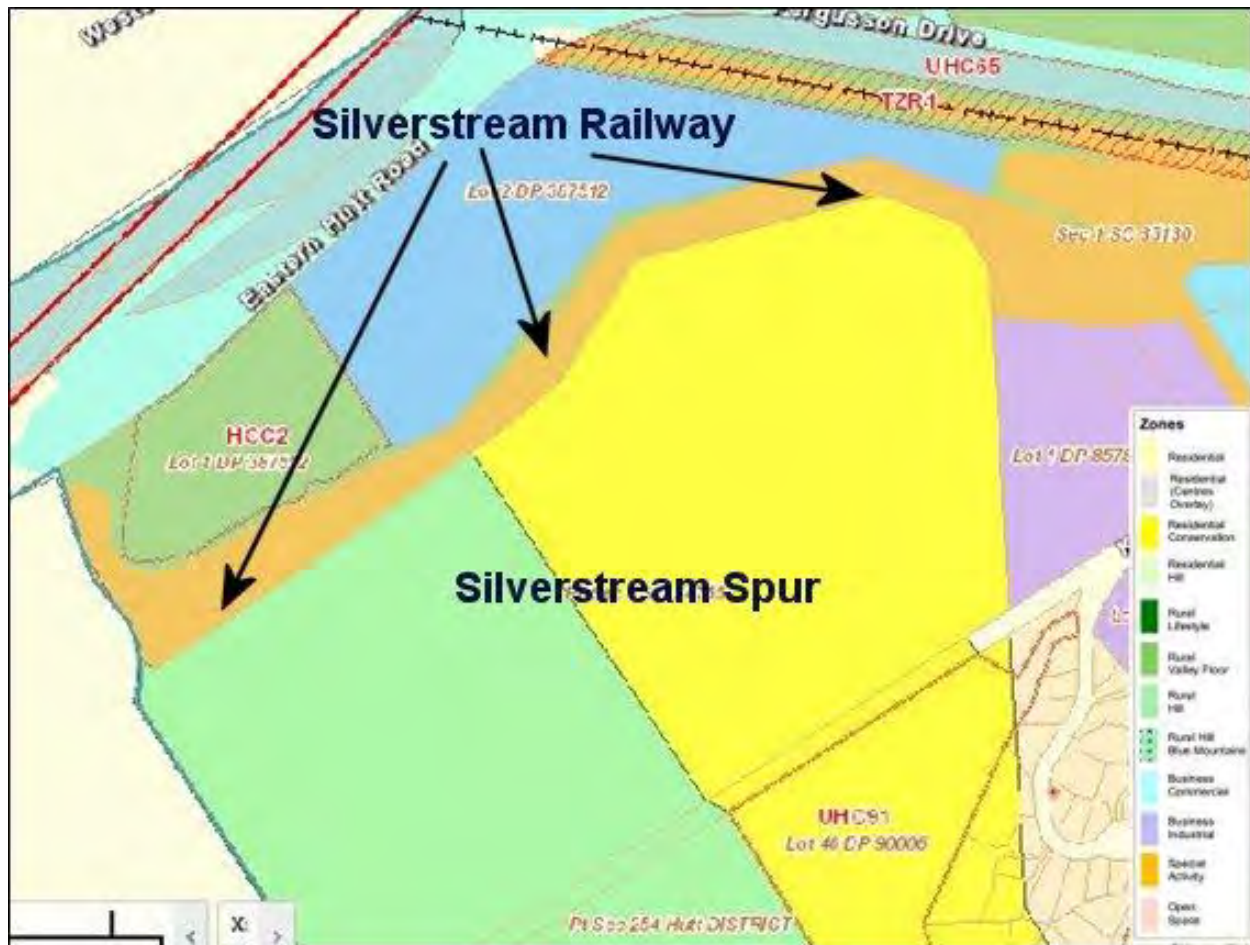
The subject site is split into two zones, with approximately half being zoned Rural Hill, and the balance zoned Residential Conservation. The land occupied by the Silverstream Railway is zoned Special Activity.

The District Plan has noise rules that are designed to control noise emissions from various activities. Chapter 32 contains the permitted activity noise criteria for the various environmental zones as defined in the Plan. Section 32.5 “Noise from all other activities” contains the relevant noise rules. These are as follows:

dBA	Mon to Sat 7:00am – 7:00pm		All other times, Sundays & public holidays	
	L <sub>10</sub>	L <sub>max</sub>	L <sub>10</sub>	L <sub>max</sub>
Maximum noise levels measured at or within the boundary of any site (other than the source site) in the Residential, Rural and Open Space Zones.	50	-	40	70
Maximum noise levels measured at or within the boundary of any site (other than the source site) in the Business and Special Activity Zones.	65	-	45	75

Notes
<ul style="list-style-type: none"> <li>Noise levels shall be measured in accordance with the requirements of NZS 6801:1991 Measurement of Sound, and assessed in accordance with the requirements of NZS 6802:1991 Assessment of Environmental Sound.</li> </ul>
<ul style="list-style-type: none"> <li>Noise levels shall be measured with a sound level meter complying with International Standard IEC 60651 (1979): Sound Level Meters, Type 2.</li> </ul>
<ul style="list-style-type: none"> <li>Adjustments for special audible characteristics, if present, as provided for in clauses 4.3 and 4.4 of NZS 6802:1991, shall apply and will have the effect of imposing a maximum permitted noise level 5dBA more stringent than the L<sub>10</sub> levels stated above. This condition shall not apply to impulse noise emissions arising from firing and detonation activities at the Trentham Ranges.</li> </ul>
<ul style="list-style-type: none"> <li>The definitions of dBA, dBC, L<sub>10</sub> and L<sub>max</sub> are those found in NZS 6802:1991</li> </ul>

Figure 2 shows the subject site location within the District Plan zoning.



**Figure 2:** Subject site zoning within the Upper Hutt District Plan. (Base Image: Upper Hutt District Planning Maps U39 and U40).

Because the Railway operates during Sundays and selected public holidays, daytime hours only, the relevant District Plan permitted activity criteria for noise received within a Residential Zone property are 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$ .

#### 4.1.1 $L_{10}$ Descriptor

Note that the District Plan uses the  $L_{10}$  descriptor. The railway activity noise varies depending on the activity and operator technique. It was observed that nearly every locomotive event included a whistle blast. This was not of sufficient duration to affect the  $L_{10}$  descriptor. However it is considered that the whistle blast is an integral part of the sound of the railway activity and would be experienced by any residents located within the proposed Silverstream Spur residential area. In this case, the  $L_{10}$  is not considered to be an adequate descriptor for the impact of the railway noise on the receiving environment.

Consequently it is our opinion that  $L_{eq}$  is a better descriptor than  $L_{10}$  for evaluating the effect of this type of noise on a population. In this case the  $L_{eq}$  descriptor would include the sound energy of the locomotive, other rolling stock, and the whistle blast.

#### 4.1.2 $L_{max}$ Descriptor

The measured  $L_{max}$  value was observed to be controlled by the whistle blast.  $L_{max}$  is the highest noise level that occurs over any measurement period. It is typically of such brief duration that it does not affect the centiles  $L_{10}$  or  $L_{95}$ , but can contribute to the  $L_{eq}$  level. In this situation, the District Plan limit is 70 dBA  $L_{max}$ .

## 4.2 World Health Organisation Guidelines

As noted, for this situation  $L_{eq}$  is considered to better describe the effect of this type of noise on a population.

World Health Organisation (WHO) guidelines<sup>1</sup> note that during daytime, few people are highly annoyed at outdoor noise levels below 55 dBA  $L_{eq}$ . The guidelines further recommend that in order to protect the majority of people from being seriously annoyed during daytime, the outdoor sound level from steady continuous noise should not exceed 55 dBA  $L_{eq}$  in outdoor living areas.

### 4.2.1 Special Audible Characteristics

NZS 6802 includes the application of an adjustment for special audible characteristics (SAC). The presence of SAC within the noise of interest can therefore be adjusted by the addition of 5 dB.

While general railway noise, including that of locomotives, may have audible characteristics (as does most noise), it would not normally be considered to have special audible characteristics. However, the sound of the warning device (whistles, horns, etc.) is sufficient to warrant the application of this 5 dB “penalty” to the  $L_{eq}$  descriptor. Consequently it is considered that a level of 50 dBA  $L_{eq}$  is reasonable for noise containing SAC, received within a residential area.

### 4.2.2 Duration Adjustment

In this situation the railway noise is not steady, or continuous, as contemplated by the WHO Guidelines. The District Plan daytime hours extend from 7am to 7pm. Within that timeframe the railway operates for 5 hours (11am-4pm). Consequently a duration adjustment in accordance with NZS 6802 of 3 dB can be applied. This duration adjustment therefore brings what would be considered a reasonable level for Silverstream Railway noise, received within a residential area, to  $(50 + 3 =)$  **53 dBA  $L_{eq}$** .

## 4.3 Reasonable Noise Level – Summary

It is considered therefore that a reasonable level of noise from the Silverstream Railway activities, received within a residential area, to be as follows:

- 53 dBA  $L_{eq}$ ; and
- 70 dBA  $L_{max}$ .

## 5.0 RAILWAY NOISE MODELLING

The operational noise from the Silverstream Railway, propagating to the Silverstream Spur environment, was carried out using sound power levels derived from the on-site measurements, in a noise propagation model implemented in SoundPLAN software. In this software, the ISO 9613-2 industrial noise propagation model for distributed line sources was used.

Note that the sound power levels have been derived from the highest noise level measurement of the noisier of the two locomotives (L509) operating on the day of the

<sup>1</sup> Community Noise ed. B. Berglund, T. Lindvall, D H Schwela (prepared for World Health Organisation), 1999

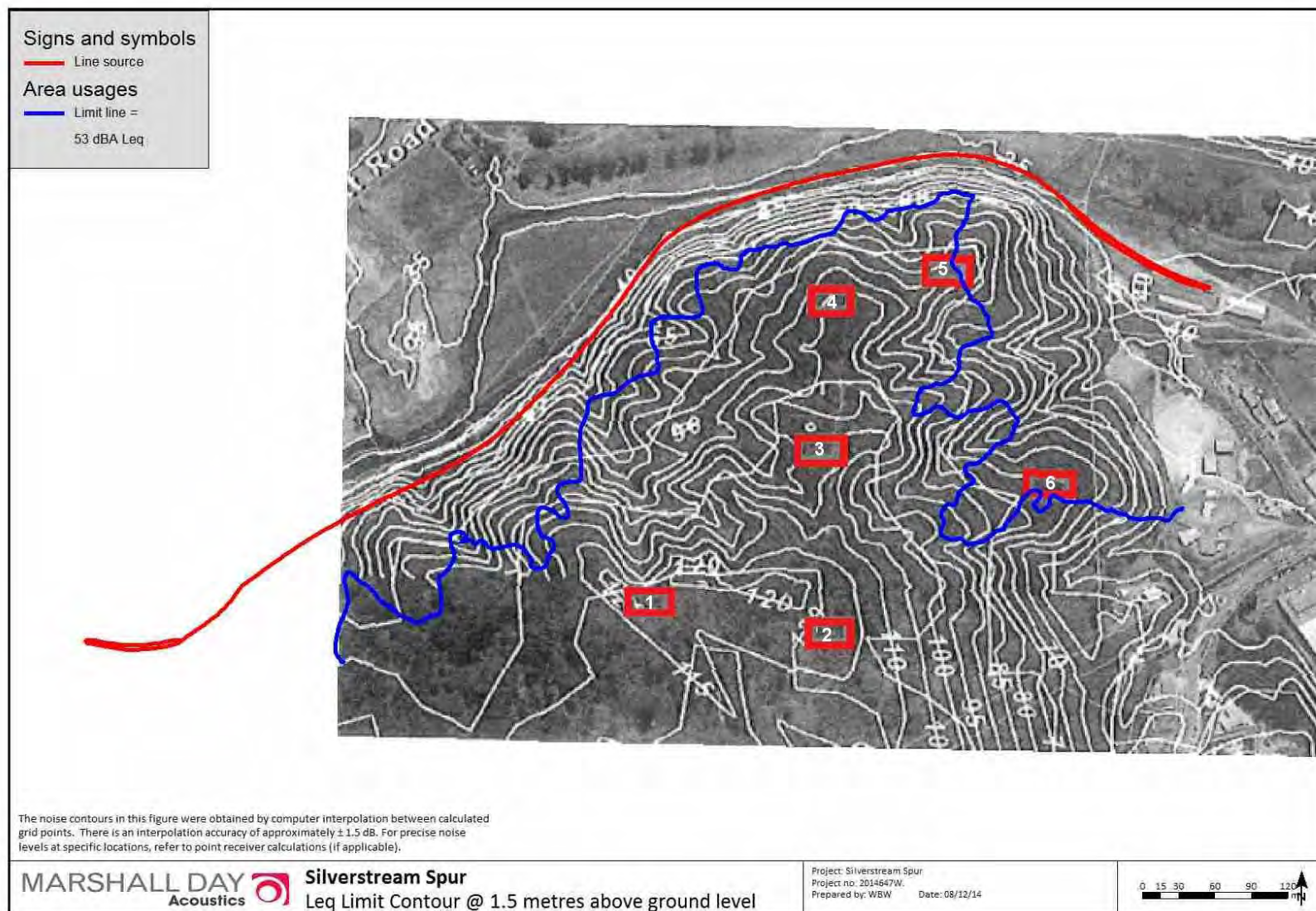
Marshall Day Acoustics site visit. In many cases, noise levels may be less than this. In some cases, for instance, with the larger locomotives operating (e.g. Ww571, Ka 935, etc.) the noise levels may be higher. However most of these larger locomotives are currently not in service. On the day of the Marshall Day Acoustics site visit, only the two locomotives that are the subject of this assessment were operating.

Figure 3 shows the 53 dBA  $L_{eq}$  contour, or “limit line” resulting from the railway operational noise using L509, and Figure 4 shows the District Plan 70 dBA  $L_{max}$  contour, again using the data measured for L509. Within each image, the indicative location of the proposed residential property areas is shown.

The base image has been taken from a document forwarded by Beca to Marshall Day Acoustics. There has been some distortion of the dimensions, but it is sufficient to indicate the proposed residential property areas in relation to the noise contour limit lines.

Appendix D contains a more comprehensive set of noise contours, using the Upper Hutt City Council GIS aerial photograph as a base image.

Appendix E shows an aerial photograph with the area of the Silverstream Spur identified as suitable for residential development in terms of noise from the Silverstream Railway. This land has been identified using the  $L_{max}$  70 dBA contour as it is marginally more conservative, compared to the  $L_{eq}$  53 dBA contour.



**Figure 3:** 53 dBA Leq limit contour – L509 (base image provided by Beca).

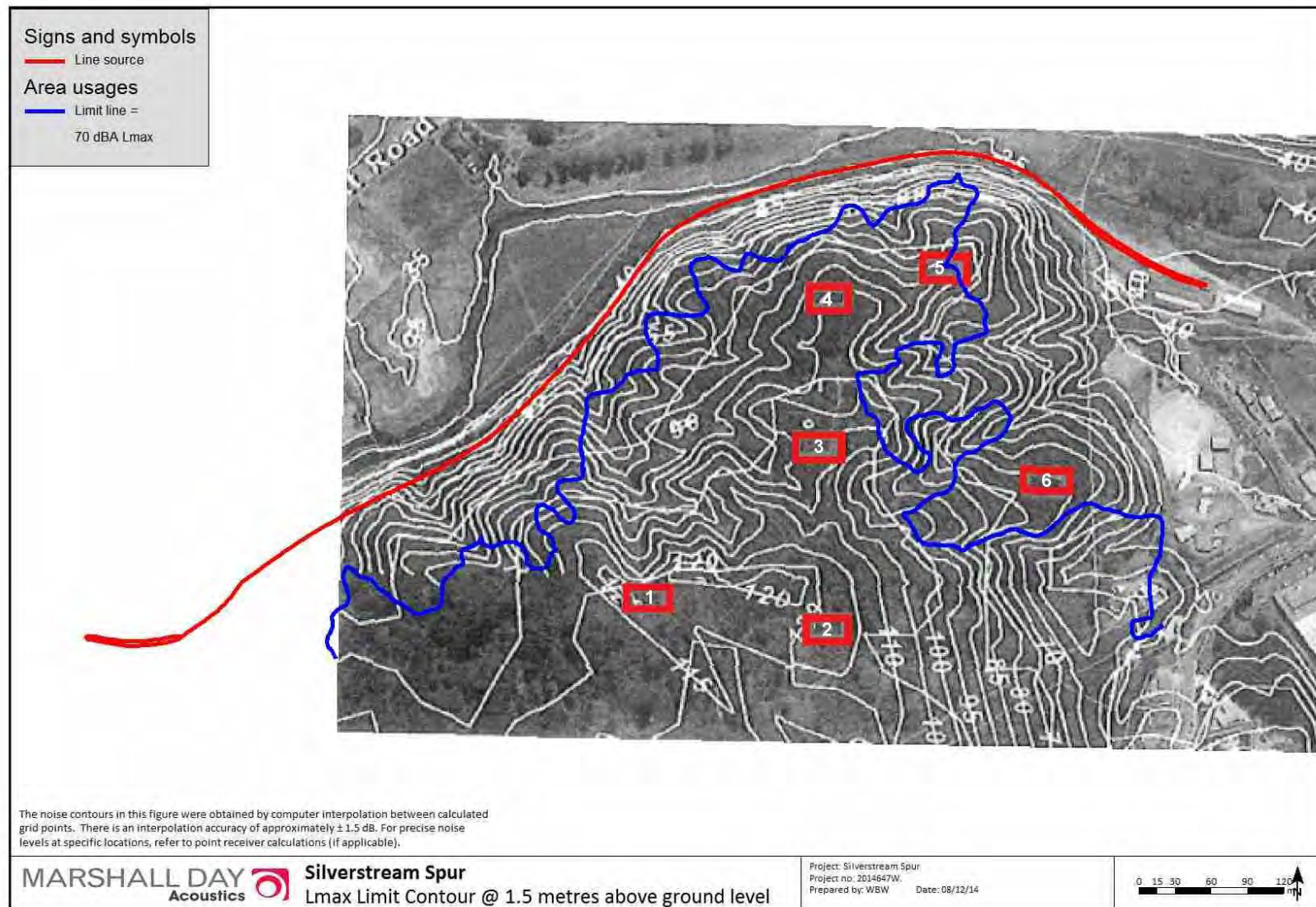


Figure 4: 70 dBA L<sub>max</sub> limit contour L509 (base image provided by Beca).



