

Siobhan Simpson

From: UHCC Planning
Sent: Wednesday, 29 May 2024 10:08 am
Cc: UHCC Planning
Subject: Further Submissions – Plan Change 50 – Rural Review
Attachments: PC50 - Public Notice - Further Submissions.pdf

Dear Submitter,

Thank you for your submission on Plan Change 50 – Rural Review.

Please find attached the Public Notice of further submissions for Proposed Plan Change 50 – Rural Review to the Upper Hutt District Plan 2004.

We have formally notifying the Summary of Decisions Requested (Summary of Submissions) in the Upper Hutt Leader on **29 May 2024** and further submissions are being sought from this date.

All information, including how to make a further submission can be found at -

<https://letskorero.upperhuttcity.com/pc50-rural-chapter-review>

We have received a number of submissions that have requested a change of zoning (from the proposed zoning in PC50 to a different zone). We have mapped these requests, which can be found here - <https://experience.arcgis.com/experience/6a7040bfa7124ad38ab8e458c6b53594/> . Maps are also available in PDF format, if you would like a copy please let us know.

Making a further submission

Further submissions can be made by anyone in the community with an interest in PC50, for example anyone who lives, works, or volunteers in the area. If you decide to make a further submission, you will also need to send a copy to the person who made the original submission no later than **five working days** after you submit it to us.

Further submissions must be completed on the Further Submission Form (Form 6), must state whether or not you wish to be heard on your submission and can only be made on a matter in support of, or opposition to, an original submission. Word and PDF copies of Form 6 can be found on our webpage and consultation page.

You may make further submissions electronically or in writing to the Council in the following ways:

- Online: <https://letskorero.upperhuttcity.com/pc50-rural-chapter-review>
- In person: Upper Hutt City Council, 838 – 842 Fergusson Drive, Upper Hutt
- Post: Proposed Plan Change 50, Upper Hutt City Council, Private Bag 907, Upper Hutt, 5140
- Email: planning@uhcc.govt.nz

The Ministry for Environment also has a submission guide which may be helpful to making your submission: <https://environment.govt.nz/assets/Publications/Files/3.2-making-a-submission.pdf>

The further submission period closes at **5.00 pm on 13 June 2024**.

If you need any assistance with the further submission process or wish to discuss PC50 further, please get in touch with the Planning team on (04) 527 2169 or email planning@uhcc.govt.nz

Regards,

Planning Team



PUBLIC NOTIFICATION OF SUMMARY OF DECISIONS REQUESTED ON PROPOSED PLAN CHANGE 50 TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN (2004) - RURAL CHAPTER REVIEW

The Upper Hutt City Council gives NOTICE as required by clause 7 of the First Schedule of the Resource Management Act 1991, of the availability of a Summary of Decisions Requested (Summary of Submissions) by persons who made submissions on Proposed Plan Change 50 - Rural Review to the Upper Hutt City Council District Plan 2004.

Plan Change 50 - Rural Review includes the development of zone-specific provisions for the General Rural, Rural Production, Rural Lifestyle, and Settlement Zones. It also introduces the Staglands Precinct, Berketts Farm Precinct and the Clay Target Club acoustic overlay.

The Plan Change can be viewed on the Council website at letskorero.upperhutt.com/pc50-rural-chapter-review, and can also be inspected at any of the following locations:

- **Upper Hutt City Council**
838 - 842 Fergusson Drive
Upper Hutt
- **Upper Hutt Central Library**
844 Fergusson Drive
Upper Hutt
- **Pinehaven Branch Library**
Corner of Pinehaven Road & Jocelyn Crescent
Pinehaven, Upper Hutt

Making further submissions

You may make further submissions electronically or in writing to the Council in the following ways:

- Online: letskorero.upperhuttcity.com/pc50-rural-chapter-review
- Email: planning@uhcc.govt.nz
- In person: **Upper Hutt City Council**
838 - 842 Fergusson Drive
Upper Hutt
- Post: **Proposed Plan Change 50**
Upper Hutt City Council
Private Bag 907
Upper Hutt 5140

Further submissions must be completed on the Further Submission Form (Form 6) and must state whether or not you wish to be heard on your submission. A further submission must be in response to a decision requested in one of the original submissions. Copies of the Further Submission Form are available on the website and from Council. Further submissions must be received by **5pm, Thursday 13 June 2024**.

Any person representing a relevant aspect of the public interest and any person with an interest in the Plan Change greater than the interest the general public has, may make a further submission.

A further submission must be:

- in response to a decision requested in one of the original submissions; and
- is limited to either be in support of, or opposition to an original submission; and
- must provide reasons for support or opposition to an original submission.

Please note: In addition to serving a copy of the further submission on the Upper Hutt City Council, a copy of the further submission must also be served on the person(s) who made the original submission to which the further submission relates. This must be done no later than 5 working days after providing the Upper Hutt City Council with the further submission.

Process for public participation

The proposal for public participation in the consideration of the proposal under the Act is as follows:

- after the close of further submissions, Council will conduct a hearing if needed. Everyone who made a submission or further submission, and who requested to be heard, will be advised of the dates and times of the hearing and will be given an opportunity to attend and speak to the Council in support of their submission.
- after considering the plan change and undertaking a further evaluation of the plan change in accordance with section 32AA the Upper Hutt City Council
 - may decline, approve, or approve with modifications the plan or change; and
 - must give reasons for its decision; and
- the local authority shall give public notice of its decision within 2 years of notifying the proposal and serve it on every person who made a submission and
- any person who has made a submission has the right to appeal against the decision on the proposal to the Environment Court if,
 - in relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal; and
 - in the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole.

If you have any questions, or would like further information about PC50, please contact planning@uhcc.govt.nz

Suzanne Rushmere
Planning Policy Manager
Upper Hutt City Council
Wednesday, 29 May 2024

Siobhan Simpson

From: Suzanne Rushmere
Sent: Tuesday, 28 May 2024 1:44 pm
To: Michael Hall
Subject: Accepted: quick catch up

Siobhan Simpson

From: Diana Goodall 7(2)(a) [REDACTED] on behalf of Michael Hall
7(2)(a) [REDACTED]
Sent: Thursday, 9 May 2024 8:50 am
To: Suzanne Rushmere
Subject: Accepted: Traffic Catch Up

Siobhan Simpson

From: Michael Hall 7(2)(a)
Sent: Wednesday, 8 May 2024 3:51 pm
To: Suzanne Rushmere
Subject: Accepted: Traffic Catch Up

Siobhan Simpson

From: Michael Hall 7(2)(a)
Sent: Friday, 10 May 2024 1:01 pm
To: Suzanne Rushmere
Subject: Accepted: Traffic Catch Up

Siobhan Simpson

From: Michael Hall 7(2)(a)
Sent: Wednesday, 8 May 2024 12:33 pm
To: Suzanne Rushmere
Subject: Accepted: Traffic Model

Siobhan Simpson

From: Diana Goodall 7(2)(a) [REDACTED] on behalf of Michael Hall
7(2)(a) [REDACTED]
Sent: Wednesday, 29 May 2024 8:24 am
To: Suzanne Rushmere
Subject: Accepted: Traffic Modelling

Siobhan Simpson

From: Michael Hall 7(2)(a)
Sent: Wednesday, 29 May 2024 7:09 am
To: Suzanne Rushmere
Subject: Accepted: Traffic Modelling

Siobhan Simpson

From: Michael Hall 7(2)(a)
Sent: Wednesday, 29 May 2024 4:32 pm
To: Suzanne Rushmere
Subject: Accepted: Traffic Modelling

Siobhan Simpson

From: Pherne Tancock 7(2)(a)
Sent: Thursday, 6 June 2024 4:12 pm
To: UHCC Planning
Subject: Automatic reply: Plan Change 49 / Variation 1 - Minute #12 - Closing of Hearing

Thank you for your email. I 7(2)(a) will be returning to the office on 2 July. 7(2)(a)

If it is urgent please contact my instructing solicitor in the relevant matter or Caroline Cheetham at Harbour

Chambers 7(2)(a)

Kind regards

Pherne Tancock.

Siobhan Simpson

From: UHCC Planning
Sent: Friday, 20 September 2024 6:44 pm
Cc: UHCC Planning
Subject: Council meeting on PC49/V1 - 2pm 25 September 2024

Tēnā koe,

We are writing to notify you of an upcoming meeting regarding Plan Change 49 and Variation 1 to the Upper Hutt District Plan 2004.

Council will make decisions on Plan Change 49/Variation 1 at Ordinary Council on 25 September 2024, after receiving recommendations from the Independent Hearings Panel.

You can view the full agenda (including the Hearings Panel Recommendation Report – from page 388) on the Upper Hutt City Council website here:

<https://www.upperhutt.govt.nz/files/assets/public/v/1/yourcouncil/meetings/2024/cycle-5/council-agenda-20240925.pdf>

The meeting will be held in Council Chambers on Wednesday, 25 September, at the earlier (than usual) time of 2.00 pm, the meeting will also be livestreamed on the Council's YouTube channel.

For more information and background on the proposed plan change please visit our dedicated Plan Change 49/Variation 1 webpage: <https://www.upperhutt.govt.nz/Services/District-Plan/PC49>

Ngā mihi nui,

Siobhan Simpson

From: Toni Neale
Sent: Thursday, 2 May 2024 1:34 pm
To: Pherne.Tancock 7(2)(a); Craig Martell 7(2)(a)
Cc: Geoff Swainson
Subject: Fast Track Approval Application
Attachments: Fast Track Approval Application for Silverstream Forest Development .pdf

Hi Pherne and Craig

Please find attached letter I am about to send to Hon. Chris Bishop, Hon Simeon Brown and Hon Shane Jones. I will also copy you into that email.

Regards

Toni



Hon. Chris Bishop MP
Hon. Simeon Brown MP
Hon. Shane Jones MP

By email

2 May 2024

Dear Ministers /Referral Panel

RE: Guildford Timber Company Ltd - Fast Track Approval Application for Silverstream Forest Development.

Upper Hutt City Council supports Guildford Timber Company Ltd's (GTC) application for Fast Track application for the Silverstream Forest Development to develop the Southern Growth Area and provide 1500-2040 new homes in Upper Hutt.

The Council has worked with GTC to plan for the use of this land for housing for over 17 years. The Fast Track process would provide an efficient means of consenting the proposed development without further Council expenditure on planning and hearings. This would provide certainty for GTC, the community and Council over the future of this land.

The Council is the owner of the Silverstream Spur and intends to provide the necessary approval for access to the Silverstream Forest via Kiln Street via a roading and infrastructure corridor through the Spur.

Yours faithfully

Geoff Swainson
Te Tumu Whakarae | Chief Executive

Siobhan Simpson

From: Pherne Tancock 7(2)(a)
Sent: Wednesday, 29 May 2024 12:23 pm
To: Geoff Swainson
Cc: Craig Martell
Subject: Fast Track
Attachments: Letter-Hon Chris Bishop-Fast Track Consenting-2024-02-16-including attachment[80].pdf

Hi Geoff

I thought you might find this interesting – Tasman District Council have written to the Ministers in support of a Fasttrack application (without any criticism) – see top of page 2.

Kind regards,
Pherne.



Office of the Mayor

Email mayor@tasman.govt.nz
Phone 03 543 8444

16 February 2024

Hon Chris Bishop
Minister of RMA Reform
Parliament Buildings
Wellington

Via email: chris.bishop@parliament.govt.nz

Tēna koe Minister

Potential Fast Track Consent Projects and other potential regulatory improvements

Thank you for the opportunity to put forward projects for fast-track consent consideration under your proposed Bill.

Tasman District is a high growth region with some of the least affordable housing in the New Zealand when compared to household income. We have worked hard over many years to ensure we provide new development opportunities to meet the housing needs in our region. This challenge remains, with growth of approximately 4,700 homes needed over the next 10 years. We are keen to work with the Government to reduce barriers to meet this need and have highlighted a few of those opportunities below.

Fast Track Consent – Joint Landfill Projects

Tasman District Council and Nelson City Council have a joint landfill operation that include two future projects we think are suitable for a fast-track consent process. A summary of these is below (attachment 1) and we can provide further information next week if required. We would like these to be considered in the second tranche of consents following the enactment of the legislation. We do not yet have all the information ready for these consents but will do so for project-1 by mid-2024 and project-2 (if needed) by the end of 2025.

Fast Track Designation – Borck Creek

It is not clear whether the scope of the Bill will include designations, but if it does, we would welcome the opportunity to include the Borck Creek designation process for consideration in the second tranche following the enactment of the legislation. Borck Creek is an ongoing series of drainage improvements that will ultimately provide drainage for over 3,300 homes and large commercial areas within Richmond. We do not yet have all the information ready for this designation but will do so by mid-2024.

Friendly Towns • Motueka and Kiyosato, Hokkaido, Japan • Richmond and Fujimi, Nagano, Japan • Tākaka and Grootegast, The Netherlands

Tasman District Council
Email info@tasman.govt.nz
Website tasman.govt.nz
24 hour assistance

Richmond
189 Queen Street
Private Bag 4
Richmond 7050
New Zealand
Phone 03 543 8400

Murchison
92 Fairfax Street
Murchison 7007
New Zealand
Phone 03 523 1013

Motueka
7 Hickmott Place
PO Box 123
Motueka 7143
New Zealand
Phone 03 528 2022

Tākaka
78 Commercial Street
PO Box 74
Tākaka 7142
New Zealand
Phone 03 525 0020

Fast Track Consent – Support for Wakefield Village Development

We are aware that the Wakefield Village Development group has requested fast track approval for its subdivision of approximately 320 homes. We support this development going to fast-track approval. Apart from providing additional housing supply, it also proposes to provide some dual dwellings lots, which we believe will be well received by our market.

Fast Track Land Zoning

In addition to speeding up resource consents, we believe there is an opportunity for the Government to simplify the zone change process and would welcome a discussion with you about what this could look like. This would unlock substantive and well-planned development capacity more quickly, enabling more developments sooner as well as reducing the number or complexity of consents required in the future – including those that may otherwise need to go through the fast-track consent process you propose.

Regions are now required to develop Future Development Strategies (FDS). These FDS identify the land to be used for future development. Tasman and Nelson completed our joint FDS in 2022 – a major process that attracted over 500 submissions. Despite this, the land included for future development must still go through the same Schedule 1 RMA process (approximately two years' work) to implement zone changes. In net terms, this has added time and cost to the planning process rather than simplifying or streamlining it.

We value our FDS as a strategic planning tool but could get more value from it if there was a fast-track zone change process for land covered by the FDS. We have attached examples for your information of Tasman zoning changes that could be enabled quickly under such a system (attachment 2).

In other words, having a site identified in an FDS does not materially speed up the release of that land. The full Schedule 1 RMA process automatically applies. The FDS and RMA processes are “decoupled”.

Two options are immediately apparent:

1. Include a process in the new Government fast-track legislation that applies to zone changes. However, Council's would need to be given a period of time to formulate the zone rules before the new zone applies. We suggest that this process should only be open to Council's as zone changes are very significant and should not be automatically available to private landowners or developers.

OR

2. Amend the Streamlined Planning Process that is already in the RMA. The new SPP could be automatically available to councils for sites that are identified in the FDS (rather than needing to seek Ministerial approval). This would enable an FDS to be implemented on the ground more quickly.

The Council Consenting Process

I strongly encourage the Government to consider how the existing consenting system can be improved to reduce uncertainty while reducing the cost, complexity, and time associated with the bulk of consents, which will still go through councils in the future. Leaving the current consenting system in place while introducing a separate alternative fast-track consenting process may also drive significant demand for the new process. This may reduce the benefit of the new system as demand exceeds capacity to process new fast track consents, driving delays.

Designating and acquiring land to support development.

There is a major disconnect between designations under the Resource Management Act 1991 and the Public Works Act 1981. Both are fundamental to providing the infrastructure we need to service growth. Public entities must complete two separate, costly, and time-consuming processes to designate and acquire land. We understand the need to carefully consider such impositions on private land holdings and that a high bar is needed but consider that the two process can be linked to avoid unnecessary duplication and costs. We can highlight several examples where the disconnect has delayed new growth infrastructure being constructed and would welcome a discussion about what changes could reduce delays while still protecting private property rights.

National environmental standard for assessing and managing contaminants in soil to protect human health

We have a related matter to raise with you around the national environmental standard for assessing and managing contaminants in soil to protect human health. The standards prohibit the sensible management of some low-risk class-4 contaminated soils i.e. soil which is close to background levels. This is driving up the costs of developments and making them more complex, while at the same time wasting a valuable resource and generating the part of the issue that underpins the two landfill projects we are proposing for fast-track consent.

A change to the standards could eliminate a lot of wasted time and energy and potentially make greater productive agricultural re-use of some of these soils, with no risk to the environment or human safety.

A related change to the Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Regulations 2009 made under the Waste Minimisation Act 2008 for class 4 materials from new developments could also encourage beneficial reuse of this soil.

We would welcome the chance to discuss this with you.

Thank you again for opportunity to put forward projects for fast-track consent consideration. I look forward to hearing from you on these, and the other matters I have raised.

Ngā mihi nui



Tim King

Mayor of Tasman

Te Koromatua o te tai o Aorere

Copy to: Maureen Pugh, Member of Parliament for West Coast-Tasman

Attachment 1 – Information on Nelson Tasman Joint Landfill Projects

Project 1: New Regional Contaminated Soil reuse project.

Issue(s) being faced that the Nelson Tasman Regional Landfill Business Unit want to resolve with this project.

Issue 1 – Nelson-Tasman no longer has any disposal or reuse facilities in the region for contaminated soil. This is a recently identified issue as contaminated soil disposal has been managed by the private sector until late last year. This issue could result in a cost of around \$25 million per annum for earthworks and infrastructure projects, many of which would be Nelson City Council and Tasman District Council projects. This would create significant financial and/ or environmental and compliance issues if it is not resolved. If the waste is accepted at the York Valley Facility in Nelson, it could result in the closure of the landfill within the next five or six years. The consequence of this is that the Nelson Tasman region may be in a position of not having a regional class one landfill facility. This is an untenable situation.

Issue 2 – Nelson City has a limited land area suitable for housing development, and it is possible for the Nelson-Tasman Regional Landfill Business Unit to reuse contaminated soils to develop a New Housing platform by filling steep gullies. A draft concept plan has been developed for the beneficial reuse of contaminated soils for this within the York Valley landfill designation, but as a separate activity to the York Valley landfill.

Issue 3 – The timing of the consenting process (which the Nelson-Tasman Regional Landfill Business Unit is trying to fast track to resolve this issues) could take years. The reuse project will ultimately require the business unit to get consent for discharge to land that might otherwise be considered to be a class 3 and 4 contaminated soil landfill (despite this being a beneficial reuse project) This would result in some of the adverse effects of not having a contaminated soil disposal or reuse facility within the region occurring (at least for the duration of the consenting process) and therefore would result in the shortening of the landfill life prior to the New Regional Contaminated Soil reuse receiving consent. This would also result in the use of class 1 landfill airspace for material that would not need to go to a class 1 facility.

Where is this project at present?

The Nelson-Tasman Regional Landfill Business Unit has engaged planners for the development of the Assessment of Environmental Effects (AEE), project management for the AEE process and ecological assessments. The business unit staff are also working on engaging consultants for groundwater assessments and geotechnical assessments for the application for a Beneficial Contaminated Soil Reuse project.

The project will require a discharge to land consent for contaminated soils This project is reasonably new and relates to the Nelson Tasman region not having a reuse of disposal mechanism for contaminated soils.

The project is to be sited within the existing York Valley landfill designation which greatly simplifies the process for getting consent.

Business unit staff have had preliminary discussions with the consenting authority and given the significance and the urgency of the issue, ongoing communication is proposed while the application and AEE are developed.

From a cost perspective, the business unit does not have a specific budget for the project (it was identified after the activity management plan was developed), but it is expected that the joint Council committee will allow the Nelson Tasman Regional Landfill Business Unit to divert the funding for a similar but smaller project at the Eves Valley landfill for this project. Additional funding may also need to be sourced.

The timeframe is very important for this project if the two councils to limit or mitigate any adverse environmental, financial, and economic effects to the Nelson Tasman region.

Our goal is to submit the AEE in as good a form as possible by end of June 2024 (currently an ambitious target), and therefore we are very interested in a fast-track process for this project.

Project two: New Regional Class one landfill consent and development.

Issue(s) being faced that the Nelson-Tasman Regional Landfill Business Unit want to resolve with this project.

Issue – The Nelson Tasman region has only one consented Class 1 landfill (a landfill which accepts residential, hazardous, and organic wastes) and has 10 years of its consented life remaining.

The business unit works under a set of guidelines outlined in the joint Nelson-Tasman Waste Management and Mitigation Plan that requires the landfill to have five years of consented capacity and two years constructed capacity at all times. This consent application will seek consent for a landfill with around 25 years capacity. The Business Unit would seek a consent with a duration of 35 years (the maximum allowed under the RMA.)

The new information associated with Project 1 above, means that it is possible that the current York Valley Gully 1 landfill life could shorten to five years if York Valley needs to accommodate contaminated soils from the Nelson-Tasman region. The newly identified issue with contaminated soil reuse / disposal in the Nelson Tasman region (Project 1) would mean that without urgent attention the Nelson-Tasman community could face a period where there was no class one facility in the region, and waste would need to be sent to Marlborough (or another facility) at significant economic and environmental cost.

The current plan for the New Class 1 Regional Landfill is to apply for consent for Gullies 2 and 3 within the York Valley Landfill designation, and to request a modification to the Nelson Tasman Regional Landfill Business Unit Deed of Agreement from Tasman District Council and Nelson City Council. The business unit would also need to seek an amendment to the Commerce Commission Authorisation to accommodate this change.

This project is urgent depending on the outcome of Project 1, but even if Project 1 is implemented, this project will still be necessary in its own right and fast tracking the process would provide material benefit to the Nelson-Tasman region.

Where is this project at present?

The Nelson-Tasman Regional Landfill Business Unit has started the process of developing information for the application for consent for a new regional landfill facility and is looking to apply for consent within the next two years. Geotechnical briefs have been generated and a project control team has met to develop the project schedule, and to identify the process to engaging the key experts.

Landfill consenting processes have taken as long as five years in different parts of New Zealand, and the business unit's Stage 2 consent for the Eves Valley Landfill has been in progress since 2017 (~7 years). Our assumption is that we can apply to get sufficient feedback within 24 months to allow the business unit sufficient time (if we think we might be unsuccessful), to prepare and submit a second application for an alternative site (Eves Valley Stage 3).



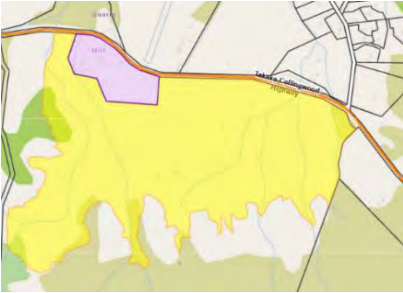
From a cost perspective, the Nelson Tasman Regional Landfill Business Unit has budget for the project of around \$2 million over the next three years. There is also \$43 million in the second five-

years of the activity management plan for the construction of a facility in Gullies 2 and 3 assuming a successful consent application.

Timeframe is very important for this project if we want to limit or mitigate any adverse environmental, financial, and economic effects to the Nelson Tasman region, however the timeframe depends on the success of Project 1.

Our goal is to submit the application with all relevant information and detail by the end of 2025 and therefore we are very interested in a fast-track process for this project.

Attachment 2 – Areas suitable for fast-track zone changes

Area	Zone change description
Port Tarkohe zone Port Motueka zone	<p>Replace the current patchwork of zones with a single Port Zone for Tarkohe and Port Motueka</p> <p>New port zone can be bespoke for the ports and enable a much more streamlined rules</p>
Berryfields Junction	<p>Replace Mixed Business Zone with a higher density Mixed Use Zone (MUZ). MUZ could enable up to 6-storey apartments</p>
Medium Density Residential Zone (Richmond)	<p>Change Richmond Residential Zone to Medium Density Residential Zone (MDRZ) for Richmond to implement the Richmond Spatial Plan (Richmond on the Rise project)</p>
Richmond South Industrial Land	<p>Change zone along SH6 at Hope to Light Industrial or Mixed Business Zone</p> 
Tākaka Industrial	<p>Change Zone at Page Road to Light Industrial Zone</p> <p>Zone is included in FDS and there is a significant shortage of business land in Golden Bay</p> 
Golden Bay Industrial	<p>Change Zones at Rangihaeata</p> <ol style="list-style-type: none"> 1. Area of Light Industrial Zone 2. Area of Rural Residential (unserviced) zone 

Siobhan Simpson

From: Chris Hansen <chris@rmaexpert.co.nz>
Sent: Wednesday, 26 June 2024 9:53 am
To: UHCC Planning
Subject: Further submission to submissions received on Plan Change 50 - Rural Chapter Review
Attachments: FINAL Further Submission form-6.pdf; FINAL GTC Further Submission table 250624.pdf

Please find attached a further submission on behalf of Guildford Timber Company Limited, Silverstream Forest Limited and the Goodwin Estate Trust to submissions received on Plan Change 50 to the Upper Hutt City District Plan.

A copy of this further submission will be sent to the original submitters within 5 working days as required by Clause 8A of Schedule 1 of the RMA.

Kind regards

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179
ph: 7(2)(a)





OFFICE USE ONLY

Submission number



PROPOSED PLAN CHANGE TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN

Proposed Plan Change 50 - Rural Chapter Review

The closing date for further submissions is Wednesday, 26 June 2024, at 5pm

To Upper Hutt City Council

Further submission only in **support of** or **opposition to** a submission on publicly notified Proposed Plan Change 50 – Rural Review to the Upper Hutt City Council District Plan

Deliver to: Upper Hutt Civic Centre, 838 – 842 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

A copy of this further submission must also be served on the original submitter within 5 working days after making this further submission to Council.

Details of submitter

When a person or group makes a further submission on a Proposed Plan Change this is public information. By making a further submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. 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.

NAME OF SUBMITTER

Guildford Timber Company Limited, Silverstream Forest Limited and the Goodwin Estate Trust

POSTAL ADDRESS OF SUBMITTER

AGENT ACTING FOR SUBMITTER (IF APPLICABLE)

Chris Hansen, RMA Planning Consultant

ADDRESS FOR SERVICE (IF DIFFERENT FROM ABOVE)

C/- 220 Ross Road, RD7; Tauranga 3179

CONTACT TELEPHONE. 02102645108

CONTACT EMAIL chris@rmaexpert.co.nz

I am (please tick all that apply

A person representing a relevant aspect of the public interest

PLEASE SPECIFY THE GROUNDS FOR SAYING YOU COME WITHIN THIS CATEGORY



A person who has an interest in the proposal that is greater than the general public has

The submitter owns land affected by PC50.