## 6.0 DISCUSSION

The modelling, as shown on the indicative Figures 3 and 4, shows that for the railway activities as measured by Marshall Day Acoustics on Sunday 30 November 2014, property areas 5 and 6 are predicted to be exposed to Silverstream railway activity noise higher than would be considered reasonable for a residential area.

It has been predicted that proposed property areas 1 to 4 would receive sufficient noise reduction due to a combination of setback distance and topographical screening so as to receive railway noise that would be considered reasonable for a residential area.

Note that the noise modelling is based on the highest noise level measurement of the noisier of the two locomotives (L509) operating on the day of the Marshall Day Acoustics site visit. Other locomotives, operating conditions, and rolling stock may produce different noise levels.

**APPENDIX A GLOSSARY OF TERMINOLOGY**

<b>dB</b>	<u>Decibel</u> The unit of sound level.  Expressed as a logarithmic ratio of sound pressure P relative to a reference pressure of $P_r=20 \mu\text{Pa}$ i.e. $\text{dB} = 20 \times \log(P/P_r)$
<b>dBA</b>	The unit of sound level which has its frequency characteristics modified by a filter (A-weighted) so as to more closely approximate the frequency bias of the human ear.
<b>A-weighting</b>	The process by which noise levels are corrected to account for the non-linear frequency response of the human ear.
<b>SWL or <math>L_w</math></b>	<u>Sound Power Level</u> A logarithmic ratio of the acoustic power output of a source relative to $10^{-12}$ watts and expressed in decibels. Sound power level is calculated from measured sound pressure levels and represents the level of total sound power radiated by a sound source.
<b><math>L_{eq}</math></b>	The equivalent continuous (time-averaged) sound level. This is commonly referred to as the average noise level.
<b><math>L_{95}</math></b>	The noise level equalled or exceeded for 95% of the measurement period. This is commonly referred to as the background noise level.
<b><math>L_{10}</math></b>	The noise level equalled or exceeded for 10% of the measurement period. This is commonly referred to as the average maximum noise level.
<b><math>L_{max}</math></b>	The maximum noise level. The highest noise level which occurs during the measurement period.

APPENDIX B NOISE MEASUREMENT POSITIONS

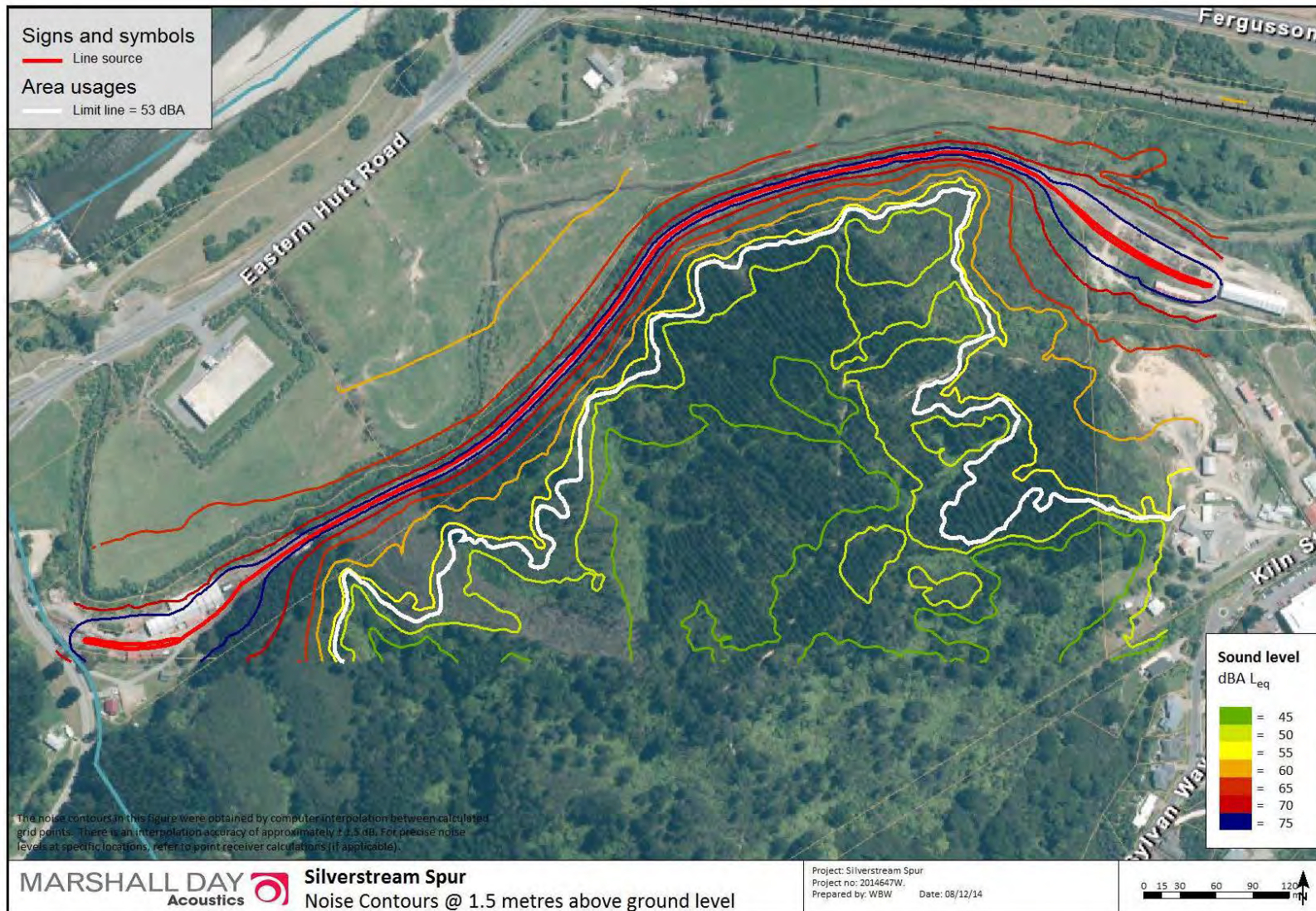


Figure B1: Noise Measurement Positions (Base Image: UHCC GIS).

**APPENDIX C NOISE LEVEL MEASUREMENTS**

Measurement Position	Measured Noise Levels (dBA)			Comments
	L <sub>10</sub>	L <sub>eq</sub>	L <sub>max</sub>	
MP 1	67	81	103	L509, leaving from east end loop, 25m.
MP 1	53	51	66	Ambient, no rail traffic. Includes birds, distant traffic, etc.
MP 2	58	74	105	PWD 531 east end loop; De-coupling, re-coupling, departing. 16 m at closest point.
MP 2	73	76	97	L509, no whistle; 6m
MP 3	79	74	85	PWD 531 passing; no whistle; 5m from track
MP 3	77	82	90	PWD 531 passing; whistle blast; 5m from tracks
MP 3	76	89	110	L509 passing; whistle blast; 5m
MP 4	94	95	118	L509 departs station; whistle blast; 4m from track

**APPENDIX D NOISE CONTOURS**



**Figure D1:** Silverstream Railway activity noise; locomotive L509;  $L_{eq}$ , dBA (Base Image: UHCC GIS).

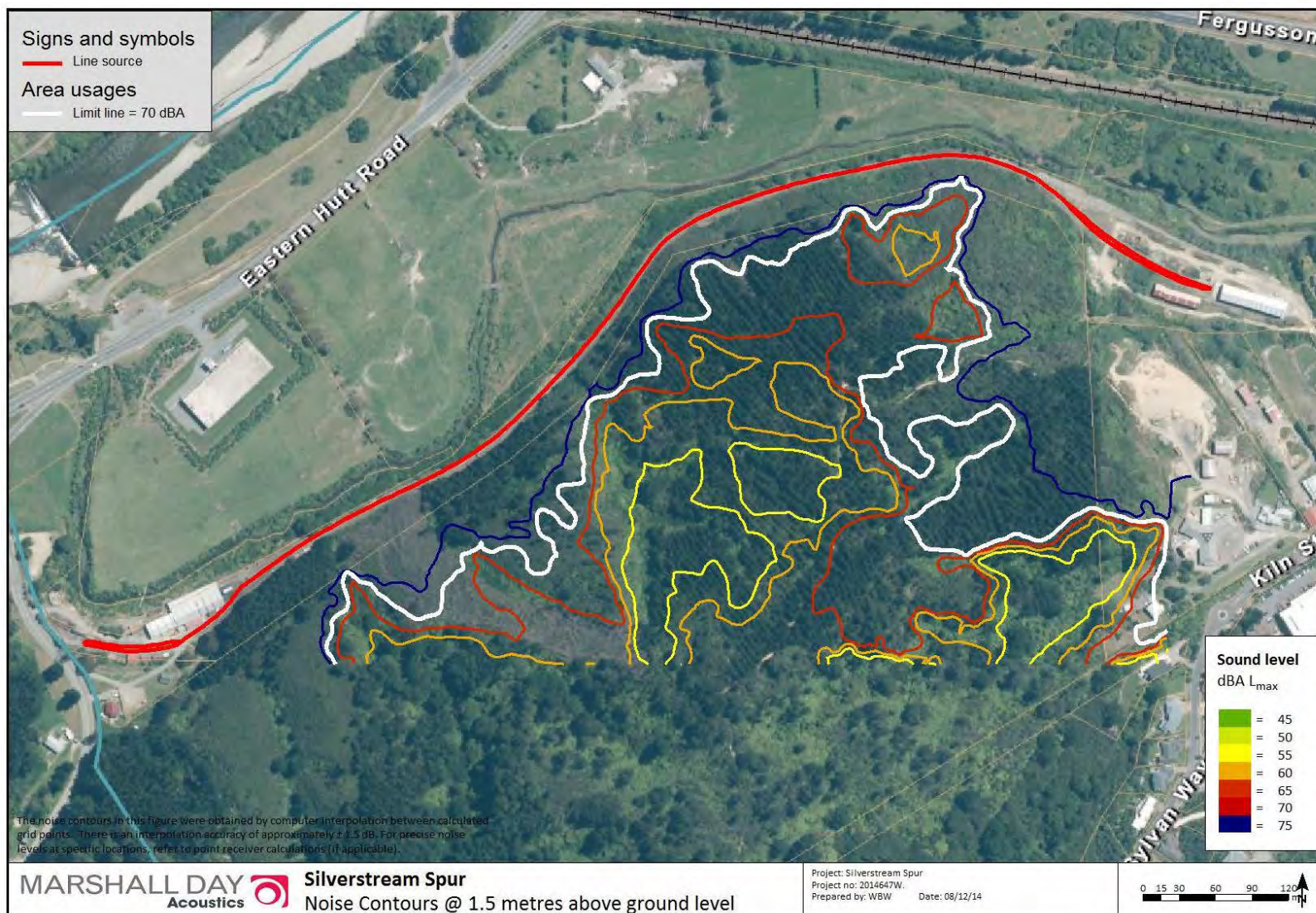
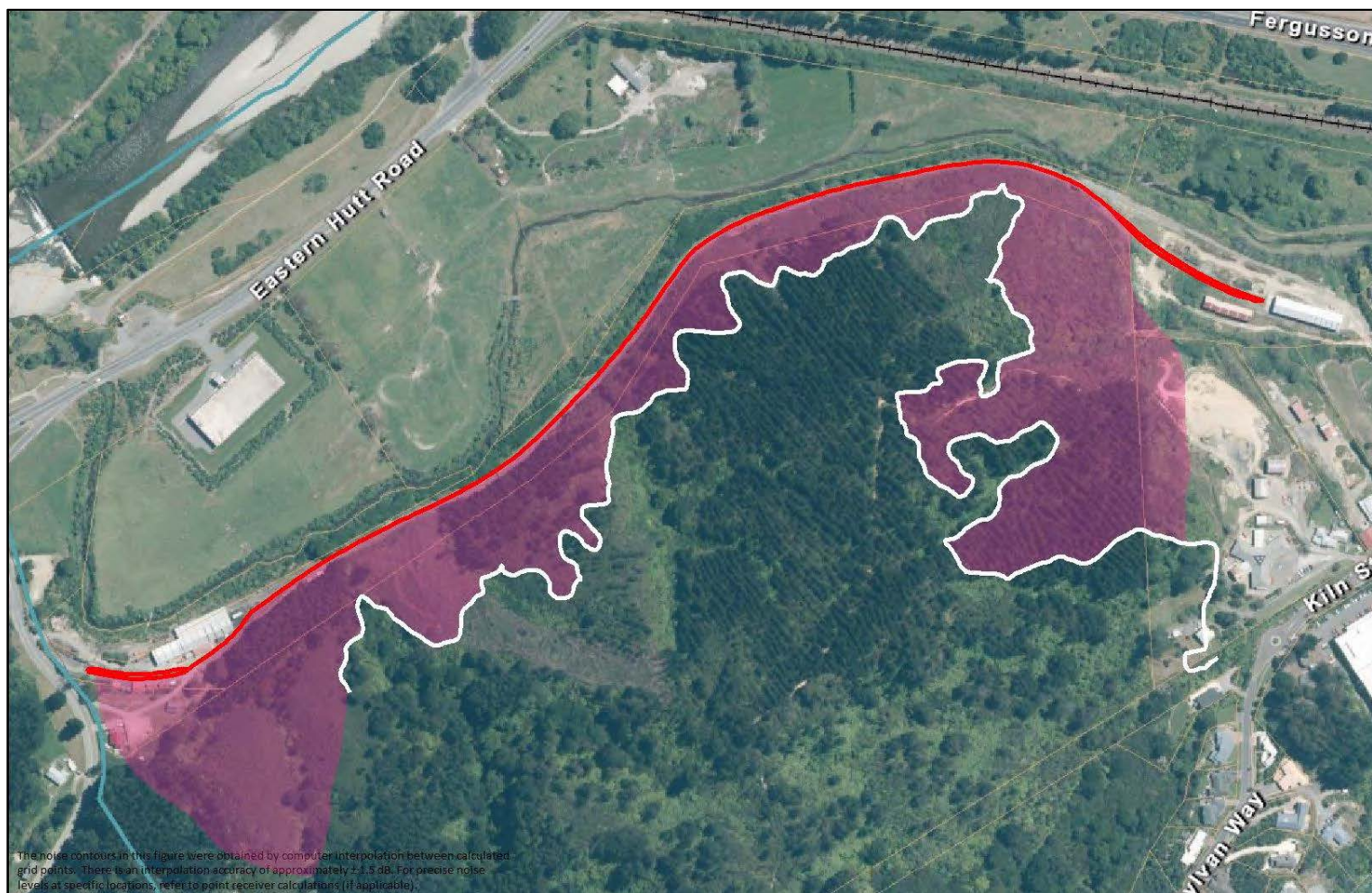


Figure D2: Silverstream Railway activity noise; locomotive L509;  $L_{max}$ , dBA (Base Image: UHCC GIS)

APPENDIX E RESIDENTIAL DEVELOPMENT SUITABILITY AREA



**Figure E1:** The purple shaded area represents the area of Silverstream Spur that is not recommended for residential development, in terms of noise from the Silverstream Railway locomotive 509 activities. (Base Image: UHCC GIS).



# Appendix 42a SSR LGIOMA Request declined



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Ian McCulloch Max Tait Legal  
Attention Ian McCulloch  
PO Box 50565  
Porirua 5240

File: 311/04-001  
Ref: AJH:KCP  
SHED: OIA: Ian McCulloch (J1-1,703)

3 September 2015

Dear Ian

## RE: LOCAL GOVERNMENT OFFICIAL INFORMATION REQUEST

In response to your request for information as contained in your letter received on 10 August 2015 regarding any assessments carried out or any information that the council has requested or received about the Silverstream spur land during 2014 and 2015.

I confirm the Mayor's advice that no decision has been made in respect of the Silverstream spur land.

The council is gathering information to enable it to consider its options and therefore I am withholding the information requested under the Local Government Official Information and Meetings Act 1987:

- Section 7(2)(f)(i) to maintain the effective conduct of public affairs through the free and frank expression of opinions;
- Section 7(2)(h) to enable the council to carry out without prejudice or disadvantage commercial activities; and
- Section 7(2)(i) to enable the council to carry on, without prejudice or disadvantage negotiations.

If you have any further queries, please contact me.

If you are dissatisfied with my response, you are entitled to request that the Ombudsmen review it under section 27 of the Local Government Official Information and Meetings Act 1987.

Yours faithfully

A handwritten signature in black ink, appearing to read "Karen Patterson".

Karen Patterson  
LEGAL EXECUTIVE

DDI: 04 529 0080  
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Email: Karen.patterson@uhcc.govt.nz

# Council Solutions

Local Government Troubleshooters

Wednesday, July 23, 2014

His Worship the Mayor  
Upper Hutt City Council  
Private Bag 907  
Upper Hutt 5140

**PROPOSED SALE OF SILVERSTREAM SPUR  
NEW ZEALAND RAILWAY AND LOCOMOTIVE SOCIETY INCORPORATED  
SILVER STREAM RAILWAY INCORPORATED  
THE GB TRUST.**

Dear Worship

On 28 May 2014 I presented submission on behalf of the above parties to the Council's Draft Annual Plan hearings.

My primary plea of submission was for Council to consider the adverse effect of the proposed sale of Council owned land at Silverstream Spur on the ongoing operations of my clients.

During the questions you questioned me regarding my frustration in not being able to supply information regarding the original purpose for which the land was purchased by Council.

I understand that Council resolved to further investigate this land prior to making a decision.

I have now managed to obtain a copy of the briefing memorandum to the Council Committee which resulted in Council's resolution to purchase the land and have appended this document.

At the time of purchase the land was zoned "Rural Town Belt". I am not aware of the level of investigation which was involved in the change to the current zoning, but consider that this is a matter which requires further investigation.

The memorandum records that while part of the land may be suitable for residential development the "bulk of the land is best suited to passive reserve uses..." The Memorandum also notes that the land complements the adjacent Silverstream Railway and provides a buffer between the facility and future development.

The memorandum confirms the submission I made at point 24 of the presentation to council:

*However I think that Mr McCulloch is most probably correct and that the original intention was for a "scenic" purpose. It is the societies' view (which I share) that in addition to the Silverstream Spur's buffer role that it does provide an important green belt role.*

I consider that the original purpose for purchase is of considerable significance in terms of Council's later decisions regarding the land. This especially the case as it appears that the land was purchased using the Council's Reserves Fund Account.

I record the Silverstream Railways groups' ongoing and vital interest in this issue and would welcome any future opportunities to discuss the matter with you.

Yours faithfully

A handwritten signature in black ink, appearing to be 'I D Stewart', written in a cursive style.

**I D STEWART (PHD - RESOURCE MANAGEMENT)  
CONSULTANT PLANNER**



OFFICE USE ONLY

Submission number **89**

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER Lisa Marshall

POSTAL ADDRESS OF SUBMITTER [REDACTED]

[REDACTED]

AGENT ACTING FOR SUBMITTER (IF APPLICABLE) —

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE) —

CONTACT TELEPHONE 526 2188 CONTACT EMAIL remytakabache@gmail.com

I could gain an advantage in trade competition through this submission (please tick one ☉): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ☉) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

- Rezoning the Silverstream Spur from a mix of Rural Hill zone and Residential Conservation zone to Natural Open Space
- Enabling site-specific provisions for infrastructure, including a transport corridor.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

- I support the rezoning of Silverstream Spur to Natural Open Space, phasing out the existing pine trees, encouraging & enhancing the regenerating indigenous vegetation. Protecting Indigenous Biodiversity for future generations.
- I oppose the site-specific provisions for infrastructure including a transport corridor. These would need to traverse land already identified as Significant Natural Area which is orientated East to West across the Silverstream Spur. This is supported by the Upper Hutt City Council Section 32 Report page 28

10.4.4 This suggests that it PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY may be more appropriate to access Silverstream Spur and SGA from Reynolds Bach Drive to avoid these areas identified indigenous vegetation

I seek the following decision from the local authority:

To rezone Silverstream Spur as Natural Open Space, leading toward the Reserves Act process.

To investigate alternative opportunities for transport corridor access to the Southern Growth Area.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☑):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☑):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE

4/11/22



OFFICE USE ONLY

Submission number

90

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

Rhys Lloyd

POSTAL ADDRESS OF SUBMITTER

3 Spglass Lane, Whitby, Porirua, 5024

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

022 361 4021

CONTACT EMAIL

rhys.lloyd166@gmail.com

I could gain an advantage in trade competition through this submission (please tick one ):  yes  no

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

1. Rezoning the Silverstream Spur as a Natural Open Space
2. Protecting the Silverstream Spur from any infrastructure development of any kind
3. Protection of SNA's

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

1. The Spur was always intended to be a reserve, being purchased with Reserve Funds for the creation of a reserve
2. Allowing provisions for a road/infrastructure corridor is incompatible with Natural Open Space land. It would ruin the ecological value of the Spur and it is not required for recreational access
3. Further assessment is required of the SNA's to ensure complete protection of the areas with Native Vegetation

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

1. Rezone the Spur as a Natural Open Space
2. Remove the provisions seeking to allow a road/infrastructure corridor to be constructed on any part of the Spur
3. Undertake a detailed assessment of Native Vegetation on the Spur to include all areas appropriate in the SNA
4. Introduce a Special Amenity Landscape Overlay on the entire Spur

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.
- I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.
- I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE Ben

DATE 4/11/2022

# Submission 91

SUBMISSION BY SAVE OUR HILLS (UPPER HTT) INCORPORATED

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

## Proposed Plan Change 49—Open Spaces—Variation 1

NAME OF SUBMITTER: SAVE OUR HILLS (UPPER HTT) INCORPORATED. [SOH]

POSTAL ADDRESS OF SUBMITTER: P.O. Box 48-070 Silverstream, Upper Hutt, 5142

AGENT ACTING FOR SUBMITTER (IF APPLICABLE): N/A

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE): Same as above

CONTACT TELEPHONE: 027 226 3364

CONTACT EMAIL: [helpsaveourhills@gmail.com](mailto:helpsaveourhills@gmail.com)

I could gain an advantage in trade competition through this submission: No

### Details of submission

The specific provisions of the proposed Plan Change that my/our submission relates to are as follows:

1. Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.
2. Protect identified significant natural areas on the Silverstream Spur from development.
3. Enable site-specific provisions for infrastructure, including a transport corridor.
4. The proposed site-specific provisions would provide access to the Silverstream Spur for a range of recreation, conservation and customary purposes, as well as potential future access to the [Southern Growth Area](#).

**My/Our submission is that:** [PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS.]

- 1) *Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space* - SOH supports this proposal. The Silverstream Spur has illegitimately been shown on Council planning maps for the last 30 years as 'Residential Conservation' zone. The Spur was originally a recognised part of Upper Hutt City's greenbelt and was intended to be officially made a Reserve under the reserves Act 1977. The lapse of 30 years does not make the "Residential Conservation" zoning legitimate. It is appropriate for Council to take the opportunity now to rezone the entire Spur as "Natural Open Space". SOH requests that further to this, Council also carry out now its original stated intention of making the entire 35.14ha of Silverstream Spur a Reserve



under the Reserves Act 1977 and provide walking and cycling access through the Spur for recreational and conservation purposes for the public (SOH Submission Appendix 1, **attached**).

- 2) *Protect identified significant natural areas on the Silverstream Spur from development* - SOH supports this proposal, and requests that it be extended to include the entire 35ha of the Spur, i.e. that the entire 35ha of the Spur be protected from development, meaning no “transport corridor” and no “infrastructure” on the Spur. SOH would like to see the entire Spur cleared of pines and replanted in native plants and trees, as an important corridor for birds linking both sides of the Hutt Valley, as commented by forest ecologist, John Campbell (see Appendix 2 to this submission, **attached**):
  - a) *The natural vegetation of this area would have been hard beech forest on the gentler ridge tops, with occasional rewarewa, miro and terrestrial rata, over an understorey dominated by kamahi. Around the edges of the ridge-top hard beech forest and on the upper slopes of the valley sides, the hard beech would have given way to black beech, rimu and rewarewa, with occasional matai and terrestrial northern rata, over kamahi with some hinau. The valley sides would have been composed of black beech, rimu, and occasional miro and matai, with emergent rewarewa, pukatea, occasional epiphytic rata and mamaku tree ferns, whereas the valley floor forest would have been composed mainly of kahikatea, pukatea, epiphytic rata and totara.*
  - b) *The bird species most likely to benefit from such a corridor would be tomtit (presently found on both sides of the valley (Witako Reserve and Dry Gully Reserve)), whitehead, and the rifleman. Bellbirds are stronger fliers and also present on both sides of the valley, and numbers appear to be slowly increasing in the Pinehaven area. There are huge advantages in maintaining genetic diversity in sparse populations of rarer species such as bellbirds that still inhabit the local area. Although some of the habitats along the ridge may be unsuitable for populations to establish permanently, birds can disperse through these areas more safely by flying from tree to tree, thus avoiding cats. If the Guilford land becomes covered in houses, household cats would effectively create a permanent barrier to the passage of rarer birds that are weak fliers.*
- 3) Enable site-specific provisions for infrastructure, including a transport corridor - SOH opposes this proposal. The proposed transport corridor and infrastructure through the Spur is for the benefit of a private developer (Guildford Timber Company) and as such should not be paid for out of the public purse in this public PC49 Variation 1, but rather it should be paid for by the developer via a Private Plan Change.
- 4) The proposed site-specific provisions would provide access to the Silverstream Spur for a range of recreation, conservation and customary purposes, as well as potential future access to the **Southern Growth Area**.
  - a) SOH supports the proposal to open up the Spur for a range of recreation, conservation and customary purposes, and all this requires are walking and cycling tracks (like in Ecclesfield and Witako Reserves, and the native bush areas in Trentham Memorial Park) – it does not require “a transport corridor” or “infrastructure” to open up the Spur for a range of recreation and conservation

purposes. SOH would oppose any proposal to put “a transport corridor” or “infrastructure” through the native bush areas in Trentham Memorial Park, and similarly we oppose “a transport corridor” or “infrastructure” through the Spur;

- b) SOH opposes the proposal to include in this public Plan Change access by way of “a transport corridor” and “infrastructure” through the Silverstream Spur to Guildford Timber Company’s proposed private development along the Silverstream, Pinehaven and Blue Mountains ridge lines. Any access and infrastructure for Guildford’s private development (Council’s so-called ‘Southern Growth Area’) should be by way of a Private Plan Change. The majority of the public has strongly opposed Guildford’s proposed development on the Pinehaven hills. For example,
- i) 403 out of 508 submissions in UHCC’s Urban Growth Strategy ‘Issues and Options’ consultation in 2015 stated they did not want development on the Pinehaven hills and that: *“I want the visual values, landscape values, heritage values and ecological values of the hills around Silverstream and Pinehaven protected in the UHCC District Plan’s “Southern Hills Overlay.”*
  - ii) The majority public opinion was clear in the results of consultation on UHCC’s PC50 ‘Outcomes and Methods (Strategic Objectives and Policies)’, held in Sept/Nov 2020 – urban development on the forested and bush-clad Pinehaven hills is not wanted by the public, evident in 88.5% of respondents opposing Objective 1 (development within Gillespies Road, Kingsley Heights and Southern Growth Areas), and 83% of respondents opposing Objective 1 Policy 2 which proposed a minimum density in the Southern Growth Area of 16 dwellings per hectare which translates to a minimum 2,500 dwellings in Guildford’s approximate 160ha development area. [This figure for the number of dwellings in Guildford’s proposal on the Pinehaven hills is confirmed in a 2022 IPI Intensification consultation document which assesses the yield for the proposed Guildford development – UHCC Southern Growth Area (SGA) – ranging from 1,960 to 2,857 Plan-enabled sections on the ridges]. Council’s own report on this PC50 consultation acknowledges that: *“The two largest themes from written feedback in opposition were about the retention of the area as a green backdrop to Pinehaven, retaining the greenspace ...”*
  - iii) 53.6% of respondents (45 out of 84 submissions received) opposed or expressed concern about UHCC’s ‘Southern Growth Area’ (the proposed Guildford development on the Silverstream, Pinehaven and Blue Mountains hills) in the 2021 consultation on the Wellington Regional Growth Framework. Only 3.6% of respondents (3 out of 84) supported the ‘Southern Growth Area’ development.
- c) Access to such a large-scale private development by Guildford Timber Company (GTC) should be provided by the developer via a Private Plan Change, not via a Public Plan Change, and certainly not via PC49 variation 1, a Public Plan Change for making the Silverstream Spur ‘Natural Open Space’. Furthermore, there is a no information whatsoever in PC49 variation 1 about the location, route or size of the proposed “transport corridor” and “infrastructure” through the Spur. Supporting such access would be like writing a blank cheque from the public purse for the benefit of a private developer, Guildford Timber Company (GTC). Therefore we strongly oppose the proposed access through the Spur for opening up the GTC/SGA development.

**I/We seek the following decision from the local authority** [PLEASE GIVE PRECISE DETAILS]:

- 1) Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space for the entire Spur. Then complete the process of officially making the entire 35ha Silverstream Spur a Reserve under the Reserves Act 1977;
- 2) Protect the identified Significant Natural Areas on the Silverstream Spur from development and also protect the remainder of the entire 35ha of Silverstream Spur from development. Regenerate the entire Spur with native plants and bush;
- 3) DO NOT enable site-specific provisions for infrastructure, including a transport corridor, through the Silverstream Spur;
- 4) Access:
  - a) DO provide pedestrian and cycling access to and through the Silverstream Spur for a range of recreation, conservation and customary purposes;
  - b) DO NOT provide potential future access to the **Southern Growth Area** (Guildford Timber Company private development) through the Silverstream Spur in this Public Plan Change 49 Variation 1. Any access for opening up the proposed Guildford Timber Company land for development should be via a Private Plan Change.

Please indicate whether you wish to be heard in support of your submission:

YES, I **do** wish to be heard in support of my submission.

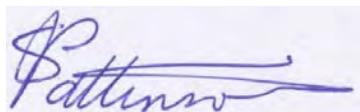
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission:

NO, I/we **do not** wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

Stephen Pattinson  
President  
Save Our Hills (Upper Hutt) incorporated  
M: 027 226 3374

A handwritten signature in blue ink, appearing to read 'S. Pattinson', with a stylized flourish at the end.

4<sup>th</sup> November 2022

SIGNATURE

DATE

# Proposed Plan Change 49—Open Spaces—Variation 1

Submission by Save Our Hills (Upper Hutt) Incorporated

## Appendix 1: Silverstream Spur illegitimately zoned as RCON (Residential Conservation)

When Upper Hutt City Council acquired the Spur land it was known as the “Silverstream Spur” [so named in a Memorandum to UHCC Ordinary Council Meeting 26 February 1992]. The total area of the Spur is 35.14ha. It was purchased in 1991 from Council Reserve funds. It was zoned as “Town Belt”(Fig. 1). It was part of the city’s ‘Green Belt’ (see Figs. 6a, 6b).

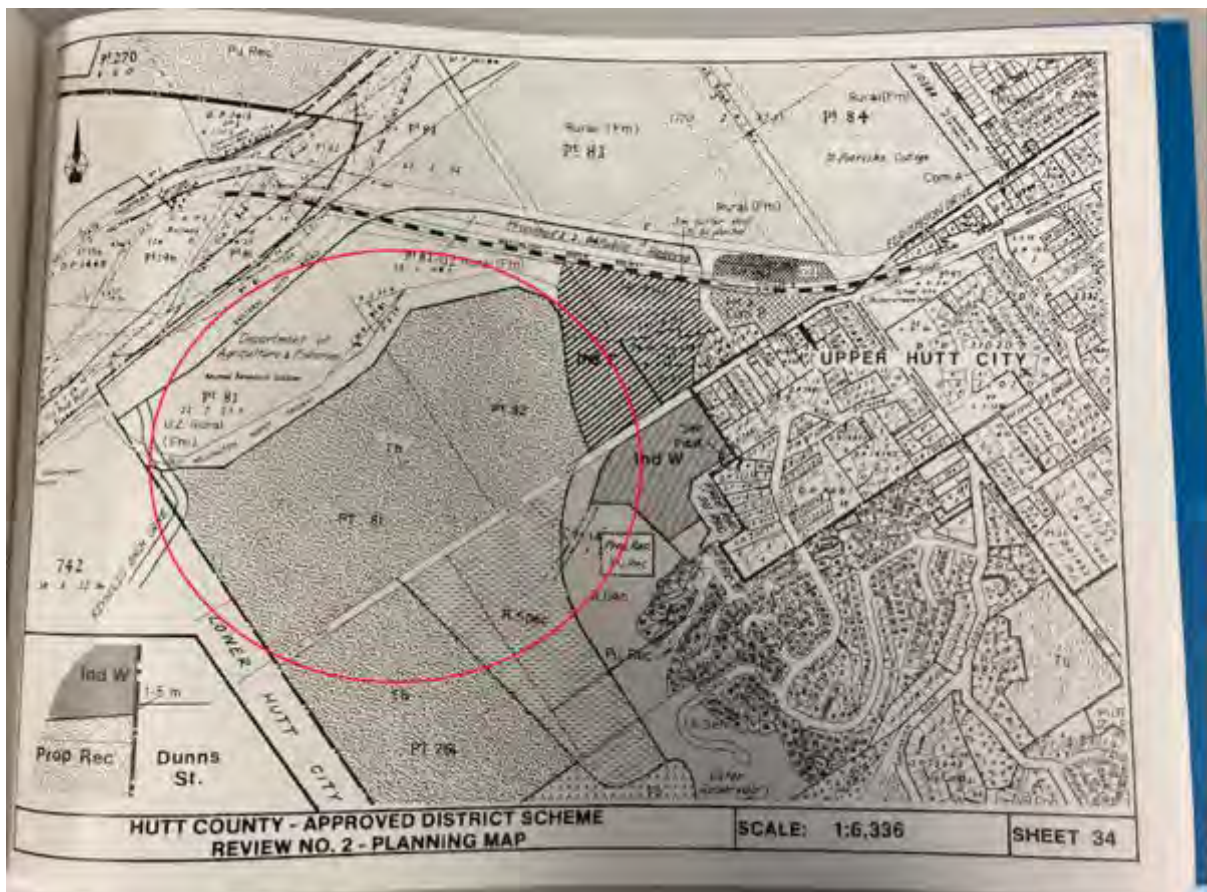


Fig. 1 - Silverstream Spur in 1991 – Part of “Town Belt” zone – a reserve , i.e. part of the city “Green Belt” - See PC49 submission by Submitter No. 27 - Silver Stream Railway.