PLEASE SPECIFY THE GROUNDS FOR SAYING YOU COME WITHIN THIS CATEGORY

The local authority for the relevant area

Details of further submission

To **support** / **oppose** (tick one) the submission of:

NAME OF ORIGINAL SUBMITTER

POSTAL ADDRESS OF ORIGINAL SUBMITTER

SUBMISSION NUMBER

The particular parts of their submission that I support or oppose are:

Please refer to attached table.

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:

Please refer to attached table.

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:

Please refer to attached table.

PLEASE GIVE PRECISE DETAILS OF THE PARTS OF THE SUBMISSION THAT YOU SEEK TO BE ALLOWED OR DISALLOWED. 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 26 June 2024

Submitter Number; Name; Address	Submission Number	Support / Oppose	Reason	Decision Sought
Submitter 20: Nigel Marriot 1400 Akatarawa Road; RD2; Upper Hutt	S20.1	Oppose	The submitter's request that there be no further rural subdivision permitted, and prohibition of all current and future rural subdivision is opposed. Such a request is draconian, is contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.	Disallow submission S20.1.
Submitter 37: Anne Rainey 25 Sierra Way, RD1, Upper Hutt	S37.1	Oppose in part	The submitter's request that current lot sizes for Rural properties should remain, and infrastructure should be in place before any development occurs in the Blue Mountains is opposed. Such a request is contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.	Disallow that part of submission S37.1 that seeks current lot sizes for Rural properties to remain, and infrastructure be in place before any development occurs in the Blue Mountains area.
Submitter 43: Julie Allison 16 Avian Road	S43.1	Oppose	The submitter's request that Council consult with the community and create new documentation outlining the proposed objectives, policies and rules tailored for each zone is opposed. Such a request is unnecessary as Plan Change 50 is going through an appropriate RMA process that will address the concerns raised by the submitter, and delaying the process is contrary to the NPS-UD and does not	Disallow submission S43.1.

			achieve the sustainable management purpose of the RMA.	
Submitter 75: Andrea Martin 113 Kakariki Way, RD1, Upper Hutt 5371	S75.2	Oppose	The submitter's request that any further plans for subdivision to be halted is opposed. Such a request is unnecessary, is contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.	Disallow submission S75.2.
Submitter 79: Lisa and Andrew Plimmer 115 Russells Road, RD1, Upper Hutt 5371	S79.1	Oppose in part	The submitter request that the review of the rural zoning be put on hold until a proper assessment of the Berketts' Farm site is undertaken, and there has been genuine consultation with the community is opposed. It is not necessary or appropriate to put the entire PC50 on hold while one particular site is investigated. Such a request is contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.	Disallow the request in submission S79.1 to put the review of the rural zones on hold.
Submitter 80: Stephanie Watson 26 Avian Road	S80.1	Oppose	The submitter requests a restriction on traffic on Blue Mountains Road to cars, Utes and school buses and ban all construction and logging traffic. Such a request is inappropriate and unenforceable, and does not recognise there are existing and planned construction and forestry activities in the area that are entitled to use the Blue Mountains Road.	Disallow submission S80.1.
Submitter 93: Ian Stewart	S93.5	Support	The submitter requests a rule allowing for any new subdivision in the General Rural,	Allow submission S93.5.

268 Mangaroa Valley Rd, RD1, Upper Hutt			Rural Production or Rural Lifestyle that meets standards to be undertaken as a controlled activity. Such a request is appropriate and would help to implement the NPS-UD and achieve the sustainable management purpose of the RMA.	
Submitter 93: Ian Stewart 268 Mangaroa Valley Rd, RD1, Upper Hutt	S93.8	Support in part	The submitter requests the deletion of the rules and standards related to Forestry and rely on Resource Management (National Environmental Standards for Plantation Forestry) Regulations 2017. While the request is appropriate, the 2017 regulations have been amended by the NES for Commercial Forestry Amendment Regulations 2023 and reference to the latest NES should be referenced in PC50.	Allow submission S93.8, subject to referring to the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023.
Submitter 124: Allan Kelly 1368 Akatarawa Road, RD2	S124.5	Support in part	The submitter requests vehicle movements from construction activities and commercial activities (forestry, infrastructure provision) to be excluded from TP-S9. Such a request is supported as these activities have economic benefits and have short term effects that can be managed.	Allow that part of submission S124.5 that requests vehicle movements from construction activities and commercial activities (forestry, infrastructure provision) to be excluded from TP-S9.
Submitter 124: Allan Kelly 1368 Akatarawa Road, RD2	S124.10	Support	The submitter requests an amendment to GRUZ-S2 that relates to setbacks to a forest as the current drafting could sterilise new building/building platforms in forest land. Such a request is supported as it represents sound planning practice and would and	Allow submission S124.10.

			achieve the sustainable management purpose of the RMA.	
Submitter 124: Allan Kelly 1368 Akatarawa Road, RD2	S124.11	Support	The submitter opposes GRUZ-S14 which requires a self-sufficient potable water supply with a minimum volume of 38,000L and a domestic fire sprinkler system connected to a firefighting water supply. The submitter's opposition is supported as the proposed requirements are too prescriptive and impractical – the requirement is not linked to the need (i.e. size of building); only allows for one hazard management approach (sprinklers), and appears to require a 38,000L tank for potable water and a 7,000L fire volume for the fire sprinkler system..	<p>Allow submission S124.11 and amend GRUZ-S14 as follows (add red text; delete strikeout):</p> <p>1. Each residential unit that is not connected to Council's reticulated water supply, and is not located within the maximum permissible distance to the required number of fire hydrants as described in SNZ PAS 4509:2008, must have the following installed:</p> <p>a. a self-sufficient potable water supply with a minimum volume of 38,000L; and that provides a minimum of two months potable supply based on the average daily water consumption, determined by the number of occupants, the number of bedrooms and type of sanitary fixtures. The supply must be tested and/or treated to meet safe drinking water standards.</p> <p>b.i) a domestic fire sprinkler system in accordance with NZS 4541:2013 that is connected to a firefighting water supply (7,000L tank) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008." OR</p>

				b.ii) a standalone 45,000L tank or volume as per SNZ PAS 4509:2008.
Submitter 161: John Martin 113 Karaiki Way, 5371	S161.1	Oppose	The submitter requests that PC50 and rural development be revoked. Such a request is unnecessary, is contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.	Disallow submission S161.1.
Submitter 168: Wellington Electricity Lines Ltd PO Box 31049, Lower Hutt 5040	S168.5	Support	The submitter requests a new Controlled Activity performance standard for subdivision (SUB-RUR-S1) to ensure the sub transmission network is recognised and protected. Such a request is supported as it represents sound planning practice and would and achieve the sustainable management purpose of the RMA.	Allow submission 168.5.
Submitter 172: Greater Wellington Regional Council PO Box 11646, Wellington 6011	S172.1	Oppose	The submitter requests a reduction in the extent of new rural lifestyle zoning based on a review of potential flood and slope stability hazards. This request provides no indication of where this reduction should be or reasons why the provisions of PC50 will not address the flood and slope stability hazards they are concerned about. Such a request is opposed as it would not achieve the sustainable management purpose of the RMA.	Disallow submission S172.1.
Submitter 172: Greater Wellington Regional Council	S172.4	Oppose	The submitter requests the inconsistencies between the urban extent of PC50 and the planned urban areas in proposed PC1 to the NRP be resolved – there is a risk PC50	Disallow submission 172.4.

PO Box 11646, Wellington 6011			enables small amounts of urban development that will be prohibited under Proposed PC1 to the NRP. The request is opposed as there are submissions to Proposed PC1 to the NRP that challenges the urban extent prepared by GWRC and the prohibition of discharges associated with new unplanned greenfield development. Furthermore, the maps notified in PC1 to the NRP do not accurately reflect the amended changes to the FDS made in 2024. Such a request is contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.	
Submitter 172: Greater Wellington Regional Council PO Box 11646, Wellington 6011	S172.8	Oppose	The submitter requests amendments to SUB-RUR-P1 to remove operative direction regarding earthworks and natural elements, and place significant emphasis on rural character and amenity values. The request is opposed as it is considered the notified policy is appropriate, and the amendments requested are contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.	Disallow submission S172.8.
Submitter 172: Greater Wellington Regional Council PO Box 11646, Wellington 6011	S172.18	Oppose	The submitter requests an amendment to GRUZ-P7 – Plantation Forestry by amending reference in Clause 1 from ' <i>significant indigenous vegetation</i> ' to ' <i>indigenous biodiversity</i> '. The request is opposed as it is	Disallow submission S172.18.

			considered the notified policy is appropriate, and the amendments do not achieve the sustainable management purpose of the RMA.	
Submitter 172: Greater Wellington Regional Council PO Box 11646, Wellington 6011	S172.20	Oppose	The submitter requests amendments to GRUZ-S6 and GRUZ-R2 providing for Plantation Forestry as a permitted activity – seek reclassifying of GURZ-R2 as a controlled or RDA (with matters of control or discretion over the areas in GRUZ-S7) or amend GRUZ-S6 to incorporate areas in amended GRUZ-P7 (submission S172.18 above). The request is opposed as the managing of adverse effects from Plantation Forestry should be through the Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023, and the policies and rules managing plantation forestry should be deleted from PC50.	Disallow submission S172.20 and delete the rules and standards related to Forestry and rely on Resource Management (National Environmental Standards for Commercial Forestry) Amendment Regulations 2023 as sought by submitter 93 (discussed above).
Submitter 172: Greater Wellington Regional Council PO Box 11646, Wellington 6011	S172.37	Oppose	The submitter requests an amendment to RLZ-P4 – Plantation Forestry by amending reference in Clause 1 from ' <i>significant indigenous vegetation</i> ' to ' <i>indigenous biodiversity</i> '. The request is opposed as it is considered the notified policy is appropriate, and the amendments do not achieve the sustainable management purpose of the RMA.	Disallow submission S172.37.

<p>Submitter 183: Waka Kotahi/NZ Transport Agency 44 Bowen Street, Thorndon, Wellington 6011</p>	<p>S183.6</p>	<p>Support in part/Oppose in part</p>	<p>The submitter seeks new reverse sensitivity rules and standards in the Noise Chapter, as per Attachment 1 to their submission. While the new noise requirements are appropriate for activities adjacent to regionally significant infrastructure (i.e. State highways; Railway network), they are not necessary or appropriate for internal local roads in new subdivisions. The new provisions are supported if they are amended to only apply to regionally significant infrastructure.</p>	<p>Allow submission S183.6 subject to amending proposed Noise-R4 and Noise-S7 to apply only to regionally significant infrastructure (i.e. State highways and the railway network).</p>
<p>Submitter 183: Waka Kotahi/NZ Transport Agency 44 Bowen Street, Thorndon, Wellington 6011</p>	<p>S183.7</p>	<p>Oppose in part</p>	<p>The submitter requests amendment to SUB-RUR-P4 – Appropriate Subdivision by including a new Clause 5. <i>‘avoid adverse traffic effects on the surrounding transport network’</i>. The requirement to ‘avoid’ adverse effects is opposed as this does not provide for appropriate remedying or mitigation of adverse effects, as provided by the RMA.</p>	<p>Disallow that part of S183.7 (i.e. Clause 5) that requires adverse traffic effects on the surrounding transport network to be avoided, or allow the request subject to the following amendment (add red text; delete strikeout) Clause 5. <i>‘avoid, remedy or mitigate adverse traffic effects on the surrounding transport network’</i>.</p>
<p>Submitter 183: Waka Kotahi/NZ Transport Agency 44 Bowen Street, Thorndon, Wellington 6011</p>	<p>S183.14</p>	<p>Oppose in part</p>	<p>The submitter requests amendment to GRUZ-P1 – Appropriate Subdivision by amending Clause 4. To ‘avoid’ adverse effect on the safety and efficiency of the transport network. The requirement to ‘avoid’ adverse effects is opposed. The wording of the policy was to ‘not compromise’ the efficiency of the transport network, and while this is considered appropriate, it</p>	<p>Disallow that part of S183.14 (i.e. Clause 4) that requires adverse traffic effects on the surrounding transport network to be avoided, or allow the request subject to the following amendment (add red text) Clause . <i>‘will not compromise the safety and efficiency of the transport network’</i>.</p>

			would be acceptable to amend the requirement to include 'safety' .	
Submitter 186: Fire and Emergency New Zealand C/- Beca, PO Box 3942, Wellington 6140	S186.2	Neutral/Oppose in part	The submitter requests amendments to TP-S10 that deletes Clause 2 and replaces it with new access provisions to accommodate fire and emergency services. While neutral on the amendments requested, some clarification of how these standards apply is required in order to make them practicable and effective.	<p>Allow submission S186.2 subject to the following amendments to Clauses 2 and 2(a) and 2(d) (add red text; delete strikeout) are sought to clarify when the requirements apply:</p> <p>2. Rights of ways, private accessways and legal access lots, shall provide for the following (when the "hardstand" has to be accessed via the right of way, private accessway or legal access lots, due to the fire hazard being more than 75m from the Fire Appliance).</p> <p>(a) An access (sealed) width of no less than 4 metres.</p> <p>(d) Where applicable, be designed with additional width necessary to accommodate the tracking curve of a 12.6 metre long rigid emergency service vehicle with a minimum of a 500mm buffer-clearance (as per RTS 18) each side of the vehicle;</p>
Submitter 186: Fire and Emergency New Zealand C/- Beca, PO Box 3942, Wellington 6140	S186.9	Neutral/oppose in part	The submitter requests amendments to SUB-RUR-S3 that amends Clause 2 and replaces it with new access provisions to accommodate fire and emergency services. While neutral on the amendments requested, some clarification of how these	<p>Allow submission S186.9, subject to the following amendments to Clauses 2(a) and 2(d) (add red text; delete strikeout) are sought to clarify when the requirements apply:</p> <p>2. All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for</p>

			standards apply is required in order to make them practicable and effective.	Civil Engineering Works, and have (a) An access (sealed) width of no less than 4 metres (when the “hardstand” has to be accessed via accessway, due to the fire hazard being more than 75m from the Fire Appliance). (d) Where applicable, be designed with additional width necessary to accommodate the tracking curve of a 12.6 metre long rigid emergency service vehicle with a minimum of a 500mm buffer clearance (as per RTS 18) each side of the vehicle;
Submitter 186: Fire and Emergency New Zealand C/- Beca, PO Box 3942, Wellington 6140	S186.18	Neutral/oppose in part	The submitter requests amendments to GRUZ-S1 that amends Clause 2 and replaces it with new access provisions to accommodate fire and emergency services. While neutral on the amendments requested, some clarification of how these standards apply is required in order to make them practicable and effective.	Allow submission S186.18, subject to the following amendments to Clauses 2(a) and 2(d) (add red text ; delete strikeout) are sought to clarify when the requirements apply: 2. All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works, and have (a) An access (sealed) width of no less than 4 metres (when the “hardstand” has to be accessed via accessway, due to the fire hazard being more than 75m from the Fire Appliance). (d) Where applicable, be designed with additional width necessary to accommodate the tracking curve of a