On 24 September 1991 Council publicly notified a District Scheme Review (No.4) in the Upper Hutt Leader (Fig. 2). A Planning Map in that review (Urban Map No. 2 – see Figs. 3a & 3b) showed about 15.84ha of the Spur changed to “Rural Hill” zone and about 19.30ha of the Spur changed to Residential Conservation zone.

The image shows a newspaper page with a grid of advertisements and a large public notice section on the right. The public notice section is titled "PUBLIC NOTICES" and is enclosed in a red box. The notice is from the Upper Hutt City Council and concerns a District Scheme Review. It includes details about the review process, public hearings, and the proposed changes to the District Scheme. The notice is dated 24 September 1991. Other advertisements include services for electricians, plumbers, furniture removals, and various trades.

Fig. 2 – Public Notification of UHCC District Scheme Review No. 4 on 24 September 1991

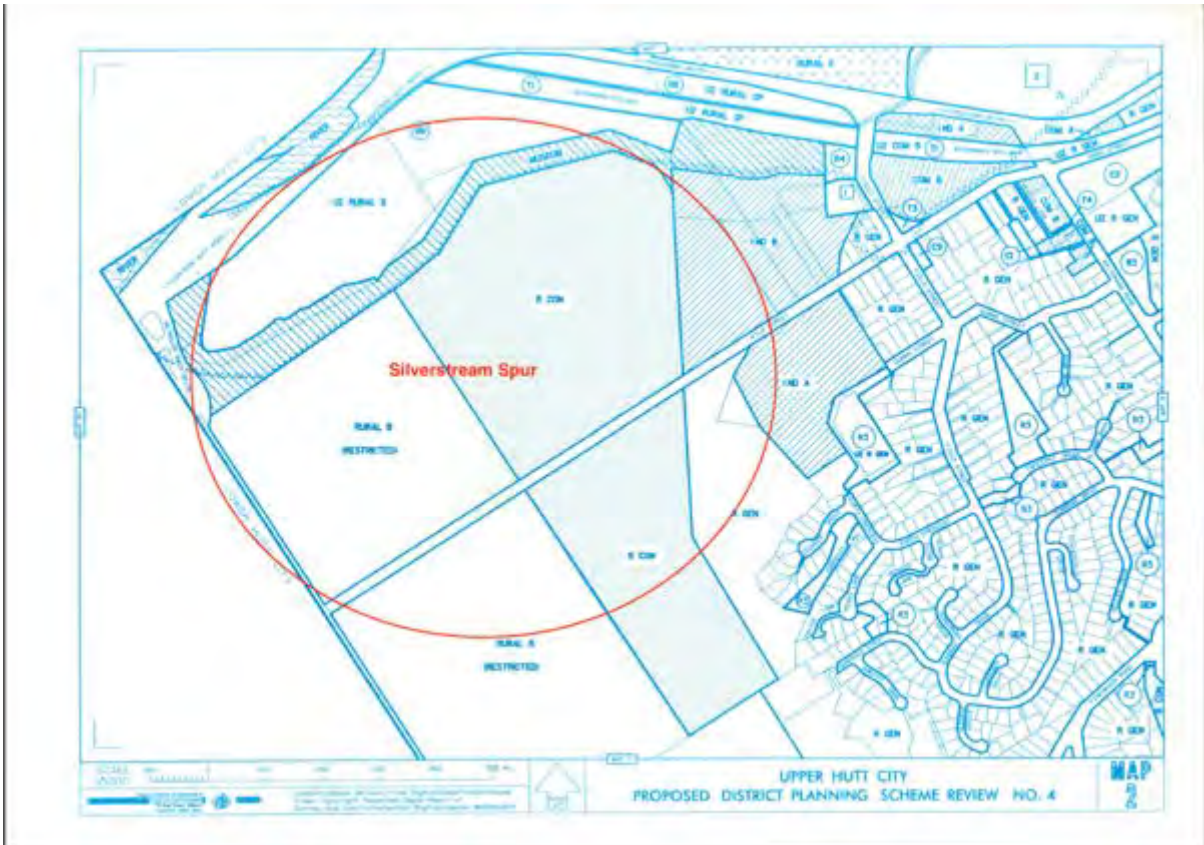


Fig. 3a - Scheme Review No.4 - Map 2 - half the Spur changed to “Residential Conservation”

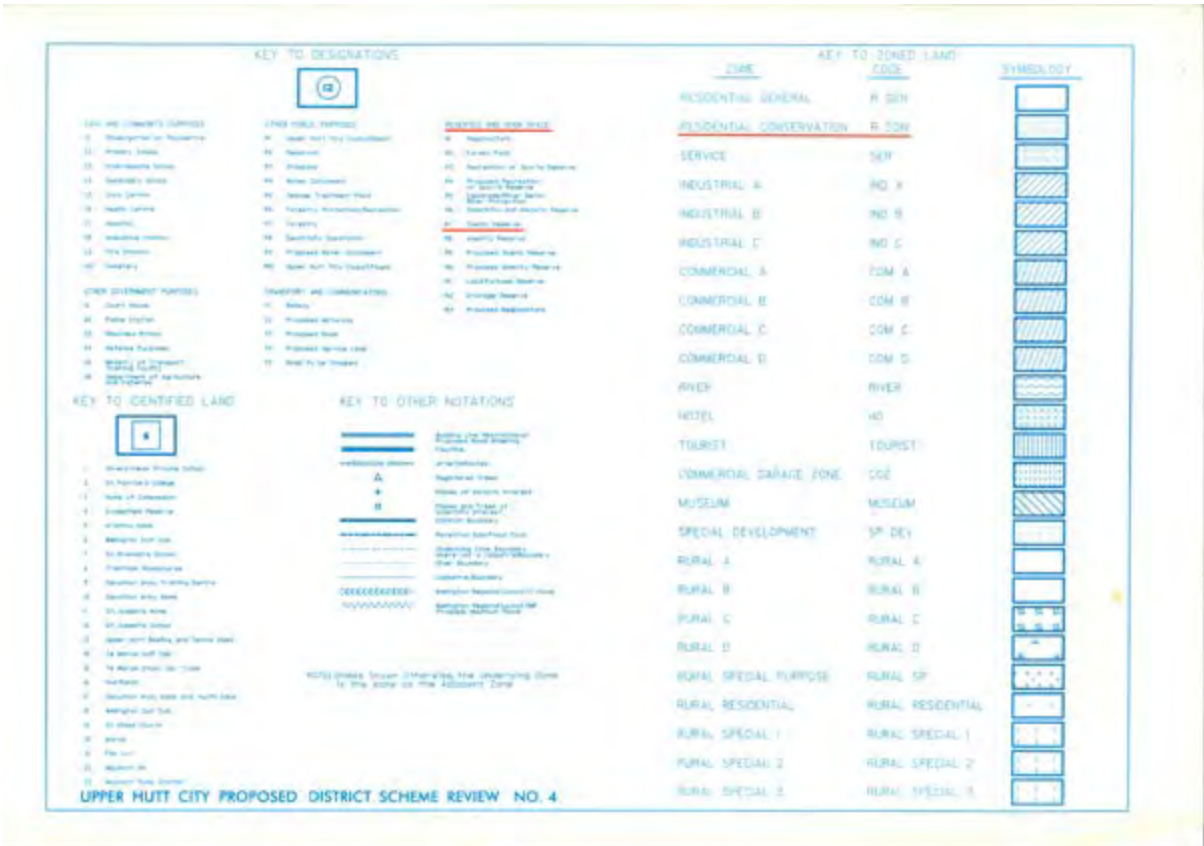


Fig. 3b - Scheme Review No.4 – LEGEND: R CON = Residential Conservation; Designation R7 = Scenic Reserve

The developer of Sylvan Way subdivision which was being planned at that time, Mr W. S. Wyatt, wrote to Council on 21 February 1992 pointing out that the Residential Conservation zone on his land was also shown incorrectly on the Spur land (Fig. 4a & 4b). Mr Wyatt asked that his correspondence be accepted as a late submission in the District Scheme Review.

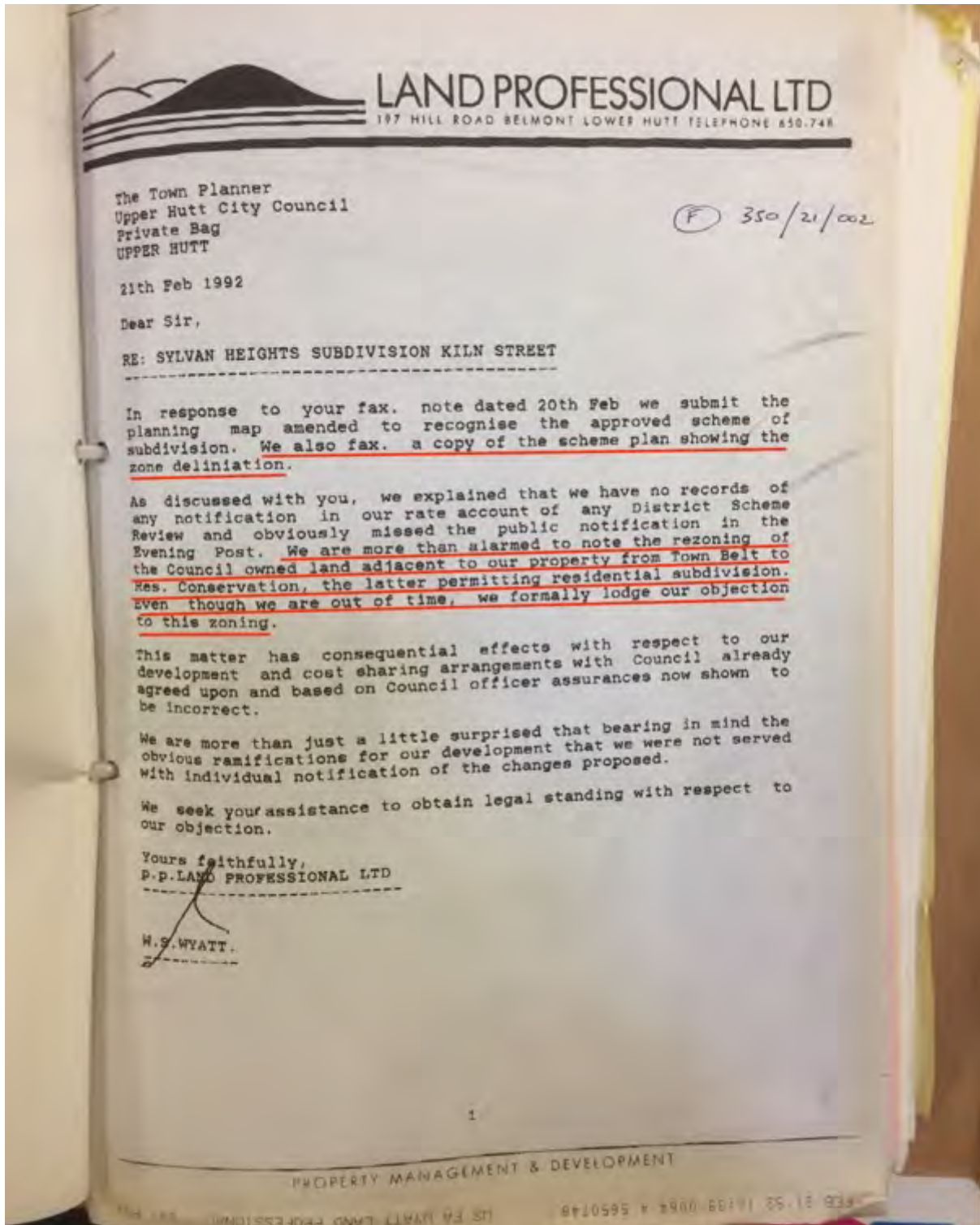


Fig. 4a - Correspondence Mr Wyatt to UHCC, 21 Feb 1992, about incorrect zone on the Spur



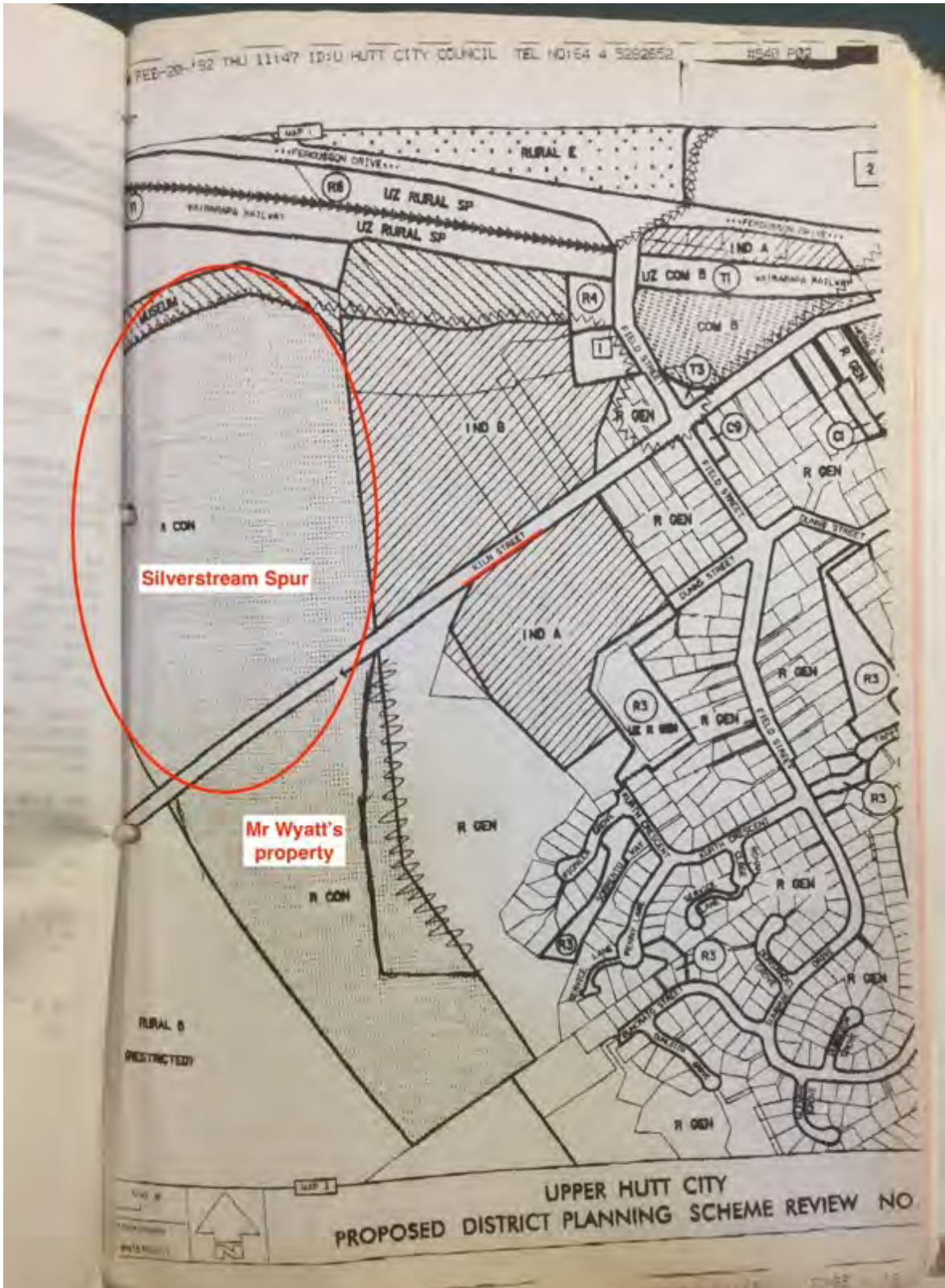


Fig. 4b - Correspondence Mr Wyatt to UHCC – R CON on north side of Kiln Street is the Spur

The City Planner responded to Mr Wyatt acknowledging that the Residential Conservation zoning on the Spur was an error and that it would be altered (Fig. 5).

UPPER HUTT  
CITY COUNCIL

838-842 Fergusson Drive,  
Upper Hutt  
Private Bag Upper Hutt  
Tel (04) 5288-769  
Fax (04) 5282-652

Mr W.S. Wyatt,  
Land Professional Ltd.,  
197 Hill Road,  
Belmont,  
LOWER HUTT

Ref: 350/21/002  
RGB/pj

(E)

Contact: Mr Birkinshaw

25 February 1992

Dear Sir,

In reply to your letter received by Facsimile on Friday, 21 February, I can advise that the notation of the land to the north of your subdivision zoned Residential Conservation is incorrect and will be altered, also the eastern boundary of your subdivision where it adjoins the Residential General zone is to be altered in order that it conforms with the actual survey.

I regret these errors caused you concern and appreciate you bringing them to our attention.

Yours faithfully,



R.G. Birkinshaw  
CITY PLANNER

Fig. 5 - UHCC City Planner's reply to Mr Wyatt acknowledges the incorrect zoning on the Spur and advises that the zoning will be altered [corrected].

The City Planner then wrote a memo to the Mayor, Chief Executive and City Solicitor pointing out this error in the zoning of the Spur on Urban Map No. 2, stating that it would be corrected to show the Spur "designated" as "Scenic Reserve". He wrote, quote:

*"Two errors were found on Zoning Map 2 by Mr Warwick Wyatt ...*

i) *The ex: Hutt County Green Belt area bounded yellow on the attached map [the half of the Spur shown zoned as Residential Conservation] should be designated (R7) Scenic Reserve and not Residential Conservation."*

*Memo from City Planner to the Mayor, Chief Executive and City Solicitor, dated 25 February 1992. (Figs. 6a & 6b)*

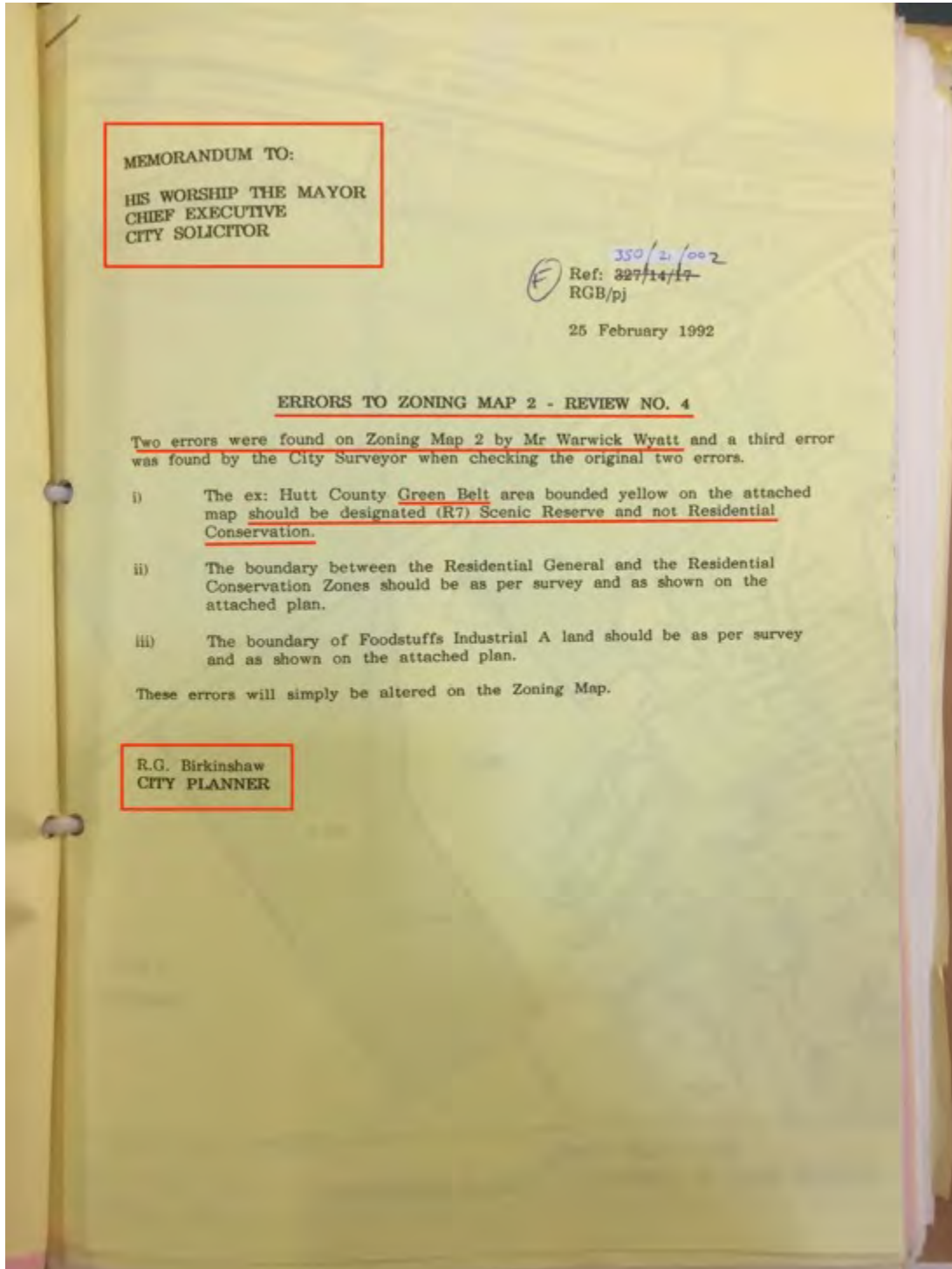


Fig. 6a - UHCC City Planner's Memo to the Mayor, Chief Executive and City Solicitor advising of the error in the zoning of the Spur and stating it would be designated "Scenic Reserve".

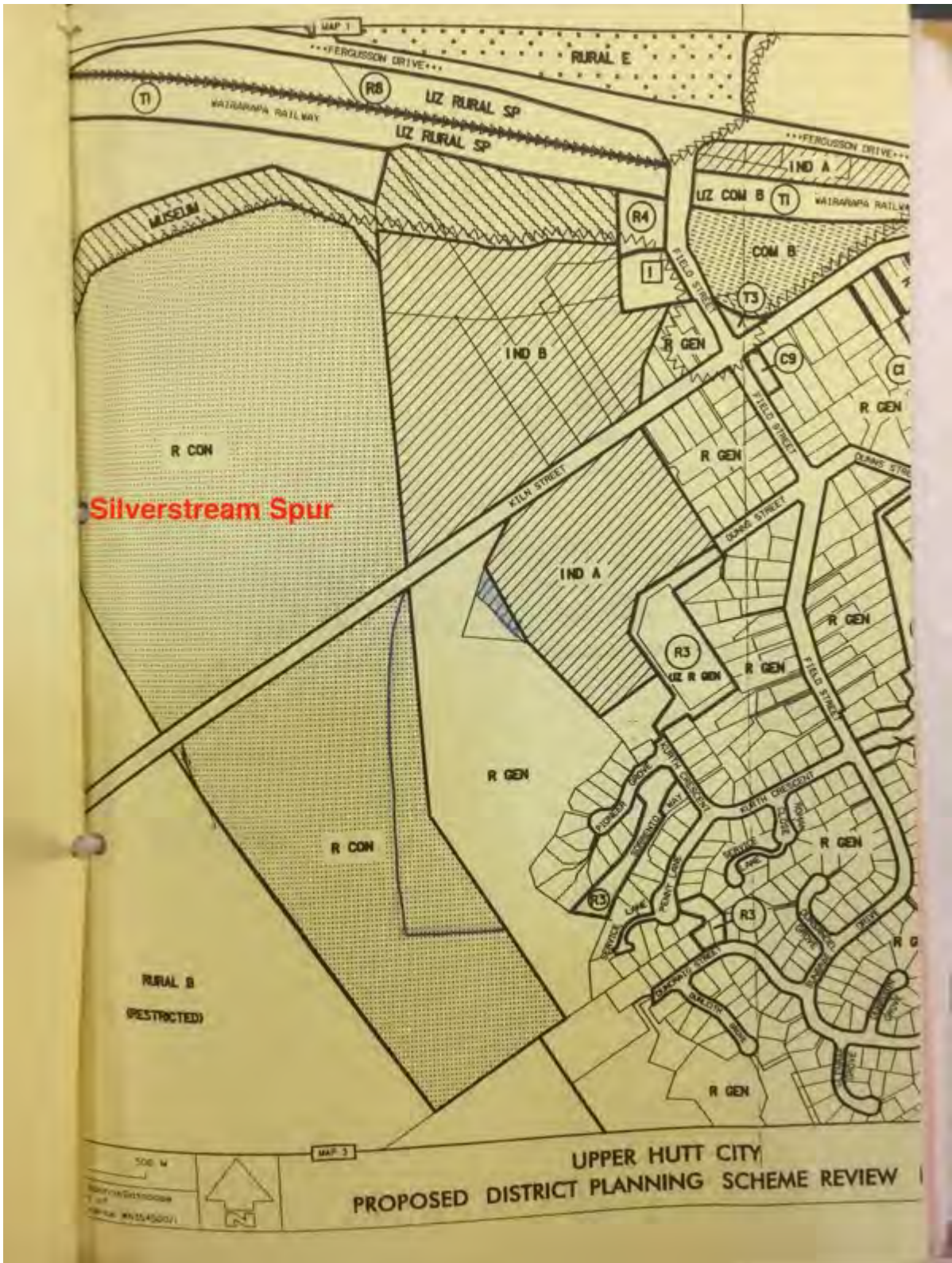


Fig. 6b - UHCC City Planner's Memo to Mayor, Chief Executive and City Solicitor – yellow highlighting around the “R CON” zoning on the Spur is the zoning “error” to be corrected. [NB: Yellow highlighting on yellow paper – the highlighting around the R CON area on the Silverstream Spur is faint after 30 years but is still discernable]

The City Solicitor then wrote to all Councils in the Wellington region, the Minister for the Environment and the Department of Conservation pointing out that the zoning of the Spur land as Residential Conservation on Urban Map No. 2 was an error and advising that Council would correct it to show the Spur land as “Rural B Restricted” with a designation as “Scenic Reserve”, stating:

*“UPPER HUTT CITY COUNCIL – PROPOSED DISTRICT SCHEME (REVIEW NO.4)*

*I refer to my letter dated 19 September 1991 with which I enclosed a copy of the public notification of Review No. 4.*

*A number of objections or submissions were received. Council has prepared a summary of alterations proposed by those submissions or objections. The Summary will be publicly notified in the “Leader” on 10th March 1992.*

*... I enclose a copy herewith.*

*Summary of Requests for Alterations ...*

*The Council is ... required to publicly notify a summary of all requests for alterations to the proposed District Scheme (Review No. 4) contained in the submissions or objections received. The summary is set out below. ...*

*Requests for Alterations to Planning Maps: ...*

*11. The Upper Hutt City Council seeks the following alterations ...*

*Correct Map 2 as follows:*

*a) change zoning of land on northern side of Kiln Street [Silverstream Spur] from Residential Conservation to Rural B (restricted) and record its designation as R7 (Scenic Reserve).*

*UHCC City Solicitor letter, 3rd March 1992 (Figs. 7a – 7e)*

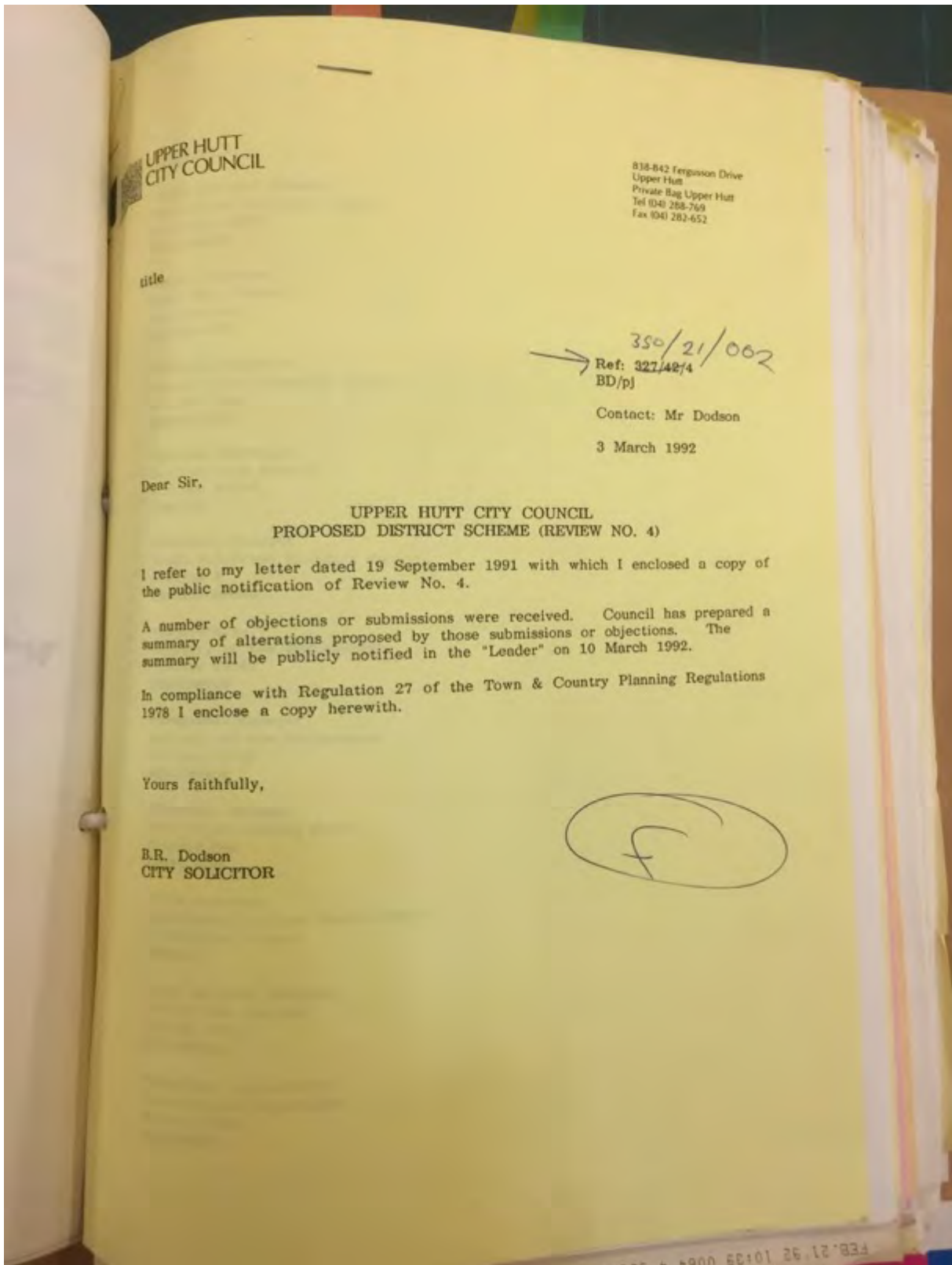


Fig. 7a - UHCC City Solicitor's letter to all Councils in the Wellington region, the Minister for the Environment and the Department of Conservation advising of publishing of submissions on the District Scheme Review No. 4.

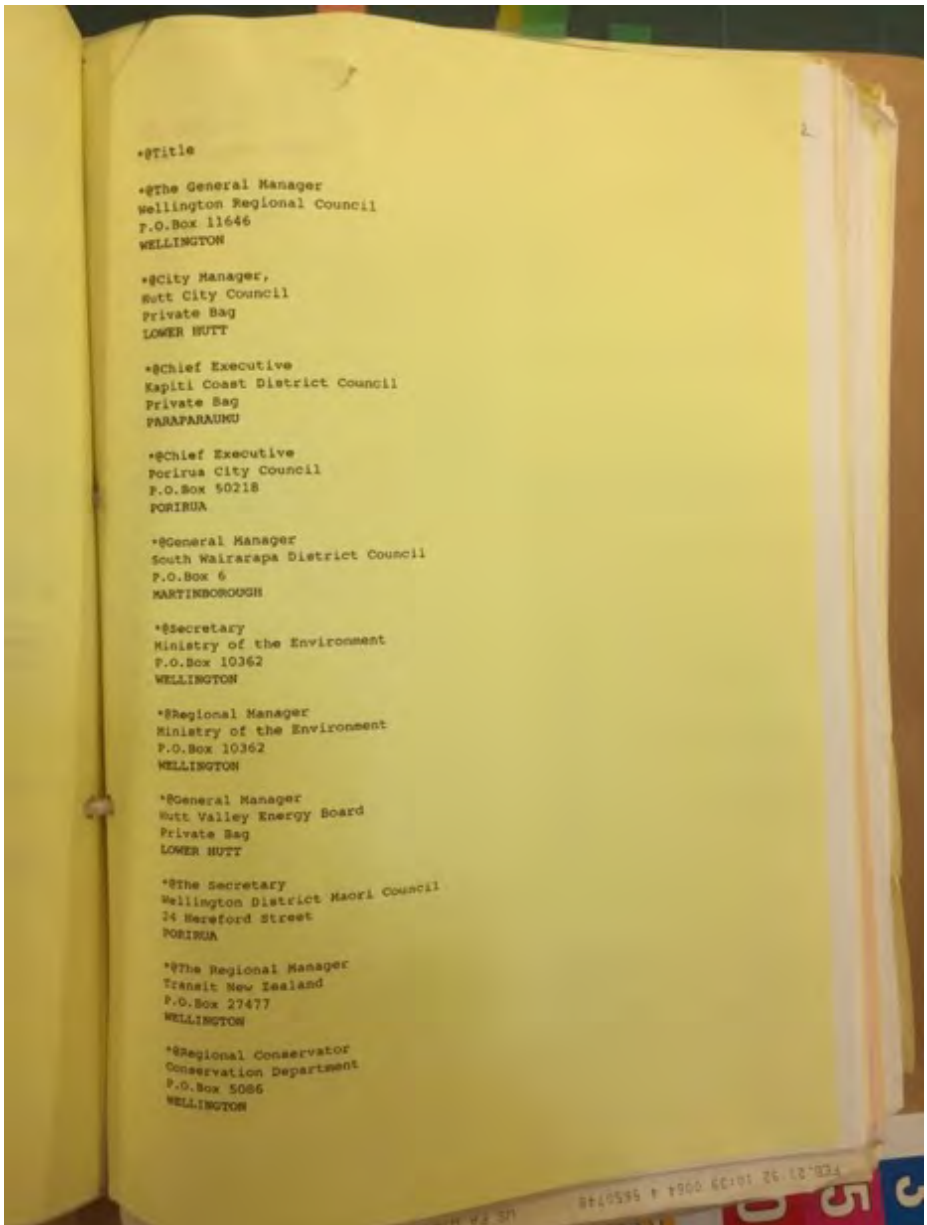


Fig. 7b - UHCC City Solicitor's letter (contd)

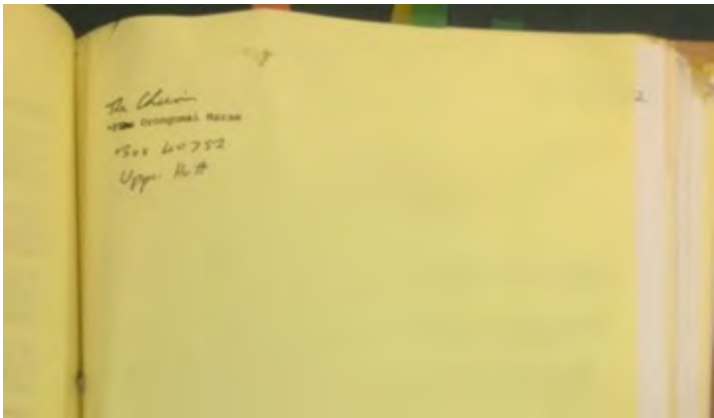


Fig. 7c - UHCC City Solicitor's letter (contd)

350/21/002

CITY OF UPPER HUTT

PROPOSED DISTRICT SCHEME (REVIEW NO.4)

SUMMARY OF REQUESTS FOR ALTERATIONS

PUBLIC NOTIFICATION of the City of Upper Hutt Proposed District Scheme (Review No.4), was given by advertisement in "The Leader" on 24 September 1991. The public notice called for objections or submissions to be lodged with the Council by 14 January 1992.