				12.6 metre long rigid emergency service vehicle with a minimum of a 500mm buffer-clearance (as per RTS 18) each side of the vehicle;
Submitter 186: Fire and Emergency New Zealand C/- Beca, PO Box 3942, Wellington 6140	S186.37	Neutral/oppose in part	The submitter requests amendments to RLZ-S1 that amends Clause 2 and replaces it with new access provisions to accommodate fire and emergency services. While neutral on the amendments requested, some clarification of how these standards apply is required in order to make them practicable and effective.	Allow submission S186.37; subject to the following amendments to Clauses 2(a) and 2(d) (add red text; delete strikeout) are sought to clarify when the requirements apply: 2. All accessways and manoeuvring areas shall be formed and surfaced in accordance with the Code of Practice for Civil Engineering Works, and have (a) An access (sealed) width of no less than 4 metres (when the “hardstand” has to be accessed via accessway, due to the fire hazard being more than 75m from the Fire Appliance). (d) Where applicable, be designed with additional width necessary to accommodate the tracking curve of a 12.6 metre long rigid emergency service vehicle with a minimum of a 500mm buffer-clearance (as per RTS 18) each side of the vehicle;
Submitter 195: Fairclough/de Raadt 2401 Akatarawa Road, Upper Hutt 5372	S195.4	Support in part	The submitter requests vehicle movements from construction activities and commercial activities (forestry, infrastructure provision) to be excluded from TP-S9. Such a request is supported as these activities have	Allow submission S195.4

			economic benefits and have short term effects that can be managed.	
Submitter 195: Fairclough/de Raadt 2401 Akatarawa Road, Upper Hutt 5372	S195.9	Support	The submitter requests an amendment to GRUZ-S2 that relates to setbacks to a forest as the current drafting could sterilise and new building/building platform in forest land. Such a request is supported as it represents sound planning practice and would and achieve the sustainable management purpose of the RMA.	Allow submission S195.9
Submitter 195: Fairclough/de Raadt 2401 Akatarawa Road, Upper Hutt 5372	S195.10	Support	The submitter opposes GRUZ-S14 which requires a self-sufficient potable water supply with a minimum volume of 38,000L and a domestic fire sprinkler system connected to a firefighting water supply. The submitter's opposition is supported as the proposed requirements are too prescriptive and impractical – the requirement is not linked to the need (i.e. size of building); only allows for one hazard management approach (sprinklers), and appears to require a 38,000L tank for potable water and a 7,000L fire volume for the fire sprinkler system..	Allow submission S195.10 and amend GRUZ-S14 as follows (add red text ; delete strikeout): 1. Each residential unit that is not connected to Council's reticulated water supply, and is not located within the maximum permissible distance to the required number of fire hydrants as described in SNZ PAS 4509:2008, must have the following installed: a. a self-sufficient potable water supply with a minimum volume of 38,000L; and that provides a minimum of two months potable supply based on the average daily water consumption, determined by the number of occupants, the number of bedrooms and type of sanitary fixtures. The supply must be tested and/or treated to meet safe drinking water standards.

				<p>b. i) a domestic fire sprinkler system in accordance with NZS 4541:2013 that is connected to a firefighting water supply (7,000L tank) in accordance with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008.” OR</p> <p>b.ii) a standalone 45,000L tank or volume as per SNZ PAS 4509:2008.</p>
<p>Submitter 196: Sharlene McDonald 88 Katherine Mansfield Drive; Whitmans Valley Upper Hutt</p>	S196.1	Oppose	<p>The submitter does not agree with residential development within rural areas. Such a request is contrary to the NPS-UD and does not achieve the sustainable management purpose of the RMA.</p>	<p>Disallow submission S196.1.</p>
<p>Submitter 222: Mary Beth Taylor 165A Katherine Mansfield Drive, Whitemans Valley RD1, Upper Hutt 5371</p>	S222.5	Support in part	<p>The submitter requests the Traffic Generation estimates in TP-S9 to be upgraded in the General Rural and Rural Lifestyle Zones from 100 vehicle movements per day to 200 vehicle movements per day. The request is supported as this is a more realistic and appropriate trigger for the management of effects on the roading network.</p>	<p>Allow submission S222.5 that requests the Traffic Generation estimates in TP-S9 to be upgraded in the General Rural and Rural Lifestyle Zones from 100 vehicle movements per day to 200 vehicle movements per day.</p>




Siobhan Simpson

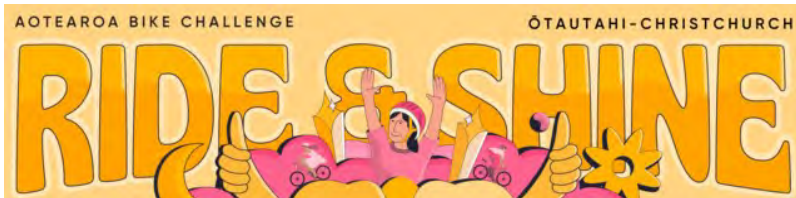
From: Suzanne Rushmere
Sent: Wednesday, 10 July 2024 3:06 pm
To: Steve Taylor
Subject: FW: GTC / UHCC / Abley catch up re landuse assumptions
Attachments: Scenario Summary Sheet.pdf

From: Mat Collins 7(2)(a)
Sent: Thursday, February 15, 2024 11:50 AM
To: Mat Collins 7(2)(a); Alan.kerr 7(2)(a); phernne.tancock 7(2)(a); phil.peet 7(2)(a); Regan Toogood 7(2)(a); Dave Smith 7(2)(a); Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>; chris@rmaexpert.co.nz; michael.hall 7(2)(a)
Subject: GTC / UHCC / Abley catch up re landuse assumptions

Hi all, my brief minutes from the meeting today along with the modelling summary that was shared on screen. Please reply all with any corrections/clarifications.

Mat Collins BEng (Hons)
Associate Transportation Planner

 +7(2)(a)
Auckland + Wellington + Christchurch
 abley.com
 Be inspired - sign up now!



GTC / UHCC / Abley catch up re landuse assumptions

Thursday, 15 February 2024
11:02 am

GTC / UHCC / Abley catch up re landuse assumptions

Thu, 15 Feb, 11:00 am - 12:00 pm

Microsoft Teams Meeting

[Link to Outlook Item](#)

Invitation Message

Participants (9)

-  [Mat Collins](#) (Meeting Organizer)
-  [Alan Kerr](#) (Accepted Meeting)
-  [Pherne Tancock](#) (Accepted Meeting)
-  [Phil Peet](#) (Accepted Meeting)
-  [Regan Toogood](#) (Accepted Meeting)
-  [Dave Smith](#)
-  [Suzanne Rushmere](#) (Accepted Meeting)
-  [Chris Hansen](#) (Accepted Meeting)
-  [Michael Hall](#) (Accepted Meeting)

Notes

- DS confirms that the UHCC transport model has been updated. Future land use assumptions for scenarios have been determined by UHCC
DS gave an overview of the 3 Scenarios modelled, 3 step model with no mode shift
- SR suggests that
 - Scenario 1 is a starting point for assessing Southern Growth Area
 - Scenario 2/3 are based on Council estimates for development areas, may not align with Guildford Timber intent
- SR confirms that all Scenarios account for MDRS, with uplift added to Greenfield Development Areas plus some growth spread over existing urban, with a sense check to adjust for areas with no / more growth might be feasible.
- PT asks if SR can provide more detail on growth assumptions for Scenario 1.
- **Action** - SR will check internally if growth assumptions and model details can be shared.
- DS advises that the UHCC Transport Model is strategic, more detailed assessment using SIDRA is advised.
- AK queried trip generation assumptions. DS confirmed that this is based on existing Census data. Based on vehicle ownership and veh/HH. Existing good access to public transport is reflected in existing traffic movements, the model has had calibration/validation of the transport model against observed traffic movements.
- DS confirmed that Abley can calibrate the model based on requests from PP/AK.
- SR confirms that the transport model is UHCC's best attempt at incorporating PC49 (new road connection to SGA) and MDRS/IPI. The model is suitable as a start point for Guildford to prep evidence from.

Scenario 1; High Infill, Low Greenfields (Indicated preferred option):

- No Southern Growth Area
- No Gillespies.

Scenario 2; Low Infill, High Greenfields:

- Half (approximately) the infill rate of Scenario 1
- All greenfield developments included.

Scenario 3; Low Infill, High Greenfields:

- Identical to Scenario 2, but St Pats & Southern Growth Area start development 4 years earlier.

Table 1: Dwelling assumptions by key development area and Scenario

Greenfield Projects:	Capacities:	Scenario 1 Start Year	Scenario 1 End Year	Scenario 2 Start Year	Scenario 2 End Year	Scenario 3 Start Year	Scenario 3 End Year
Trentham PDA	860	2028	2032	2028	2032	2028	2032
St Patricks	600	2030	2037	2030	2037	2026	2033
Kingsley Heights	250	2032	2036	2032	2036	2032	2036
Canon Point	400	2029	2036	2029	2036	2029	2036
Gabites	220	2025	2034	2025	2034	2025	2034
Southern Growth Area	1500	x	x	2030	2053	2026	2049
Gillespies	1000	x	x	2034	2053	2034	2053

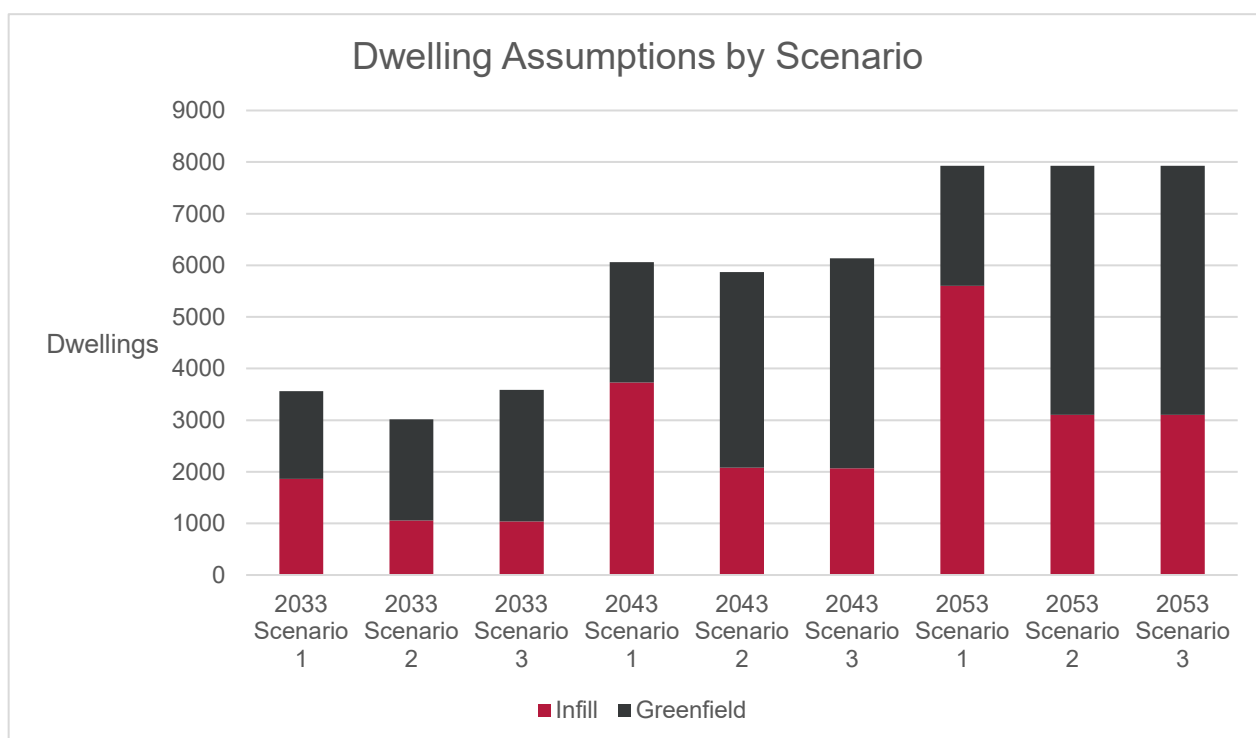


Figure 1: Dwelling assumptions over time, by Scenario

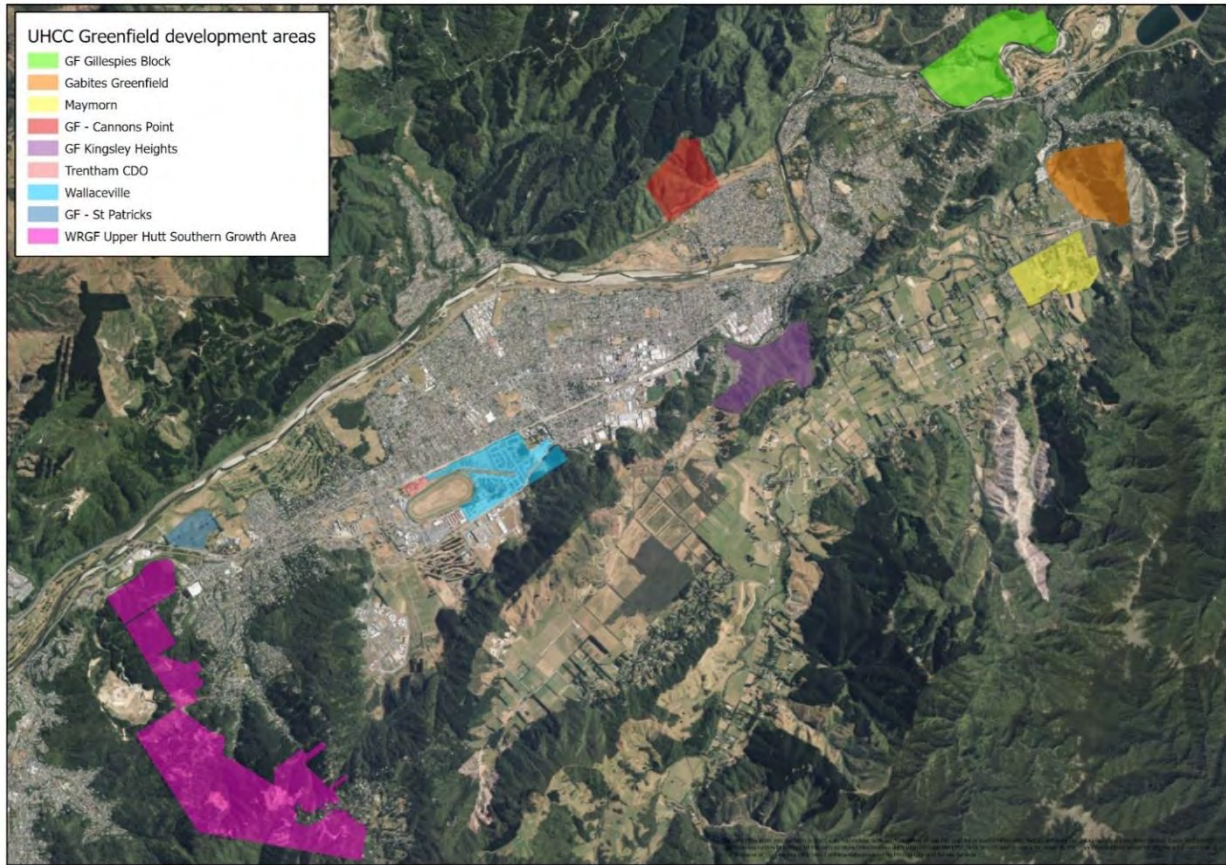


Figure 2: Growth locations

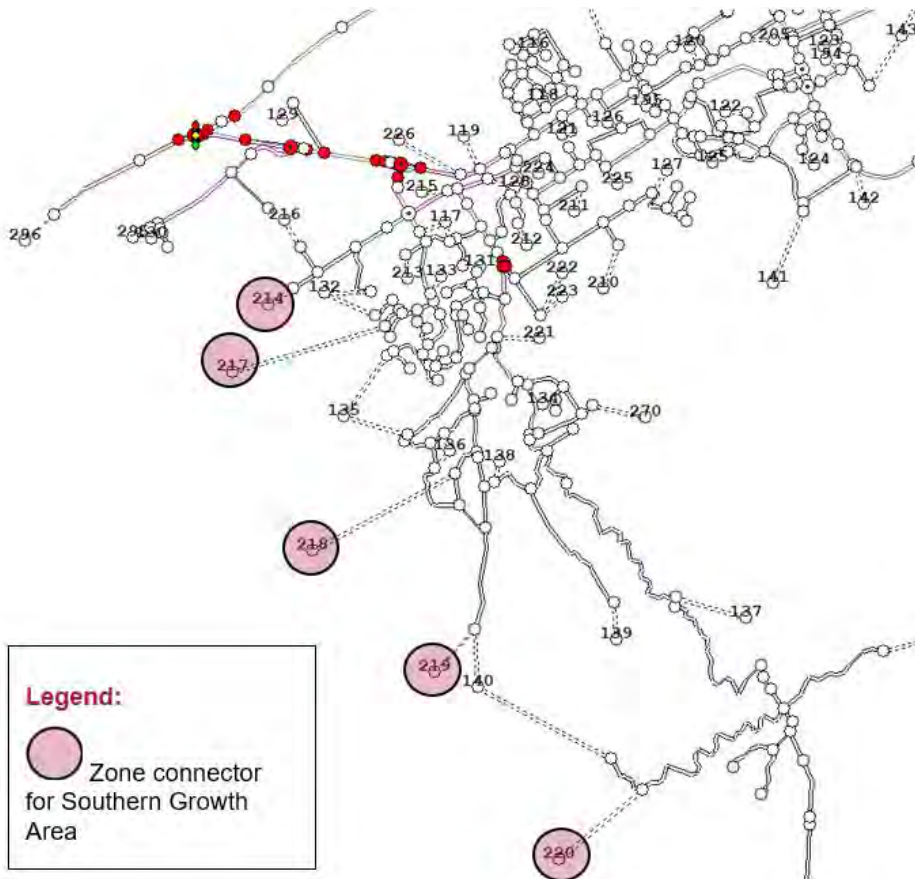


Figure 3: TRACKS model network, showing zone connectors for Southern Growth Area

Siobhan Simpson

From: Let's Korero
Sent: Thursday, 2 May 2024 8:49 pm
To: Emily Thomson
Subject: FW: GTC Submission on Draft LTCP
Attachments: GTC Submission on UHCC LTP24 FINAL .pdf

From: Pherne Tancock [7\(2\)\(a\)](#)
Sent: Thursday, May 2, 2024 8:23 PM
To: Let's Korero <letskorero@uhcc.govt.nz>
Cc: Michael Hall [7\(2\)\(a\)](#) Craig Martell [7\(2\)\(a\)](#)
Subject: GTC Submission on Draft LTCP

Please find **attached** a submission of Guildford Timber Company Ltd on the Draft LTCP.

I would be grateful if you could confirm receipt.

Kind regards,

Pherne,

PHERNNE TANCOCK
BARRISTER

M [7\(2\)\(a\)](#)
W www.harbourchambers.co.nz

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Guildford Timber Company

Upper Hutt City Council
Private Bag 907
UPPER HUTT 5140
Via email: letskorero@uhcc.govt.nz

02 May 2024

Dear Long Term Plan team,

RE: SUBMISSION ON THE UPPER HUTT CITY COUNCIL LONG TERM PLAN 2024-2034

Thank you for the opportunity to submit on behalf of the Guildford Timber Company Limited on the Draft Upper Hutt City Council Long Term Plan 2024 -2034.

GTC congratulations the Council on the work undertaken to prepare the Draft LTCP and its commitment to providing quality infrastructure to service the community despite a challenging financial and policy environment.

Overall GTC supports the direction of the LTCP and its submission has focused on suggested improvements, including as to how the LTCP can better provide for partnership between the development community and Council to deliver better outcomes for the District.

GTC Board have considerable expertise in Developer Agreements under the LGA and would be happy to assist Council in providing a workable policy in that regard, it has included some suggestions in its submission.

As you know GTC has recently made an application for Fast Track to develop the Southern Growth Area and its site at Kiln Street, if successful this may mean infrastructure is needed earlier than previously planned for. GTC wishes to work with Council to explore the best way to accommodate that.

Yours sincerely,

Craig Martell
Chair Guildford Timber Company Ltd.

SUBMISSION ON THE UPPER HUTT CITY COUNCIL LONG TERM PLAN 2024-2034

1. Submitter Details:

To: Upper Hutt City Council

Name of Submitter: Craig Martell /Michael Hall

Organisation (if on behalf of): The Guildford Timber Company Limited

Email: 7(2)(a)

Telephone: 7(2)(a)

Hearings: We wish to be heard in support of our submission and our preferred hearing session is on the 14th May.

2. OVERVIEW

1. The Guildford Timber Company (GTC) is a family owned company that was established in 1926. It has a 90+ year history and association with Upper Hutt and, in particular, with Pinehaven and Silverstream. GTC owns approximately 330ha in the Silverstream/Pinehaven area. Its land comprises the steeper slopes surrounding existing residential areas, and the rolling ridges around the southern and eastern sides of the Pinehaven valley, extending over into Blue Mountains.
2. Since 1928 the land has primarily been used as a commercial pine plantation. The submitters have called its forestry operation Silverstream Forest Ltd. Large areas of this mature production forest (pines) is due to be harvested in the short-medium term.
3. The submitters intend to develop parts of its land for residential and mixed-use activities as a post-harvest use of the land. The submitters have been working towards the transitioning from forestry land to residential and mixed-use development with the Upper Hutt City Council (UHCC) for almost two decades.
4. GTC has with Councils support recently applied for consideration as a Fast Track approval project for consents to develop Silverstream Forest Development comprising of the Southern Growth Area, Spur (road and infrastructure corridor) and Gateway development at 44 Kin Street. If that application is successful it expects to be in a position to commence development towards the end of 2025, early 2026.
5. This would bring the timing of this development of the SGA and the provision of residential housing and supporting infrastructure forward, earlier than previously planned and allowed for by Council. GTC wishes to discuss with Council whether further amendment can be made to better provide for the Southern Growth Area in terms of the necessary new roading infrastructure and three waters infrastructure is planned for via this reiteration of the LTCP.

3. SPECIFIC SUBMISSION POINTS

6. Specific submission points are addressed in relation to the heading documents and topics below, with reference to the page number of that document.

Consultation Document

7. GTC thanks the Council for the opportunity to submit on the Long-Term Community Plan and offers its general support of the plan and effort that has gone into developing that plan. It appreciates the increased constrained financial position that the Council operates in and considers it does a good job of managing those priorities in a sensible way.

Page 8 – Continuing to look after our infrastructure.

8. GTC supports Councils commitment to continuing to look after and invest in infrastructure particularly where it supports growth needed for the suburb to thrive and ensuring that it is appropriately durable in the face of climate change related risks. It notes that Council should refer to the role of partnerships and working relationships that it has with the development community in Upper Hutt to create the best outcomes.

Page 9 – Water Services

9. GTC supports the continued spend on water services, including the planned expenditure of over 40% of Councils total spend being allocated to water services and infrastructure over the next 10 years. This is needed to support growth in Upper Hutt and ensure long term that our community thrives.

Page 12 – Back to Basics and Core Activities

10. The focus on Leadership, Community and Recreation, Water services (three waters), Land Transport, Sustainability and Planning and Regulatory are supported by GTC.

Page 13 Impact on Rates and Page 42-43

11. As a ratepayer GTC understands the basis for the rate increases proposed by Council and tentatively supports this for urban residential areas given the intention to focus this spend on core areas particularly infrastructure and water services. However, it notes that the rate increases may have different implications for residential and rural productive properties.
12. GTC owns a large track of land for forestry and increase of rates on this land, (which is not serviced) would render an already economically unviable land even more uneconomic. (Further details below). It questions whether increases have been properly allocated.

Main Infrastructure Challenges and Key Infrastructure projects that we're planning to deliver (page 34 and 36)

13. GTC supports the identified projects, including the Silverstream Bridge Replacement and 3 waters reservoir and storage upgrade and wastewater treatment renewal programme as these will be needed to support development of the Southern Growth Area. Further detailed submission points on this are set out below. GTC wishes to commence further discussions with Council due to the possibility of the development

timeframes for the Southern Growth Area occurring earlier than anticipated in the LTCP in the event it is included in the FTA Bill.

Development Contributions Policy 2024.

14. GTC are generally supportive of the Development Contributions Policy, given the emphasis on providing quality infrastructure for growth, noting that the proposed charges do represent a significant increase for Upper Hutt at a time when building costs are already high but are similar to new development contributions charged by other local authorities in the Region. This does provide the flexibility and ability to obtain great outcomes for developments and the Council and encourages developer to invest in quality infrastructure. Further detailed comments are provided on this below.