A NUMBER of submissions or objections were received. The Council is now required to publicly notify a summary of all requests for alterations to the Proposed District Scheme (Review No.4) contained in the submissions or objections received. That summary is set out below.

COPIES of all the submissions and objections received in respect of Proposed District Scheme (Review No.4), (as well as a copy of Proposed District Scheme Review No.4) may be inspected, without fee, at the following Council offices at any time when those offices are open to the public:

- (a) The Public Counter, Level 2, Civic Administration Building, 838-842 Fergusson Drive, Upper Hutt.
- (b) The Upper Hutt City Council Library, Fergusson Drive, Upper Hutt.
- (c) The Silverstream Service Centre, Davison's Books, Cnr. Whitemans Road and Kilm Street, Silverstream.

PERSONS or Bodies affected by Proposed District Scheme (Review No.4) or any part thereof or who represent any relevant aspect of the public interest, may give notice to the Council of support or opposition to any of the submissions or objections received.

Notices of support or opposition must be in writing, in Form D (described in the First Schedule to the Town and Country Planning Regulations 1978), or to like effect and must be lodged with (i.e. received by) the Council by no later than 3.00pm on 3 April 1992.

NOTICES may be delivered at any of the offices where submission or objection are available for inspection or they can be posted. The Council's postal address is Private Bag, Upper Hutt.

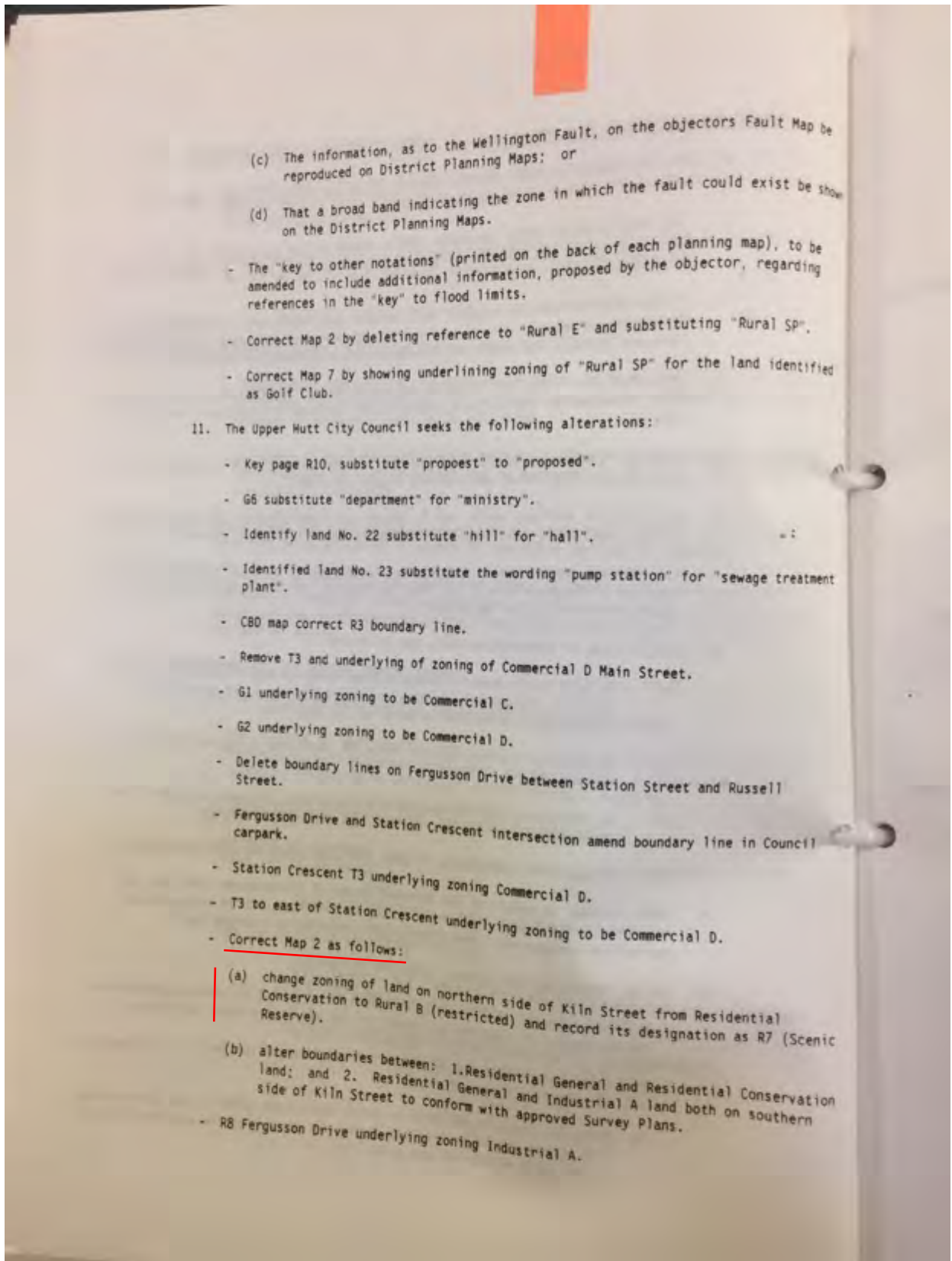
COPIES of Form D can be obtained at any of the foregoing offices where the Proposed District Scheme (Review No.4) and copies of submissions and objections thereto, can be inspected.

REQUESTS FOR ALTERATIONS TO THE SCHEME STATEMENT (INCLUDING THE STATEMENT OF PURPOSES, OBJECTIVES AND POLICIES)

1. A.V. & S.E. Westbury ask for the Scheme Statement to contain an accurate description of the land which makes up the Mangaroa Hills ridgetop reserve and a statement as to the classification of the reserve including definitions of the terms used.
2. The Wellington Area Health Board proposes that the Scheme Statement contain proposals regarding alternative landfill sites and disposal methods for use when Silverstream Tip can no longer be utilised.

Fig. 7d - UHCC City Solicitor's letter (contd)





- (c) The information, as to the Wellington Fault, on the objectors Fault Map be reproduced on District Planning Maps: or
- (d) That a broad band indicating the zone in which the fault could exist be shown on the District Planning Maps.
- The "key to other notations" (printed on the back of each planning map), to be amended to include additional information, proposed by the objector, regarding references in the "key" to flood limits.
- Correct Map 2 by deleting reference to "Rural E" and substituting "Rural SP".
- Correct Map 7 by showing underlining zoning of "Rural SP" for the land identified as Golf Club.

11. The Upper Hutt City Council seeks the following alterations:

- Key page R10, substitute "propoest" to "proposed".
- G6 substitute "department" for "ministry".
- Identify land No. 22 substitute "hill" for "hall".
- Identified land No. 23 substitute the wording "pump station" for "sewage treatment plant".
- CBD map correct R3 boundary line.
- Remove T3 and underlying of zoning of Commercial D Main Street.
- G1 underlying zoning to be Commercial C.
- G2 underlying zoning to be Commercial D.
- Delete boundary lines on Fergusson Drive between Station Street and Russell Street.
- Fergusson Drive and Station Crescent intersection amend boundary line in Council carpark.
- Station Crescent T3 underlying zoning Commercial D.
- T3 to east of Station Crescent underlying zoning to be Commercial D.
- Correct Map 2 as follows:
  - (a) change zoning of land on northern side of Kiln Street from Residential Conservation to Rural B (restricted) and record its designation as R7 (Scenic Reserve).
  - (b) alter boundaries between: 1. Residential General and Residential Conservation land; and 2. Residential General and Industrial A land both on southern side of Kiln Street to conform with approved Survey Plans.
- R8 Fergusson Drive underlying zoning Industrial A.

Fig. 7e - UHCC City Solicitor's letter (contd) – Note at bottom of page – error in zoning on Spur to be corrected and designated as "Scenic Reserve" – this was published in the Upper Hutt Leader on 10th March 1992 (see Fig. 8).

The City Solicitor's above letter was published in full in the Upper Hutt Leader on 10 March 1992, being the Council's summary of public objections and submissions on the District Scheme Review No.4. The statement about correcting the zoning of the Spur to "Scenic Reserve" is on p36 of this edition of the Leader (Fig. 8)

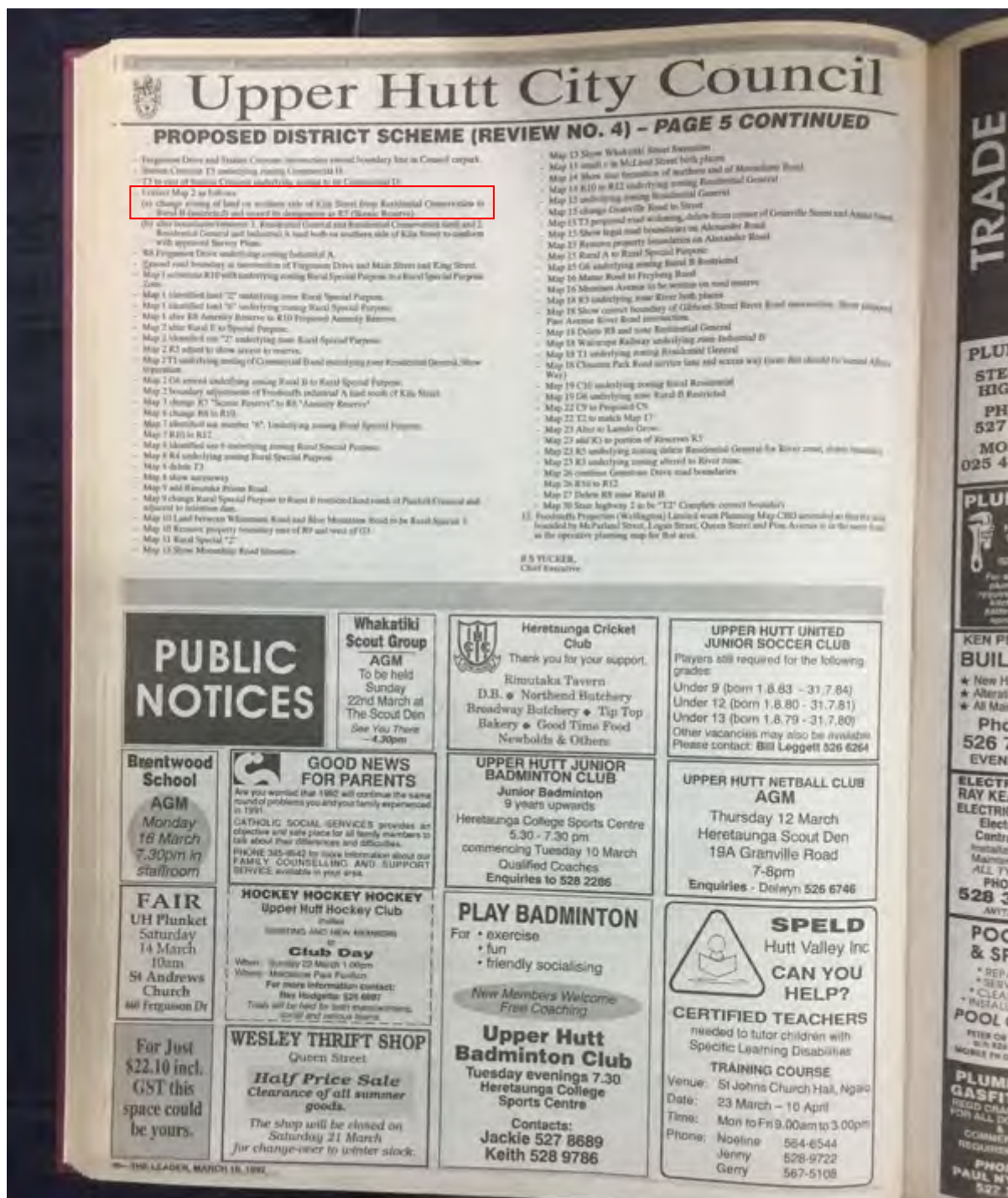


Fig. 8 – UHCC City Solicitor's public notification in the Leader, includes acknowledgement of the error in the R CON zoning on the Spur, to be corrected to "Scenic Reserve".

Although a number of late submissions on the District Scheme Review No. 4 were accepted by Council at its Ordinary Council Meeting on 26th February 1992, Mr Wyatt's late submission (dated 21 February 1992) was left out of the late submissions. However the zoning error on the Spur that Mr Wyatt had brought to the Council's attention was listed both in the City Solicitor's letter to the Department of Conservation (Figs. 7a – 7e) and in the Upper Hutt Leader (Fig. 8) in UHCC's submission on Scheme review No.4 among Map errors to be corrected.

Indications from documents obtained by SOH from Council to date are that the City Planner (who was Council's representative at the Hearing for Council's objections/submissions on Review No. 4) did not include the Map 2 correction from 'Residential Conservation' zoning to 'Scenic Reserve' designation in Council's presentation at the Hearing.

Council never followed through on its commitment to the public, the Minister for the Environment and the Department of Conservation to correct the zoning of the Spur to "Rural B Restricted" with a Designation as "Scenic Reserve". Instead the Council has left it all these years as "Residential Conservation", claiming now misleadingly that the zoning change on the Spur was an outcome of District Scheme Review No.4 that had followed due planning procedure which included public consultation (UHCC OIA Response 20 April 2021 to SOH OIA Request 01 March 2021).

SOH is awaiting an OIA response from Council to a request for the City Planner's Report to the Judicial Committee that presided over the Hearing for District Scheme Review No. 4 to verify whether or not the City Planner mentioned anything about the incorrect zoning of the Spur at the Hearing.

It is clear that the City Planner did not carry out his commitment to Mr Wyatt, the Mayor, the Chief Executive, the City Solicitor, the regional and local Councils, the Minister for the Environment, the Department of Conservation and the general public to correct the zoning error on the Spur. Consequently the incorrect Residential Conservation zoning on Silverstream Spur still exists today on Council's Urban Planning Maps 39 and 40 (Fig. 9), which Council re-formatted in October 2021 (Fig. 10).