Infrastructure Strategy 2024-2025

15. GTC are generally supportive of the direction and goals of Councils infrastructure Strategy and are glad to see that Council is not seeking to cut its infrastructure spend in response to fiscal measures as providing good infrastructure is key to providing healthy and resilient communities and encouraging growth in the district. GTC has specific comments and suggestions on the following matters:
16. GTC supports the commitment to building the bridge as it will contribute to enabling growth of the Southern Growth Area:

Significant capital expenditure decision: Silverstream Bridge replacement		Decision: 2028			
<p>Council will decide whether to proceed with implementing improvements to the Silverstream Bridge. The bridge sits astride a major fault line and currently intrudes into Te Awa Kairangi/Hutt River floodway. It is nearing the end of its useful life, and operational issues include poor safety performance for general traffic and cyclists, increasing congestion, and delays.</p> <p>The project will encompass associated improvements required to the adjacent Eastern Hutt Road, Fergusson Drive, and Field Street intersections. Significant growth is anticipated in this part of the city and this project includes assisting to provide for this growth. The bridge is a major connection to State Highway 2 (SH2) and a key, high value transport link from a resilience perspective.</p> <p>The bridge is partly owned by Hutt City and carries the water main to Porirua City. Any improvements to the bridge will need to be coordinated with SH2 improvements and so the actual timing of implementation of this project is dependent upon a number of other parties as well as UHCC. Business case work to align stakeholders and define the project will occur through this Long Term Plan period. The Silverstream Bridge remains an essential connection to SH2.</p> <p>This project has a high strategic fit because it contributes to the provision of a safe, resilient, and efficient transport network.</p> <p>Council's preferred option that is budgeted for, is based on replacing the existing bridge with a higher capacity bridge.</p> <p>Key options for this decision:</p> <ul style="list-style-type: none"> • Do nothing - this would result in not meeting the forecast growth expectations potentially limiting the extent and timing of growth, likely reduced levels of service for road users, and may make this key asset vulnerable to natural hazards. • Replace with higher capacity bridge - the preferred option provides for forecast growth and meets level of service expectations, as well as improving a key asset that is vital for resilience. 					
Key relevant projects and programmes (\$M)					
Project/Programme	Type	Y1 - Y3	Y4 - Y10	Y11 - Y20	Y21 - Y30
Capital	Growth/LOS/Renewal	0.2	27.8		

17. GTC support the inclusion of the 3 waters reservoir upgrades in the LTCP and Councils commitment to funding these, GTC submit that based on the planned enablement timeframe for the Southern Growth Area, GTC would support the commentary in the strategy advancing these proposed works into years 4-10 subject to the detailed studies being completed. In particular the proposed Pinehaven Reservoir which is one of the required upgrades should be brought forward to line up with the proposed Southern Growth Area establishment.

Significant capital expenditure decision: Three waters reservoir and storage upgrade programme		Decision: 2031			
The potential need for additional water storage to meet growth has been identified in the early plan period. The budgeted works are proposed in Year 11 of this Strategy but may need to be advanced subject to a detailed growth study providing further inform on the timing of these investments.					
The actual rate of growth observed during the plan period will have to be closely monitored verses the expected growth, as it is this that drives the need for additional storage to meet performance requirements. This may mean the investment is required earlier than proposed. As the need for investment draws closer project and costing will be considered for updating.					
Council's preferred option that is budgeted for is based on the timing of completion of the relevant growth studies and prioritising further asset condition assessment work in conjunction with this growth planning.					
As a programme of work, some further specific options for individual component projects may be developed and considered closer to the decision point.					
Key options for this decision:					
<ul style="list-style-type: none"> • Do nothing – not investing in these upgrades could potentially result in reduction in levels of service and insufficient supply to service growth. • Undertake the upgrades in years 11-30 as shown in the table – the preferred option budgeted for below. • Advance upgrades into the earlier 4-10 year timeframe to meet any earlier growth demands – this could be based on updated information and costings becoming available and may impact on affordability in the shorter term. 					
Key relevant projects and programmes (\$M)					
Project/Programme	Type	Y1 - Y3	Y4 - Y10	Y11 - Y20	Y21 - Y30
Capital	Growth			61.1	193.0
Capital	LOS			57.2	8.6
TOTAL				118.3	201.6

Significant assumptions forecasting

18. GTC agrees with Council in (para 5) that central government changes to policy or legislation create uncertainty and risk to the LTCP. But GTC suggest that Council should also recognise and retain a sufficient degree of flexibility to be able to seize the opportunities in this space that may arise in terms of central government assistance with growth or infrastructure funding arrangements and be prepared to utilize these tools if provided.
19. In terms of (8) Population Growth the Draft LTCP refers to the September 2023 HBA undertaken in support of the Future Development Strategy. GTC had the September 2023 HBA assessed by its economic expert Mr Derek Foy, (Formative). A link to Mr Foy's report is at [Transfer – Dropbox](#) Mr Foy considered that the HBA significantly under predicted growth for Upper Hutt in the medium to long term and raised a number of significant issues with the calculations and assumptions in the HBA which were not corrected.
20. In short UHCC should prepare for more growth than is predicted in the HBA. It is a desirable place to live and continues to attract new residents.

Financial Assessments

21. Page 49. GTC considers that targeted rates for water supply, stormwater, wastewater services and the new land transport rates. But query how these would apply to multi-unit developments. Most Councils have further policy on the applicability of those for multi-unit housing.
22. Page 51 GTC supports the explanation in page 51 in the Funding Impact Statement - differential definitions in respect of rural land for the 2024-2025 rating categories as it helps address the situation of rural land owned in consecutive and adjacent parcels by a single landowner (subject to the exclusions below).

Commercial Forestry – proposed changes in the LTP regarding the rates review

23. GTC is opposed to the introduction of the "new Forestry rating unit" proposed on page 53. GTC, noting it appears to have been singled out and is significantly more than the rural levy. Forestry is a passive activity while the trees grow, only resulting in activity during harvesting every 20-30 years - results in less effects on roads etc than other activities for example farming with stock and tractors impacting on roads it is unclear what evidence is available to support the introduction of this rating unit.
24. The proposed rates increase below makes it increasingly difficult to justify that forestry is a sustainable business under the current log price setting. Under the current setting it would mean there would be considerable pressure on managing the forest if log prices remain low as there is no return on logging at present given the timber prices. This could have significant impact on forestry operators in the Hutt who are coming under pressure. GTC has been unable to locate the evidence that Council refers to in the report below. It does not consider that this approach is based on evidence. There also does not seem to be the understanding of forestry activities and benefits to the community forests provide (by way of informal recreation etc).

Revised differential allocations ¹			
Differential rating group (category)	Previous Factor	New Factor	Rationale
Residential or Standard	100	100	No change
Residential high value (urban and rural)	90	Removed	Consistency, and continues direction to align all urban and rural residential started in 2020.
Rural (> 30 Ha)	75	75	No change, productive land retains status quo.
Business	290	290	No change.
Utility and Three waters utility	290	300	Council reviewed relatively to the other general rates in these categories and proposed an increase.
Corrections facility	290	350	Council reviewed relatively to the other general rates in these categories and proposed an increase.
New: Vacant land (includes derelict buildings) –see page 30	–	500	New category: Council reviewed differentials and proposed a new category for areas in the inner city to incentivise a well-maintained city centre.
New: Commercial forestry –see page 30	–	500	New category: Council reviewed differentials in context of current values and vision and external environment (weather related events) and proposed an increase.

Indicative Commercial forestry rates—by capital value	\$550 K	\$750 K	\$950 K	\$1.15 M	\$1.3 M
General rates	\$4,315	\$5,919	\$7,518	\$9,198	\$10,397
NEW targeted roading rate (Previously within the General rate)	\$1,336	\$1,830	\$2,325	\$2,844	\$3,215
NEW targeted compliance rate (Previously within the General rate)	\$174	\$234	\$297	\$363	\$411
Total indicative rates (UHCC only)	\$5,825	\$7,983	\$10,140	\$12,405	\$14,023
Total Indicative rates from current year (Annual Plan 2023 – 2024)	\$1,146	\$1,178	\$1,995	\$2,441	\$2,759
\$ Increase per week	\$89.98	\$130.86	\$156.63	\$191.63	\$216.62

For the same reasons GTC is opposed to the inclusion of the new Forestry unit at pages 7 and 8. Of the Statement of Proposal -Revenue and Financing Policy 2024.

Development Contribution Policy and Financial Contribution Policy 2024

25. As noted above GTC understands the basis for the increased development contributions at page 3 and 4 of the Policy summary documents and supports this. GTC makes the following suggestions:

- There should be a reference to the Development Contributions Principles in s197B and s199 LGA (legal basis on which development contributions may be required). These core principles dictate the use, purpose, and rules for development contributions. This does not come across strongly enough in the Policy, which tends to refer to the schedules as the basis rather than the legal criteria.
- Paragraph 2 - **That Council consider whether financial contributions under the RMA are the most appropriate way of levying local related reserve and leisure facilities such as playgrounds.** There is an alternative option open to Council of including these as development contributions under the ss205 and 206 Local Government Act 2002 which allows Council to negotiate reserve and playgrounds and the like as part of Developer Agreements under the Local Government Act 2002, which provides flexibility for better outcomes for the community (particularly at a time when Council has to cut community facilities funding and investment). Alternatively, the policy should refer to options available to enter into agreements for land/reserve or development of facilities in lieu of reserve contributions as provided for in the RMA.
- Para 9 – **that Council consider whether it should include a definition of Equivalent House Hold Units (EHU)** and consider whether there is an need to reduce Development Contributions for various types of residential units for example whether this should be allocated differently for tiny homes, retirement units, papakainga housing multi-unit houses, or granny flats many local authorities make these 0.5EHU or 0.8EHU based on expected reduced occupancy/ efficiencies and decrease exposure on more affordable housing options.
- In terms of **Liability for Development Contributions and Financial Contributions** (para 15-19) there should be the addition of an option to apply and enter into a development agreement or reserve agreement, where a Development Agreement has been entered into this alters, reduces, or negates the need to pay development contributions or financial contributions. This section should be updated to include that.
- **When development contributions are levied.** Para 20 –24 should in update the text of the Policy to provide flexibility at its discretion as to when financial contributions are made as timing of payment of these is often a feature of Development Agreements.
- **Assessment** (para 25) notes that the Councils power to levy development contributions is closely linked to the provisions of the Local Government Act 2002, this section should be reviewed against those sections to ensure that this is accurate.
- **Invoice timing and payment timing** (para 34 and 36) may need to be amended to reflect the submission point about reserving some flexibility where timing of payment is part of the Developer Agreement, noting Council has a number of options i.e. withholding a s224 certificate if these are not paid.

- **Determining infrastructure Credits (para 40 -47)** are supported including the minor or small residents' assessment agreement – with the suggested additions of categories for papakainga housing and tiny homes and guidance on how this will apply in multi-unit/ apartment situations.
- **Special Assessments (para 51 -55)** GTC support the ability for a Special Assessment process but seek greater clarity on the circumstances when this may apply. The Development community need certainty in terms of likely levies and as currently worded could broadly apply. This should also be checked for consistency against the provisions of the Local Government Act 2002.
- **Limitations on Imposing Development Contributions (para 26 -77)** GTC supports recognition of the limitations on when levies are not to be provided in s200 of the LGA and guards against double dipping in the Development Contributions Policy. However, s200(2)-(10) are not provided for in the Policy and should be.
- Para 77 bullet point 2 – clarification should be provided in terms of tiny homes and if these are an EHU.
- Para 78 **Request for Postponement** – GTC supports this provision as it encourages development and provides for flexibility with project financing. This para should be cross referenced to the earlier text relating to invoice timing and payment in para 34 and 36. Suggest further amendment to include an addition for longer periods where Council has entered into a Private Development Agreement.
- **Para 82 Development Agreements GTC** strongly supports the inclusion of Developer Agreements in the Policy, for both development contributions and financial contributions (reserves, recreational facilities and the like) this provides better outcomes for Council and community and encourages development of sustainable and quality new infrastructure and community assets. It is suggested that further information be provided in the Development Policy about Developer Agreements – either by setting out s207A-207F of the LGA or provide a specified process for this. The best development agreements arise from early discussions with the Council about infrastructure and parks at the planning phase of the development – rather than when the assessment for development contributions levies is received post consent. GTC support the comment that a development agreement overrides the development contributions normally assessed as payable under the Policy. This should go wider in terms of the ability to also override financial contributions and inconsistent clauses in the Policy (noted throughout this submission). Where a Developer Agreement has been entered into the terms of that agreement override the Policy where there are inconsistencies.
- Council may wish to consider fleshing this section out to provide a process to include:
 - The timing of a request, from either Council or a Developer to enter into an agreement, both sides need to set aside sufficient time for this to be worked out.
 - The level of information that an Applicant for a Developer Agreement needs to provide Council.

- A summary of some of the instances when Council may be prepared to consider or use a development agreement for example the list in s207C.
 - Clarification this can be for all or part of a development.
 - What a Developer Agreement can and cannot require. (for example s207E)
 - Emphasise the need for an all of Council approach across several teams to negotiate a successful result.
 - Detail how a request can be made.
 - Set out what information that request should include.
 - Who it is to be addressed to within Council? i.e. responsible teams/people i.e CEO, Finance, Infrastructure teams.
 - Who has the overall discretion /decision making and how is that reached in terms of delegations etc.
 - What an agreement may involve, look like, and do. Who bears the cost of preparing that legal agreement and whether the Council wish to use standardised agreements.
 - GTC's Board have experience in the use of Development Agreements and would be willing to assist Council with suggestions as to how this might be fleshed out to provide valuable guidance to both Staff and Developers as to how this would work in practice (if that were helpful).
- **Relationship between Financial contributions and Development Contributions** (para 90 and bullet points may need some refining to better describe the relationship between growth and development contributions in the LGA.
 - **Reserve and Leisure Facility Contribution (page 93)** should include a cross reference to reference to para 82 Developer Agreements that include agreements relating to the provision of land for reserves and development of facilities on reserves (tracks, walkways, paths playgrounds and the like) this provides greater flexibility and allows Council the ability to provide key new community assets in lieu of cash where the opportunity arises.

Reserves definition – Council should consider whether land for stormwater management function can also be a reserve, many of these definitions were set prior to hydraulic neutrality being a requirement for developments and it is possible to create attractive reserves that have dual functions in terms of mitigating flood hazard and for stormwater management purposes. While this may not always be the case the Council should reserve some discretion here.