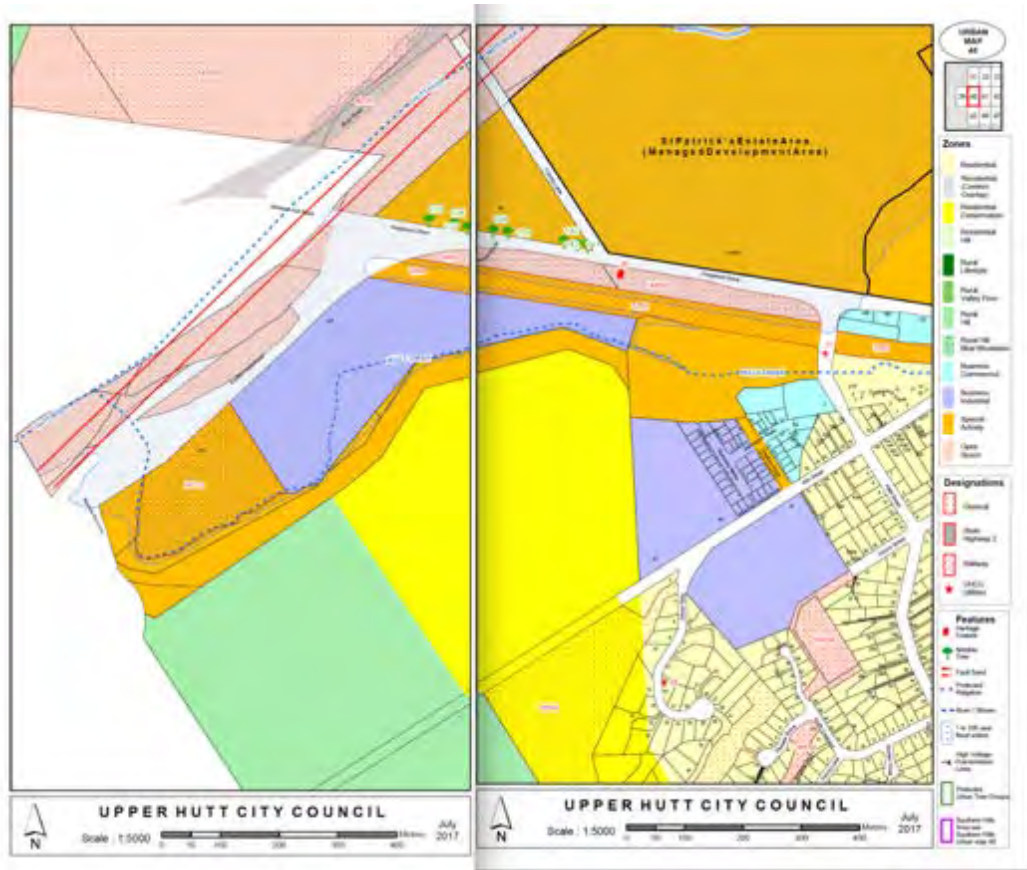


Fig. 9 - UHCC Planning Maps 39 & 40

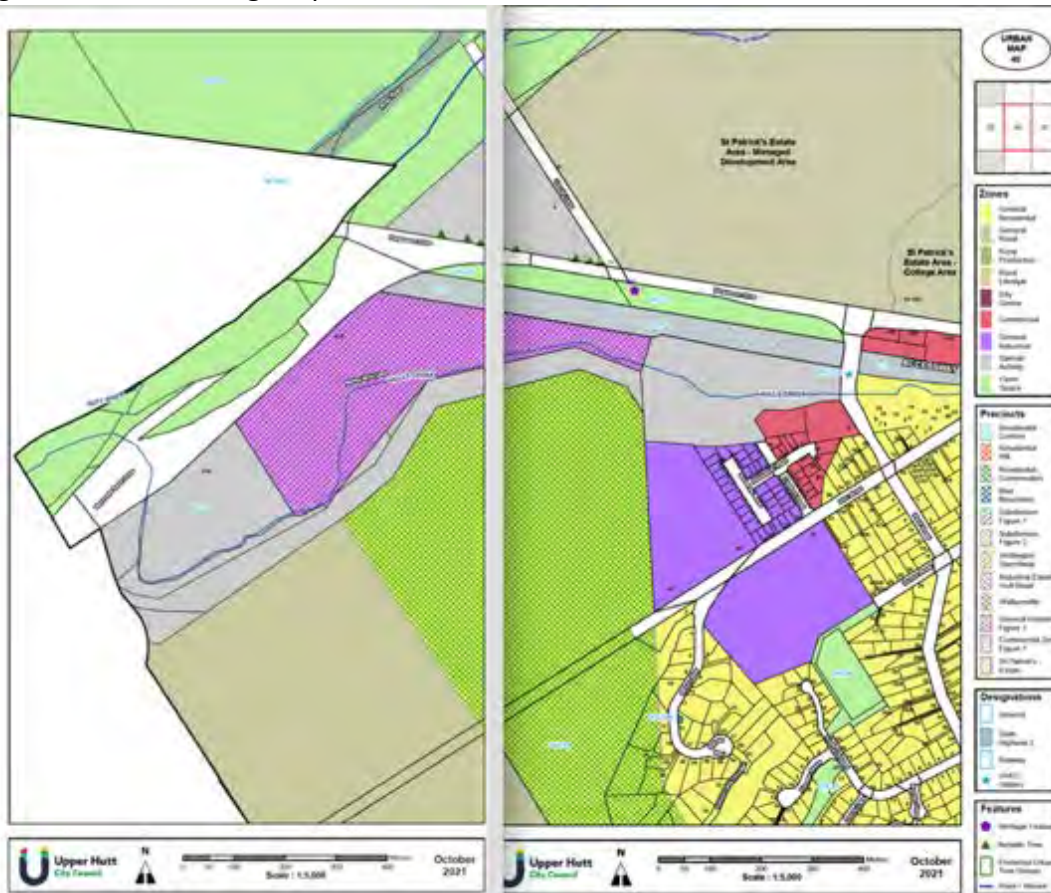


Fig. 10 - UHCC Planning Maps 39 & 40 (re-formatted October 2021)

The public was not consulted about the zone change of the Silverstream Spur to “Residential Conservation”. Council claims today that it did consult the public about changing the zoning of the Spur from reserve land to residential Conservation. However, Council has not been able to provide any documentation to show that the public was consulted. The reason Council cannot provide any documentation to show that it consulted the public about this change of zoning to Residential Conservation on Silverstream Spur is because Council never followed due planning processes to consult the public about it.

It is appropriate and indeed incumbent on Council to make good its promise back in 1992 to correct the error on its Urban Planning Maps 39 and 40 by including the Silverstream Spur in Plan Change 49 ‘Open Spaces’ and officially designating the Silverstream Spur under the Reserves Act 1977 as a “Scenic Reserve”. But regrettably Council left the Silverstream Spur out of Plan Change 49 (Fig. 11). The Spur has now been included in PC49 Variation 1.

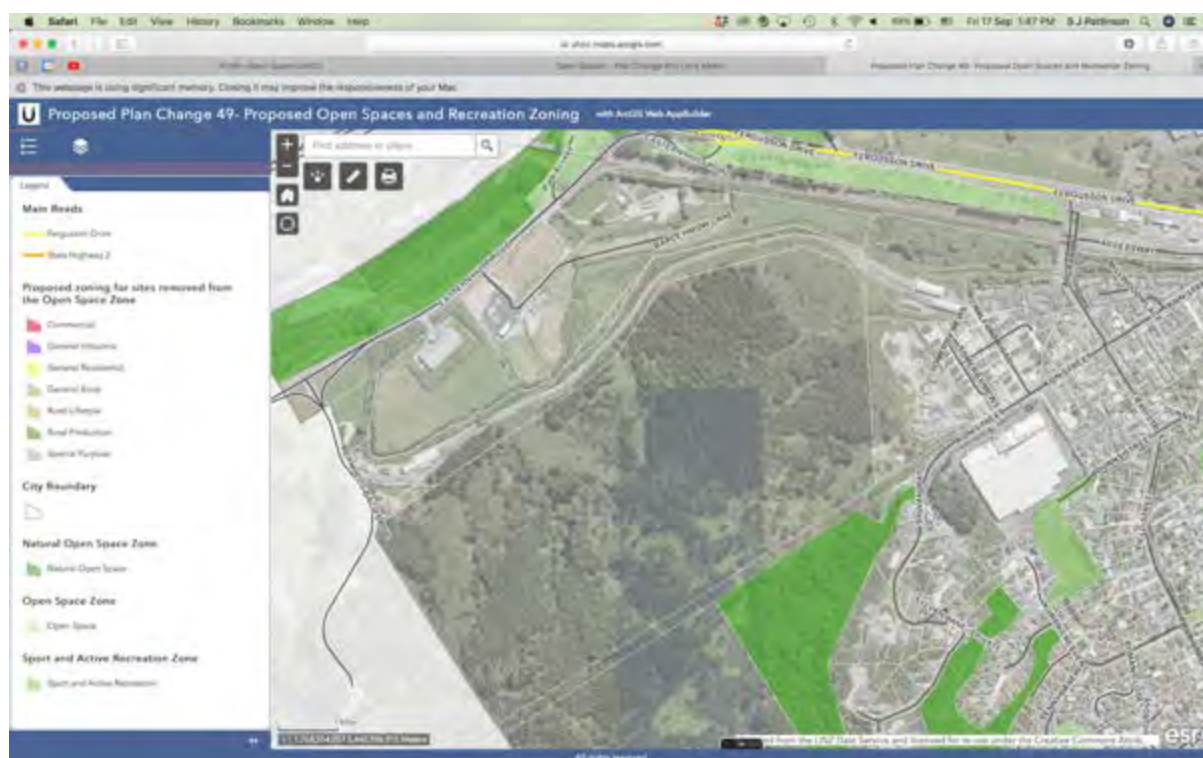


Fig. 11 - UHCC PC49 Planning Map – Silverstream Spur omitted from Open Space zones

As representatives of the public interest, we want the zoning of the entirety of the Spur (35.14ha) to be “Natural Open Space” with a Dsignation as “Scenic Reserve”, to preserve and protect the Spur as a public scenic reserve for present and future generations to enjoy (Fig. 12).

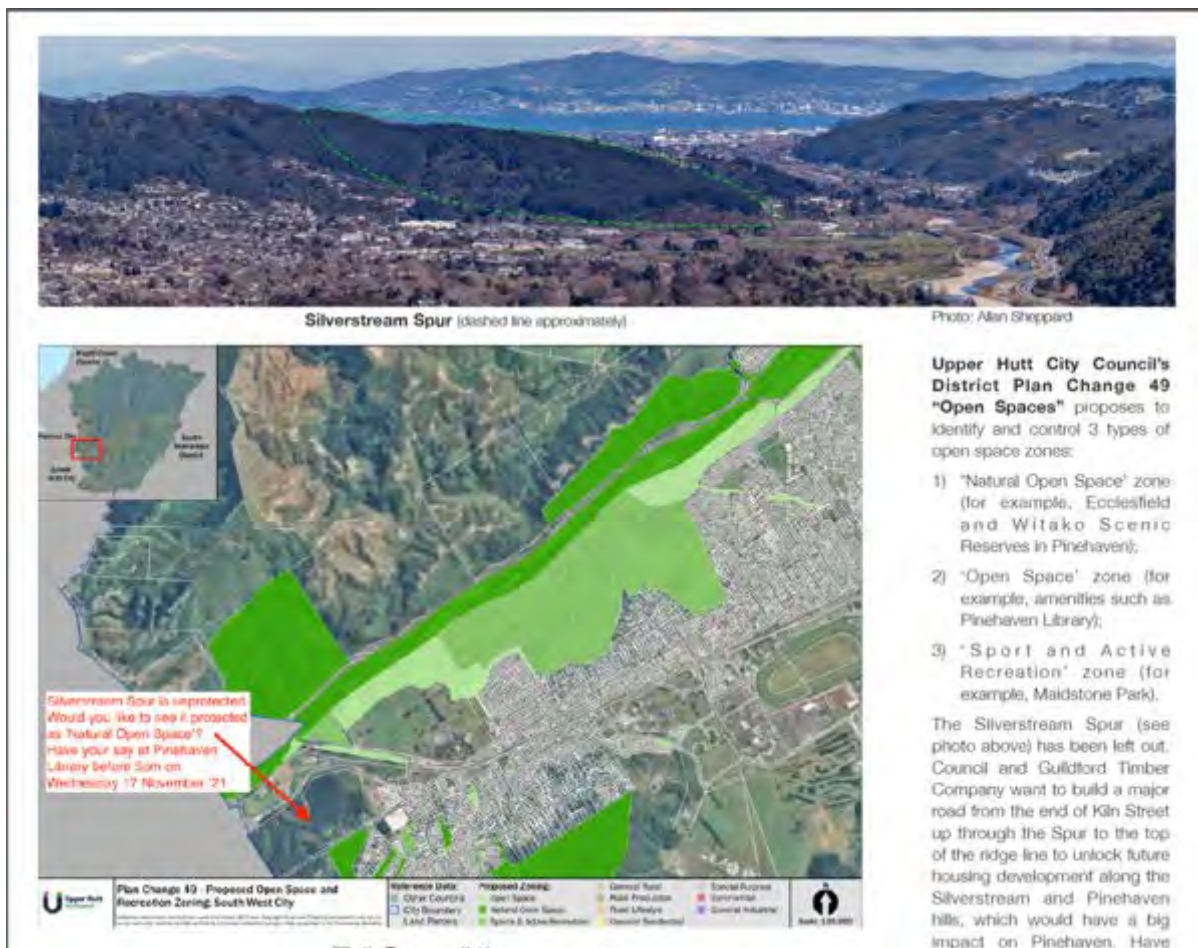


Fig. 12 - Photo of Silverstream Spur (by Allan Sheppard), and extract from PPA's "Pinehaven News, November 2021.

Although Council left the Silverstream Spur out of Plan Change 49, the Spur has now been included in PC49 Variation 1 (Fig. 13).

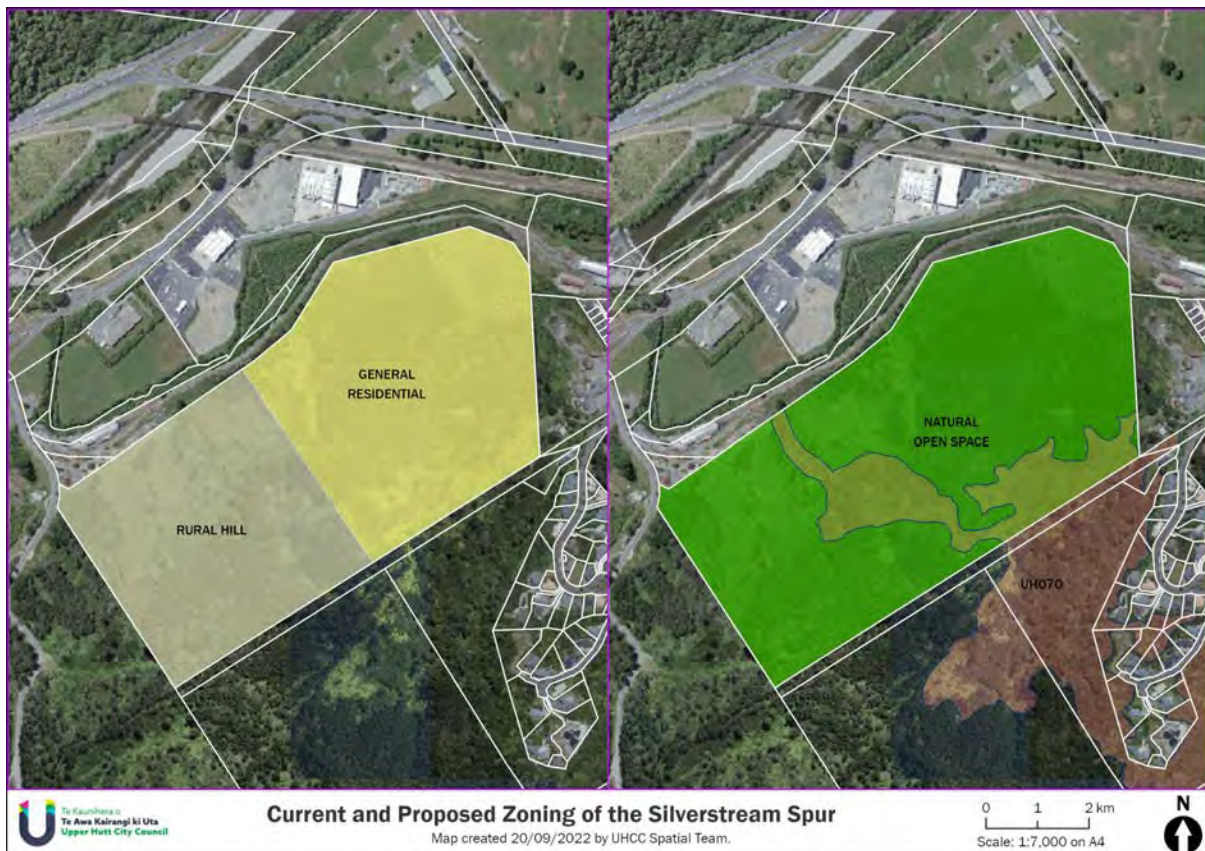


Fig. 13 – Proposed change of zoning of Silverstream Spur to Natural Open Space in UHCC’s PC49 Variation 1 – Silverstream Spur.

### Summary:

The Silverstream Spur has illegitimately been shown on Council planning maps for the last 30 years as ‘Residential Conservation’ zone. The Spur was originally a recognised part of Upper Hutt City’s greenbelt and was intended to be officially made a Reserve under the reserves Act 1977. The lapse of 30 years does not make the “Residential Conservation” zoning legitimate. It is appropriate for Council to take the opportunity now to rezone the entire Spur as “Natural Open Space”. SOH requests that further to this, Council also carry out now its original stated intention of making the entire 35.14ha of Silverstream Spur a Reserve under the Reserves Act 1977 and provide walking and cycling access through the Spur for recreational and conservation purposes for the public.

Prepared by  
Save Our Hills (Upper Hutt) Incorporated and  
Pinehaven Progressive Association

## **Illustrations (Figures):**

1. Public Notification of UHCC District Scheme Review No.4 in Upper Hutt Leader 24 September 1991
2. UH Leader\_1991-9-24\_p27\_Public Notification of District Scheme Review
- 3a. UHCC Proposed Scheme Review No.4\_Map 2 - Silverstream Spur – RCON
- 3b. UHCC Proposed Scheme Review No.4\_Maps Legend
- 4a. 1992-2-21\_Mr Wyatt fax to UHCC 21 Feb 1992
- 4b. 1992-2-21\_Mr Wyatt re Map 2
5. UHCC City Planner letter to Mr W. S. Wyatt 25 Feb 1992
- 6a. 1992-2-26\_UHCC City Planner to Mayor, CE and City Solicitor 26 Feb 1992
- 6b. 1992-2-26\_UHCC ditto - part Map 2
- 7a. Cover letter UHCC City Solicitor 3-3-1992
- 7b. Cover letter UHCC City Solicitor 3-3-1992 contd
- 7c. Cover letter UHCC City Solicitor 3-3-1992 contd
- 7d. Letter UHCC City Solicitor 3-3-1992\_beginning of 29-page Summary
- 7e. Letter UHCC City Solicitor 3-3-1992\_26th page of Summary\_Change zoning of land on northern side of Kiln Street
8. UHCC District Scheme Review No. 4 - Summary of Submissions published in UH Leader 10-3-1992
9. UHCC Urban Maps 39 & 40
10. UHCC Urban Maps 39 & 40\_Oct 2021\_Silverstream Spur
11. UHCC PC49 map\_Silverstream Spur omitted from Open Space zones
12. Photo of Silverstream Spur by Allan Sheppard, and extract from PPA's "Pinehaven News, November 2021.
- 13 – Proposed change of zoning of Silverstream Spur to Natural Open Space in UHCC's PC49 Variation 1 – Silverstream Spur.