Other definitions should have the same definition as s197 LGA (interpretation relating to Development Contributions).

Siobhan Simpson

From: Chris Hansen <chris@rmaexpert.co.nz>
Sent: Tuesday, 25 June 2024 3:10 pm
To: UHCC Planning
Cc: Pherne Tancock; Michael Hall
Subject: Fwd: Further submission on Plan Change 50
Attachments: Craig Thorn Further submission PC50.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi

I assume Council will be making a response to the submitter's query below regarding the privacy of their further submission which is now a public document?

Please advise accordingly.

Kind regards

Chris

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179
7(2)(a)

Begin forwarded message:

From: Craig Thorn **7(2)(a)**
Subject: Further submission on Plan Change 50
Date: 24 June 2024 at 3:21:56 PM NZST
To: UHCC Planning <UHCC.Planning@uhcc.govt.nz>, chris@rmaexpert.co.nz

To Whom it may concern,

Please find attached a copy of our further submission on PC50.

Please also supply a statement as to how Rmaexpert and GTC handle and store this information as it does include a reasonable amount of PPI, where it is stored, how it is stored, who has access to it and how long it will be kept for.

<https://www.business.govt.nz/risks-and-operations/it-risk-and-avoiding-scams/protecting-customer-and-employee-information>

--
Craig Thorn

25 Sierra Way
RD1
Upper Hutt 5371

7(2)(a)



Form 6
Further Submission

in opposition to a submission on notified proposed plan change to Upper Hutt City
Council District Plan

Clause 8 of Schedule 1, Resource Management Act 1991

Proposed Plan Change 50 – Rural Chapter Review

The closing date for further submissions is **Wednesday, 26 June 2024, at 5pm**

To: Upper Hutt City Council

Name of person making

further submission: *Craig Alexander Thorn*.....
[full name]

This is a further submission in opposition to a submission on the following plan change proposed to the Operative District Plan for Upper Hutt (the **proposal**):

- Proposed Plan Change 50 – Rural Chapter Review (PC50)

I am a person who has an interest in the proposal that is greater than the interest the general public has because ...

I am a resident of the Silverstream area, Sierra Way. I will be affected by the development on the hill because of traffic and other pressures on community resources.

I oppose the submission of:

- Guildford Timber Company Limited, Silverstream Forest Limited and the Goodwin Estate Trust (Submitter Number 162)

The particular parts of the submission I oppose are:

I object to the plan in whole as it should be a self funded private plan change with all relevant information provided up front. I believe the Council and its officers should be acting at arms length until all information as required by a private plan change has been presented and reviewed by all concerned. I strongly oppose the ratepayers via council subsidising the GTC in its plan change.

The reasons for my opposition are:

I have seen insufficient information to be able to determine that it is good for the community.

I believe that this should be a private plan change not a ratepayer funded plan change to the benefit of some private individuals. It appears to be a massive wealth transfer that normally would not be available to any other entity. I also strongly object to any shortcuts to normal planning that has not presented all information at the usual steps of a normal process.

I seek that the whole of the submission be disallowed:

The Submitter GTC 162 should be required by Council to fund and submit a private plan change.

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

If others make a similar submission, I will consider presenting a joint case with them at a hearing.

Signature of person making further submission
(or person authorised to sign on behalf of person making further submission)
(A signature is not required if you make your submission by electronic means.)

Date 24 June 2024...

Electronic address for service of person making further submission

Email: .. 7(2)(a)

Telephone: 7(2)(a)

Postal address: 25 Sierra Way, RD1, Upper Hutt.

When a person or group makes a further submission on a Proposed Plan Change this is public information. By making a further submission your personal details, including your name and addresses, will be made publicly available under the Resource Management Act 1991. 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.

Deliver to: Upper Hutt Civic Centre, 838 – 842 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

Deliver to GTC's agent (Chris Hansen, RMA Planning Consultant): chris@rmaexpert.co.nz
A copy of your further submission must be served on the original submitter by emailing to GTC's agent (Chris Hansen) within 5 working days after it is served on Upper Hutt City Council.

Note to person making further submission

Please note that 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):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- 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

13 May 2024

Hi Wayne and Geoff

Here is the list of points discussed at our meeting a few weeks ago. It was good to discuss Guildford's concerns; thank you for your willingness to investigate these. Guildford seeks to continue the good working relationship it has with Council so appreciates you addressing these. You asked for a list of questions/concerns that GTC had.

Plan Change 49-v1.

1. Commitment to continue to work together post-MoU:
 - (i) GTC understood that UHCC and GTC agreed to work together on a public plan change to provide for access and rezoning of the SGA (Plan Change 49 -v1 and public rezoning of the SGA via plan Change 50). There was a draft term of reference developed for the rezoning between Council and GTC, which included sharing provisions in advance for comment and a no surprises approach. This was confirmed by both Wayne and Geoff at the meeting. We have also been informed by Wayne and previous GTC directors of the commitment by UHCC to fund a public plan change for the rezoning. This included plan change 49 and previously GTC land within PC50.
 - (ii) Despite the MoU coming to an end, there was a commitment and expectation from both parties that the relationship and partnership/collaboration would continue and that UHCC supported development of the SGA. This was expressed in the letter from Council to GTC in October 2021 stating, "*the underlying intention to work constructively together to explore development in the Southern Growth Area for the benefit of the city is unchanged*" and in the Council resolution, and we understand that was the genesis for Plan Change 49-v1.
 - (iii) UHCC continued to take steps towards this. One of the agreed items was for UHCC to publicly notify plan change 49 -variation 1 to provide for a roading and infrastructure corridor to support through the Spur Southern Growth Area, and a rule framework to allow that to happen. GTC have been surprised by the lack of collaboration on that plan change, given the intent to provide for a corridor to the SGA.
 - (iv) While provision for these items was included in the publicly notified version of proposed plan change 49-v1, as discussed Council appears to have rapidly departed from that position at every opportunity (even where these make little sense). The wording recommended by Council by the time the hearing resumed is available here (or labelled **attachment 1**).

<https://www.upperhuttcity.com/files/assets/public/v/1/districtplan/pc49/appendix-a-recommended-amendments-to-variation-1-0803.pdf>

A few examples – Council's recommended deletion of the "Support for the development of the Southern Growth Area" in New Policy 6(2) Southern Growth Area" from the proposed Policy framework and recent recommendation to delete the rule framework that is needed to provide for a roading corridor through the Spur (see Rule 15 and following as an example). GTC put up

considerable resources and evidence to support Council in its notified version of the provisions.

- (v) This is still being heard, and the Council Officer's reply is due today – (Monday 13 May). What is currently left is the “Natural Open Space Zoning”. There is no reference to the need for development of roading corridor and infrastructure to support development of Southern Growth Area in the Policy framework and no intact rule framework to provide for a road or infrastructure across the whole spur (which GTC understood was the stated purpose of the plan change). As currently proposed, it is hard to see how the recommended rules do not provide for, let alone “enable” construction on the Spur. The explanations provided by the Officer made no sense to us whatsoever. Relying on other rules in the plan does not enable a roading and infrastructure corridor through the Spur.
- (vi) GTC's understanding is that the recommendations of the Reporting Officer in Plan Change 49-v1 are reflective of “all of Council's view” as it is Council advancing the plan change, so GTC was surprised to learn that the Mayor and CE were unaware of the extent these provisions had been walked back and diluted to the point that the Officers suggested GTC just rely upon “the default rule” (the rule that applies where the activity is not specifically provided for). There was no need for the plan change if that was the outcome and it would be considered inconsistent with the Natural Open Space zoning if considered under the default rules.
- (vii) In the revised hearing UHCC's ecology expert has recommended a Significant Natural Area apply to the entire extent of the Kiln Street end of the Spur, which would preclude development of an access road from Kiln Street (see last page of the pdf at the link above). This is despite Council previously being comfortable with Dr Vaughan Keesing's (Boffas) assessment of the significant indigenous vegetation on the Spur (for land swap and to inform the IAF design). GTC called Dr Keesing as an expert as part of Plan Change 49 and he identified two main significant areas on the site.
- (viii) Council's expert has gone a lot further – it is unclear whether that is the Council's view. It is hard to see, based on Council's current recommendations, how an infrastructure and roading corridor will be enabled (or even possible) via plan change 49-v1 provisions now being advanced by Council.
- (ix) As Craig asked at our meeting (and I discussed with Geoff last week) has Council given any consideration to putting this plan change on hold or withdrawing it because of the direction from Government that SNAs will be put on hold for three years in an urgent amendment to the Bill (expected this coming month)?
- (x) I would expect it would be sensible for the Council to put Plan Change 49-v1 “on hold” for the time being due to:
 - (a) Minister Bishop's letter to Council dated 29 April 2024 (**copy attached at 2**) in which he advises of the Government's intention to urgently introduce amendments to the RMA to suspend the NPS-IB requirements for the Council to identify new significant natural areas for a period of three years, to give enough time for a review of how they operate.

- (b) GTC has also made an application for fast track which, if successful, means that a consent pathway will be taken rather than a planning pathway. UHCC has provided its support for this.
 - (c) Once greater certainty is available the plan change 49-v1 could be resumed if needed. It does not make any sense for UHCC to seek to "bake in" SNA provisions at the same time the Government is stopping them.
 - (d) There is little to be gained by the parties, including GTC and Council, incurring costs to argue this on appeal at this point.
- (xi) In the circumstances, it questions whether UHCC advancing a plan change for delineated one singles SNA in PC49 at this point in time is necessary, or a good idea (particularly given the fact that the decision will be issues after Government's Resource Management Amendment Bill is introduced in the coming week or so, which will suspend the operation of relevant parts of the NPS-IB).

Plan Change 50

2. We have been liaising with the planning team about GTC's request to rezone the Southern Growth Area via submission as part of plan change 50. We understood, based on previous discussions with Wayne, that Council was prepared to share the costs of that (given that they were going to need to assess GTC's request as part of its s42A report on that anyway and previous agreement that Council would fund a public plan change for the SGA). To date GTC has liaised with Suzanne Rushmere on ecology and traffic effects as part of its plan change 50 proposal and at present we have been advised that traffic and ecology costs would need to be met exclusively by GTC. It would be good to resolve this.

Access – Blue Mountains Road

3. Access across Council owned land on Blue Mountains Road. I have enclosed **at 3** an email chain about this. GTC own several sites on Blue Mountains Road that they wish to develop for residential land and GTC has sought to obtain an easement from Council who had a paper road next door. GTC were initially told that the Council held this as a paper road and then were recently told that it was now a recreational reserve and that public notification under the Reserve Act would be required to obtain an easement. The access that GTC is seeking has long been used as a forestry route. It would be good to ascertain how this land is held and the process to obtain access – particularly given that neither of you were aware of the paper road land being converted into reserve land.

Legal Status of Spur Land

4. GTC noticed that on the UHCC website for Plan Change 49-variation 1 there is a link to a legal opinion obtained by Buddle Findlay and other correspondence referring to meetings between UHCC general counsel and Forest and Bird relating to (in summary) whether the Spur land should have been gazetted as a reserve in the 1980s.
5. The correspondence included in that material appears to suggest this there may have been proceedings pending or an ongoing threat/live legal issue between Forest and Bird and UHCC and/or an agreement to avoid that? The link to that information on Council's website is:

<https://www.upperhuttcity.com/files/assets/public/v1/districtplan/pc49/buddle-findlay-information-from-jason-durry-1.pdf> or **attached at 4** starting at about page 3 with an email between presumably Forest and Bird and Guy Smith dated 22 April 2022, (noting Helen was copied into this advice by Guy on 13 April and appears to have attended those meetings as well). It refers to the legal opinion by Buddle Findlay being released to Silverstream Railway, Forest and Bird and Save our Hills (page 17 of that PDF bundle). Page 22 includes an email that refers to Helen and Guy meeting Forest and Bird to discuss concerns and refers to actions that UHCC undertook to do in response to that but does not say what the actions were.

6. GTC wishes to understand from Council the extent of that legal issue and any action that has been threatened or agreed with those parties and Council because of that dispute, or whether it has undertaken actions that are ongoing. GTC was surprised not to have been informed of this by Council. GTC has a greater interest than the public in ensuring that there are no legal constraints in relation to this land that would prevent the use of the Spur for an access corridor and wishes to better understand whether Council considers this is an issue. GTC would obviously be a party to any legal proceedings should they eventuate.
7. As both Council and/or Forest and Bird and other parties involved have submitted the material into a public forum and it is now up on the Council website, both parties have waived any confidentiality/privilege that existed in that material that would prevent the sharing of this information with GTC (as a party impacted by it).

Our team very much wish to continue the good faith and collaborative relationship that the parties have enjoyed dating. We hope that these provide some background to GTC questions that allows Council to investigate these further and get things back on track.

Craig Martell and Phernne Tancock

7(2)(a)

Appendix A. Recommended amendments to Variation 1

The provisions in blue are the notified provisions (Strikethrough for deletions and underlined for additions) and coloured red and green for further amendments recommended in this report.