## **Review of Boffa Miskell Report (2015) on the Ecological values of Silverstream Spur**

The Boffa Miskell report evaluates the ecological condition of the Silverstream Spur reserve, and draws conclusions regarding its ecological value at the time of the survey in April 2015.

Because the purpose of the report was to evaluate the Silverstream Spur reserve, the ecological context of the wider area was not examined in detail but was commented on in relation to the potential of an ecological corridor for native species.

The final conclusion of the report stated ***“As such, we can find no evidence nor reason to conclude that the Silverstream Spur has any current important ecological values, nor has it any critical ecological functional roles in the wider landscape including a corridor function.”***

### **Comments on the report in the context of native species in the Hutt Valley.**

Overall, the report by Boffa Miskell dismisses any ecological value of the Silverstream Spur, which taken in the context of **only** the Silverstream Spur reserve at the time of the evaluation and, if scored against values such as “nativeness” and species rarity, “intact mature forest” or threatened species does not rate the reserve highly. However, the “ecological value” of the site should be viewed in a broader and longer-term context than just modified vegetation on the end of a spur. This reserve instead should be treated as part of a broader conservation network for this part of the Hutt Valley. If the corridor can be made to function satisfactorily, it will benefit bird populations on **both** sides of the valley.

The natural vegetation of this area would have been hard beech forest on the gentler ridge tops, with occasional rewarewa, miro and terrestrial rata, over an understorey dominated by kamahi. Around the edges of the ridge-top hard beech forest and on the upper slopes of the valley sides, the hard beech would have given way to black beech, rimu and rewarewa, with occasional matai and terrestrial northern rata, over kamahi with some hinau. The valley sides would have been composed of black beech, rimu, and occasional miro and matai, with emergent rewarewa, pukatea, occasional epiphytic rata and mamaku tree ferns, whereas the valley floor forest would have been composed mainly of kahikatea, pukatea, epiphytic rata and totara.

None of the forest types referred to in the Boffa Miskell report that included Hall’s totara, silver beech, southern rata and red beech would ever have been found in the local area as forest containing the first two grows at higher altitudes and neither red beech nor southern rata are found locally.

Over half of the present vegetation of the Silverstream Spur (20 ha) is in pines and a hectare of land that was burnt within the last 20 years is in young gorse. However, the remainder of the area (51%) is now in regenerating broadleaf/gorse and mixed seral forest. These latter species combinations are predominately in gullies where the rate of change to native vegetation is usually more rapid because of more moisture and thus natives have better growth rates to overtop the gorse.

The Taita Gorge and the Silverstream Spur together form the **only** part of the Hutt Valley south of Kaitoke where there is any possibility of creating a biological corridor that would link the native forested headwaters of the Wainuiomata and Orongorongo valley catchments to the western side of the Hutt Valley. The distance between the end of the Silverstream Spur and the western hills is only 700 metres at its shortest distance. We still have significant bird species such as the New Zealand falcon, bellbirds and tomtits on both sides of the Hutt Valley, but fragmented populations will have a low genetic diversity and their long-term viability is more in danger as a result. Any means of keeping or developing linkages between currently separated populations will increase the likelihood of their survival into future. It is incumbent on planners to retain what is already in existence and to ensure that significant native species are protected for future generations.

The linear distribution of areas of native vegetation along the entire ridge, and the short distances between adjacent patches of native vegetation makes the entire ridge much more valuable as potential corridor that can link areas of native forest and, with a little attention to keeping the linkages intact, the corridor concept is not, as the Boffa Miskell report would have it, lacking any ecological value. As the vegetation matures with age, the value of the native forest remnants will continue to increase. Short term considerations should not override the future benefits of retaining a healthy environment and diversity of native species. Regardless of the final use of the Southern ridge an attempt should be made to both keep a corridor of forest vegetation and, where possible, to enhance it by undertaking and encouraging the strategic planting of native species to retain or create a tree-to-tree linear route for birds.

The bird species most likely to benefit from such a corridor would be tomtit (presently found on both sides of the valley (Witako Reserve and Dry Gully Reserve)), whitehead, and the rifleman. Bellbirds are stronger fliers and also present on both sides of the valley, and numbers appear to be slowly increasing in the Pinehaven area. There are huge advantages in maintaining genetic diversity in sparse populations of rarer species such as bellbirds that still inhabit the local area. Although some of the habitats along the ridge may be unsuitable for populations to establish permanently, birds can disperse through these areas more safely by flying from tree to tree, thus avoiding cats. If the Guilford land becomes covered in houses, household cats would effectively create a permanent barrier to the passage of rarer birds that are weak fliers.

The report listed four species of bird seen during the ground survey: grey warbler, silvereeye, fantail and starling. In the nearby local area however, there are also tui, bellbirds, native falcon, Australasian harrier, blackbird, thrush, chaffinch, dunnoek, shining cuckoo (seasonal), tomtit, magpie, and native pigeons. Not all these species would use the Silverstream spur, but birds that visit the reserve and carry seed of native trees from the western side of the valley (less than 1km away) will continually increase the diversity of native species all along the ridge.

John Campbell  
Forest Ecologist  
20 April 2021

# Submission 92

## SUBMISSION FORM (FORM 5)

### PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN: VARIATION 1 TO PROPOSED PLAN CHANGE 49- SILVERSTREAM SPUR



To: Upper Hutt City Council

File Number: 351/12-051  
Submission Number: 92  
(for office use only)

Submission on Variation 1 on Proposed Plan Change 49 – Silverstream Spur to the Upper Hutt City Council District Plan

Submissions can be:

Delivered to: HAPAI Building, 879-881 Fergusson Drive, Upper Hutt  
Posted to: Variation 1 to PC49 – Silverstream Spur, Upper Hutt City Council, Private Bag 907, Upper Hutt  
Faxed to: (04) 528 2652  
Emailed to: [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**The closing date for submissions is Friday 4 November 2022 at 5pm**

**PLEASE NOTE THAT THE INFORMATION PROVIDED IN YOUR SUBMISSION, INCLUDING YOUR  
CONTACT DETAILS, WILL BE AVAILABLE TO THE PUBLIC**

#### DETAILS OF SUBMITTER

Name of submitter	Rachel Stuart		
Postal address of submitter	1 Chalfont Road, Upper Hutt		
Agent acting for submitter (if applicable)			
Address for service (if different from above)			
Contact phone / <b>email</b>	Telephone: 0276972052	Email: Rachelryan1@hotmail.com	
I could gain an advantage in trade competition through this submission (Please tick one)	<b>NO</b>	<input checked="" type="checkbox"/>	<b>Only answer this question if you ticked YES:</b>  I <b>am</b> / <b>am not</b> (select one) directly affected by an effect of the subject matter of the submission that: (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.
	<b>YES</b>	<input type="checkbox"/>	

**DETAILS OF SUBMISSION**

The specific provisions of the Variation that my submission relates to are as follows:

The transport corridor

*(Please use additional sheets if necessary)*

My submission is that:

The Silverstream Spur should be zoned 100% as open space

I disagree with the following provisions, and want them to be removed from the proposed plan change:

1. Enable site-specific provisions for infrastructure, including a transport corridor.
2. The proposed site-specific provisions would provide access to the Silverstream Spur for potential future access to the (External link) Southern Growth Area.

I agree with the following provisions:

1. Rezone the Silverstream Spur from a mix of Rural Hill Zone and Residential Conservation Zone to Natural Open Space.
2. Protect identified significant natural areas on the Silverstream Spur from development.
3. Enable site-specific provisions to provide access to the Silverstream Spur for a range of recreation, conservation and customary purposes (only).

*(Please state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific provisions or wish to have amendments made, giving reasons. Please use additional sheets if necessary)*

I seek the following decision from the local authority:

That the Silverstream Spur is rezoned to Natural Open Space.

That the Silverstream Spur remains exclusively Natural Open Space, with no transport corridor (now or in the future).

Designate the Spur as a Reserve (Reserves Act 1977)

*(Please give precise details and use additional sheets if necessary)*

Please indicate whether you wish to be heard in support of your submission (Tick appropriate box)	I <b>do</b> wish to be heard in support of my submission	
	I <b>do not</b> wish to be heard in support of my submission	x
Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (Tick appropriate box)	I <b>do</b> wish to make a joint case	
	I <b>do not</b> wish to make a joint case	x

## SIGNATURE AND DATE

Rachel Lee Stuart (digital signature)

---

*Signature of person making submission or person authorised to sign on behalf of person making submission*

Date: 4 November 2022

*(Note: A signature is not required if you are making your submission by electronic means)*

***Terms of making a submission*** - Upper Hutt City Council collects contact information on this form as part of the consultation process. Your personal information will be securely stored at Upper Hutt City Council and only accessed by Council officers for the intended purpose. You can request that your personal information be corrected at any time. Submission of this form is deemed as your agreement to these terms.

***PLEASE NOTE*** Your submission (or part of your submission) may be struck out if the authority is satisfied that at least **1** of the following applies to the submission (or part of the submission): **1** it is frivolous or vexatious; **2** it discloses no reasonable or relevant case; **3** it would be an abuse of the hearing process to allow the submission (or the part) to be taken further; **4** it contains offensive language; **5** it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.



TE RŪNANGA O  
**TOA RANGATIRA**

## Ā UPANE KA UPANE WHITI TE RA

Emily Thomson  
Planning Policy Manager  
Upper Hutt City Council  
838-842 Fergusson Drive  
Upper Hutt Central, Upper Hutt 5018

10 Noema 2022

Tēnā koe Emily,

### **Submission: Variation 1 to proposed Plan Change 49 - Silverstream Spur**

This is a submission on the following proposed plan change: Plan Change 49 by Te Rūnanga o Toa Rangatira as the mandated iwi authority under the Ngāti Toa Deed of Settlement Claims Act (2014).

Thank you for providing Rūnanga kaimahi the opportunity to conduct a site visit with your Planners to Upper Hutt's Silverstream Spur.

We understand, with the Plan Variation 1, you are seeking to change the Zoning of the area Silverstream Spur in your Operative District Plan. We do support this area to be rezoned and considered as 'Natural Open Space' to strengthen its importance to Tangata Whenua and iwi in the area.

In addition to its cultural significance and providing cultural activities to be performed, rezoning will provide protection and conservation of natural character, indigenous vegetation, and ecological and landscape values the Spur has. These are important matters to Tangata Whenua. It is important that cultural, ecological and environmental values are protected from development in the District Plan and inappropriate subdivision and land development is prevented through rezoning and provisions.

The proposal for this variation includes the protection of identified significant natural areas on Silverstream Spur from development. We ask that identifying sites and areas of significance to Māori is made a priority so that they are protected from development in the Silverstream Spur. We are aware that current operative District Plan does not have a legal sites and areas significant to Māori schedule and an associated Chapter providing protection and maintenance of these sites and areas.

We request the addition of NOSZ-R22 which makes the removal of indigenous vegetation a discretionary activity. Discretionary activity status is more appropriate if specific conditions or standards are not met while considering proposals for this zone.

The plan variation mentions enabling access for customary activities however, there are not any meaningful provisions for customary activities. We are more than happy to work with you and with our Tangata Whenua partners in the rohe to come up with a solution that focuses on producing such provisions with your kaimahi.

The Open Space Strategy Objectives do not mention the protection of indigenous vegetation or Māori rights and cultural traditions associated with this Plan Variation. We would be more than happy to have a kōrero with you and improve how all Council documents can align strategically and should support the District Plan provisions suggested above, and finally how they could help implementing it.

Ngā mihi,

Pou Toa Matarau

Naomi Solomon

**From:** [Onur Oktem Lewis](#)  
**To:** [Hayley Boyd](#); [Jaida Howard](#)  
**Subject:** RE: Plan change 49  
**Date:** Monday, 14 November 2022 9:36:41 am  
**Attachments:** [image001.png](#)

---

Kia ora Hayley, see responses below.

Onur



**TE RŪNANGA O  
TOA RANGATIRA**

**Onur Oktem-Lewis (PhD)**

**Principal Resource Management Advisor – Treaty & Strategic  
Relationships  
Principal Planner – Land Development and Policy**

Level 2, 1 Cobham Court, Porirua  
Phone: 027 772 5182 Email: [onur.oktem@ngatitooa.iwi.nz](mailto:onur.oktem@ngatitooa.iwi.nz)  
Website: [www.ngatitooa.iwi.nz](http://www.ngatitooa.iwi.nz)

---

**From:** Hayley Boyd <[hayley.boyd@uhcc.govt.nz](mailto:hayley.boyd@uhcc.govt.nz)>  
**Sent:** Monday, 14 November 2022 9:35 AM  
**To:** Onur Oktem Lewis <[Onur.Oktem@ngatitooa.iwi.nz](mailto:Onur.Oktem@ngatitooa.iwi.nz)>; Jaida Howard  
<[Jaida.Howard@ngatitooa.iwi.nz](mailto:Jaida.Howard@ngatitooa.iwi.nz)>  
**Subject:** RE: Plan change 49

You don't often get email from [hayley.boyd@uhcc.govt.nz](mailto:hayley.boyd@uhcc.govt.nz). [Learn why this is important](#)

Kia ora Onur and Jaida,

Thank you for sending through your submission for V1 on PC49.

Can you please just advise the following and I can add this to your submission:

1. Could you gain an advantage in trade competition through this submission? **No**
2. Do you wish to be heard in support of your submission? **Yes**
3. Please indicate whether you wish to make a joint case at the hearing if others make a similar submission. **No**

Thank you  
Hayley





OFFICE USE ONLY

Submission number **94**

PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN  
**Proposed Plan Change 49—Open Spaces—Variation 1**

The closing date for submissions is **Friday, 4 November 2022, at 5.00 pm**

**To Upper Hutt City Council**

Submission on Proposed Plan Change 49 to the Upper Hutt City Council District Plan

**Deliver to:** HAPAI Service Centre, 879 – 881 Fergusson Drive, Upper Hutt 5019

**Post to:** Planning Policy Team, Upper Hutt City Council, Private Bag 907, Upper Hutt 5140

**Scan and email to:** [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz)

**Details of submitter**

When a person or group makes a submission or further submission on a Proposed Plan Change this is public information. By making a submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. This is because, under the Act, all submissions must be published to allow for further submission on the original submission. There are limited circumstances when your submission or your contact details can be kept confidential. If you consider you have reasons why your submission or your contact details should be kept confidential, please contact the Planning Team via email at [planning@uhcc.govt.nz](mailto:planning@uhcc.govt.nz).

NAME OF SUBMITTER

Jennifer Ann Dolton

POSTAL ADDRESS OF SUBMITTER

130 Plateau Rd, Te Marna, Upper Hutt.

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

CONTACT TELEPHONE

04 5267422

CONTACT EMAIL

I could gain an advantage in trade competition through this submission (please tick one ): **yes**  /  **no**

Only answer this question if you ticked 'yes' above:

I am  /  am not (tick one ) directly affected by an effect of the subject matter of the submission that:

- (a) adversely affects the environment; and
- (b) does not relate to trade competition or the effects of trade competition.

## Details of submission

The specific provisions of the proposed Plan Change that my submission relates to are as follows:

1. Rezone the Silvestream Spur as Natural Open Space.
2. Enable site specific provisions for infrastructure, including transport corridors.
3. Protect identified significant Natural Areas on the Silvestream Spur from development.

USE ADDITIONAL PAPER IF NECESSARY

My submission is that:

1. Keep Natural Open space zoned to enhance and preserve it for future generations and wildlife corridors.

PLEASE STATE IN SUMMARY THE NATURE OF YOUR SUBMISSION. CLEARLY INDICATE WHETHER YOU SUPPORT OR OPPOSE THE SPECIFIC PROVISIONS OR WISH TO HAVE AMENDMENTS MADE, GIVING REASONS. PLEASE USE ADDITIONAL PAPER IF NECESSARY

I seek the following decision from the local authority:

1. I want the Council to Rezone and protect the Silvestream Spur as a Natural Open Space.
2. I want the council ~~to~~ with regards to Proposed plan 49 - open spaces variation 1.; delete all reference to Roads, infrastructure and anything else that may damage the Natural open space.
3. I want the council to PROTECT any identified significant Natural Areas !!! Thank you.

PLEASE GIVE PRECISE DETAILS AND USE ADDITIONAL PAPER IF NECESSARY

Please indicate whether you wish to be heard in support of your submission (tick appropriate box ☐):

- I do wish to be heard in support of my submission.  
 I do not wish to be heard in support of my submission.

Please indicate whether you wish to make a joint case at the hearing if others make a similar submission (tick appropriate box ☐):

- I do wish to make a joint case.  
 I do not wish to make a joint case.

## Signature and date

Signature of person making submission or person authorised to sign on behalf of person making submission:

SIGNATURE



DATE 1/11/22