New Zoning	<u>Rezone Silverstream Spur as Natural Open Space Zone</u>
New Definition	<p><u>Biodiversity Offset</u></p> <p><u>means the same as in the National Policy Statement for Indigenous Biodiversity in box below:</u></p> <p><u>biodiversity offset means a measurable conservation outcome that meets the requirements in Appendix 3 [of the NPS-IB] and results from actions that are intended to:</u></p> <p><u>(a) redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and</u></p> <p><u>(b) achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.</u></p>
Add an Earthworks Appendix 1	<p><u>Accidental Discovery Protocol for earthworks on the Silverstream Spur</u></p> <p>2. <u>In the event of an “accidental discovery” of archaeological matter including human remains the following steps shall be taken:</u></p> <ul style="list-style-type: none"> <u>j) All work within the vicinity of the site will cease immediately.</u> <u>k) The site manager will shut down all activity, leave the site area and unearthed archaeological material in-situ and advise the relevant person (eg project manager, consultant, landowner).</u> <u>l) The relevant person will take immediate steps to secure the area of the site to ensure the archaeological matter remains undisturbed. Work may continue outside of the site area.</u> <u>m) The relevant person will ensure that the matter is reported to the Regional Archaeologist at Heritage New Zealand Pouhere Taonga and to any required statutory agencies or Mana Whenua authorities, if this has not already occurred.</u> <u>n) The relevant person will ensure that a qualified archaeologist is appointed to ensure all archaeological matter is dealt with appropriately, and on the advice of the Heritage New Zealand Pouhere Taonga Regional Archaeologist.</u> <u>o) In the event of the material being of Māori origin the relevant person will ensure that Mana Whenua authorities are contacted in order that appropriate cultural processes are implemented to remedy or mitigate any damage to the site.</u> <u>p) Any and all visits to the project site must be cleared by the relevant person. It is advisable that a list of authorised personnel to visit the site is maintained.</u> <u>q) The relevant person will ensure that the necessary people shall be available to meet and guide representatives of Heritage New Zealand</u>

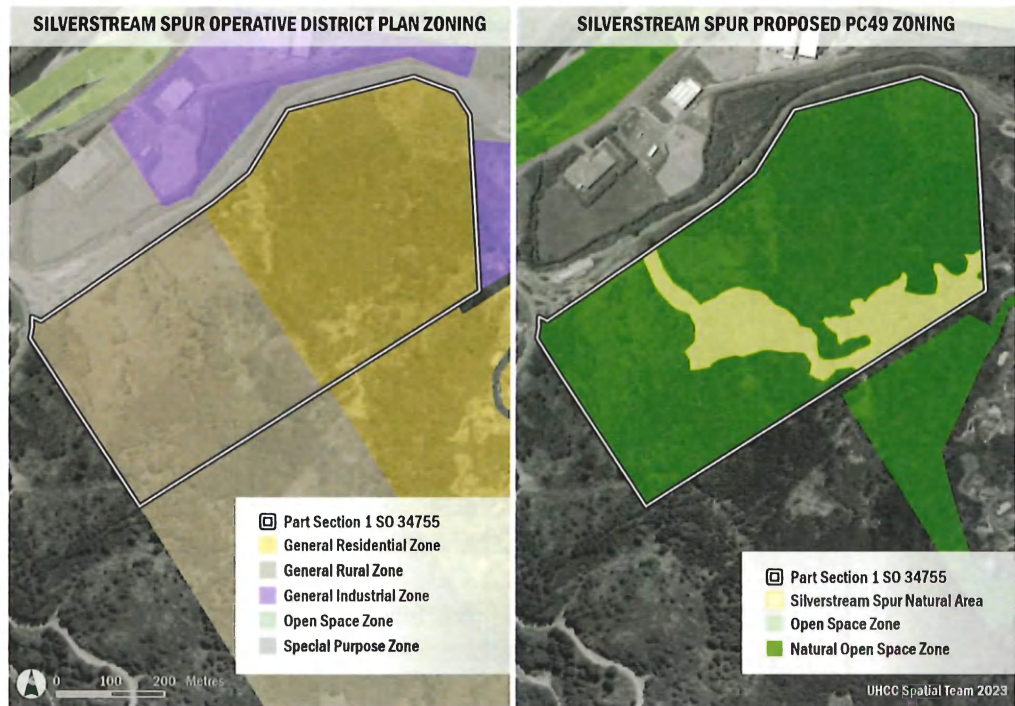
1

	<p><u>Pouhere Taonga and mana Whenua representatives, and any other party with statutory responsibilities, to the site.</u></p> <p>r) <u>Works in the site area shall not recommence until authorised by the relevant person who will consult with Heritage New Zealand Pouhere Taonga staff, mana Whenua authorities the NZ Police (and any other authority with statutory responsibility) to ensure that all statutory and cultural requirements have been met.</u></p> <p>s) <u>All parties will work towards operations recommencing in the shortest possible timeframes while ensuring that any archaeological sites discovered are protected until a decision regarding their appropriate management is made, and as much information as possible is gained. Appropriate management could include recording or removal of archaeological material.</u></p>
New Policies	<p><u>NOSZ-P6: Silverstream Spur Infrastructure</u></p> <p><u>Enable 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</u></p> <ol style="list-style-type: none"> 1. <u>Provide for a range of passive recreation and future development opportunities where the effects of such development are managed in accordance with NOSZ-P7 and;</u> 2. <u>Support for the development of the Southern Growth Area restore and enhance the biodiversity of the Silverstream Spur.</u>
	<p><u>NOSZ-P7: Silverstream Spur Significant Natural Area</u></p> <p><u>Adverse effects from development on Protect the biodiversity values within the identified Silverstream Spur Significant Significant Natural Areas shall be by requiring adverse effects from development to be:</u></p> <ol style="list-style-type: none"> (a) <u>avoided where practicable; and</u> (b) <u>where adverse effects cannot be demonstrably avoided, they are mitigated where practicable; and</u> (c) <u>where adverse effects cannot be demonstrably mitigated, they are remedied where practicable; and</u> (d) <u>where more than minor residual adverse effects cannot be demonstrably avoided, minimised, or remedied, biodiversity offsetting is provided where possible; and</u> (e) <u>if biodiversity offsetting is not appropriate, the development itself is avoided.</u>
New Rule	<p><u>NOSZ-R15: Road and associated network utility infrastructure, including storage tanks or reservoirs on the Silverstream Spur Significant Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189)</u></p> <p>1. <u>Activity Status: CON DIS</u></p> <p><u>Where:</u></p> <ol style="list-style-type: none"> a) <u>Compliance is achieved with:</u> <ol style="list-style-type: none"> i. <u>NOSZ S4;</u>

	<p><u>Council may impose conditions over the following matters:</u></p> <ul style="list-style-type: none"> b) Landscaping. e) Road alignment location and design. d) Provision of and effects on network utilities and/or services. e) Earthworks and accidental discovery. f) Protection of any special amenity feature. g) f) Financial contributions. h) g) Effects on biodiversity in the identified Silverstream Spur Natural Area.
	<p><u>2. Activity Status: RDIS</u></p> <p><u>Where:</u></p> <ul style="list-style-type: none"> a) compliance not achieved with <ul style="list-style-type: none"> i. NOSZ S4
New Standards	<p><u>NOSZ – S4</u></p> <ul style="list-style-type: none"> 1. Carriageway traffic lanes width shall not exceed 3.5m per lane. 2. Footpath or shared path shall be provided on one side of the road only. 3. Road and footpath gradient shall not exceed 1:8. 4. Parallel parking may be provided along one side of the road. 5. Transport corridor and earthworks are not located within the Silverstream Spur Natural Area.
New Rule	<p><u>NOSZ - R22</u></p> <p><u>Removal of indigenous vegetation on the Silverstream Spur Significant Natural Area (Pt Sec 1 SO 34755, Parcel ID: 3875189) 1.</u></p> <p><u>Activity Status: RDIS</u></p> <p><u>Council shall restrict its discretion to the following matters:</u></p> <ul style="list-style-type: none"> 1. <u>Landscaping.</u> 2. <u>Earthworks and accidental discovery.</u> 3. <u>Protection of any special amenity feature.</u> 4. <u>Effects on indigenous biodiversity in the identified Silverstream Spur Significant Natural Area.</u> 5. <u>Tangata whenua values</u> 6. <u>Effects on ecological values.</u> 7. <u>Measures to avoid, remedy or mitigate potential adverse effects</u>

Map

[Silverstream Spur Significant Natural Area identified on the map as an overlay as shown below](#)



Recommended revised extent of the Silverstream Spur Significant Natural Area following expert ecological evidence. Area recommended for removal is shown in yellow and area recommended for retention is shown in orange. (Map legend not updated to reflect name change).



Hon Chris Bishop

Minister of Housing
Minister for Infrastructure
Minister Responsible for RMA Reform
Minister for Sport and Recreation
Leader of the House
Associate Minister of Finance



30 April 2024

Tēnā koe,

I am writing to provide an update on the Government's work to amend the Resource Management Act 1991 (RMA).

I have previously announced that this Government is approaching resource management reform in three phases. Phase one of the reform concluded with the repeal of the Natural and Built Environment Act and Spatial Planning Act in late December 2023, while phase two includes the introduction of the fast-track approvals regime, and some targeted changes to the existing RMA. Phase three will involve developing a long-term solution to replace the RMA.

Last week, Agriculture Minister Todd McClay, Associate Environment Minister Andrew Hoggard and I announced the first of two bills which will make some targeted changes to the Resource Management Act. The first bill will focus on amendments that need to be progressed quickly in order to provide certainty to industry, councils and resource consent applicants. The second bill will be more substantive and is expected to be introduced to Parliament later in 2024.

The proposed changes in the first RMA Amendment Bill will:

- Make it clear that, while the National Policy Statement for Freshwater Management (NPS-FM) is being reviewed and replaced, consent applicants no longer need to demonstrate their proposed activities follow the Te Mana o te Wai hierarchy of obligations, as set out in the NPS-FM.
- amend stock exclusion regulations in relation to sloped land
- repeal intensive winter grazing regulations
- align the consenting pathway for coal mining with the pathway for other mining activities in the National Policy Statement for Indigenous Biodiversity (NPS-IB), NPS-FM, and the National Environmental Standards for Freshwater (NES-F)
- suspend the NPS-IB requirement for councils to identify new significant natural areas for three years
- speed up the process to make or amend national direction, such as national policy statements and national environmental standards.

Further detail on some of these proposals is set out below.

Farm regulations

Cabinet has agreed changes to stock exclusion, in certain circumstances, and winter grazing regulations representing a move to a more risk-based, catchment-focused approach.

Stock exclusion changes would remove the low slope map and allow regional councils and individual farmers to decide where stock need to be excluded, based on risk.

The Government is proposing to remove all national intensive winter grazing regulations in order to reduce compliance costs for farmers. Regional councils would determine if and how the activity should be managed.

It is our intention that freshwater farm plans will provide an effective way to manage the impacts of farming activities on freshwater, including intensive winter grazing and stock exclusion, in a risk-based and practical way.

The Government has recently announced that we will improve the freshwater farm plan system to make it more cost effective and practical for councils and farmers. In the areas where the freshwater farm plan rollout has started, we may look at whether current requirements to complete a plan within 18 months could be paused while improvements are developed.

Other proposed changes

Hon Shane Jones announced last week the Government's intention to align the consenting pathway for coal mining with the pathway for other extractive activities. This will give the industry certainty and confidence, and when the bill is enacted a wider range of consent applications for coal mines will be able to be made.

The first RMA Amendment Bill will also give effect to previously announced changes to suspend the direction to councils to identify new significant natural areas in accordance with the NPS-IB for a period of three years, to give enough time for a review of how they operate.

The bill will also speed up the process to make or amend national direction, which is currently unnecessarily onerous, costly, and takes too long.

Next steps

The Government expects to introduce the first RMA Amendment Bill to Parliament in late May 2024. It will likely be enacted in late 2024.



Hon Chris Bishop
Minister Responsible for RMA Reform

Caroline Cheetham

From: Phernne Tancock
Sent: Friday, 10 May 2024 11:54 am
To: Caroline Cheetham
Subject: FW: discussion around paper road
Attachments: J730 Driveway Concept 02 Nov 2023.pdf

Caroline -please print email and attachment to go with notes.

From: Brett Latimer <Brett.Latimer@uhcc.govt.nz>
Sent: Thursday, November 30, 2023 8:52 AM
To: Michael Hall <7(2)(a)>
Cc: Patrick Hanaray <patrick.hanaray@uhcc.govt.nz>; Tim Rillstone <7(2)(a)>
Subject: RE: discussion around paper road

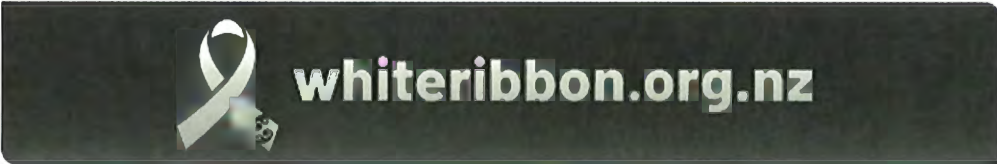
Thanks for that Micheal, I have referred this request to our General Council for guidance on how this could be achieved. I do however foresee many problems around this proposal especially regarding public access. By the way the land is actually reserve land not unformed road, and you are probably right the land adjacent is probably Defence land. They only found this out when we did the road stopping process, I will try and find confirmation of ownership.

Anyway after General Council has replied to my request I will get back to you.

Brett Latimer
Parks and Reserves Manager



Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council
838 – 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
T: +64 4 5272124 | M: +64 27 4527451 | E: Brett.Latimer@uhcc.govt.nz
W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)



From: Michael Hall <7(2)(a)>
Sent: Wednesday, November 29, 2023 6:11 PM
To: Brett Latimer <Brett.Latimer@uhcc.govt.nz>
Cc: Patrick Hanaray <patrick.hanaray@uhcc.govt.nz>; Tim Rillstone <7(2)(a)>
Subject: RE: discussion around paper road

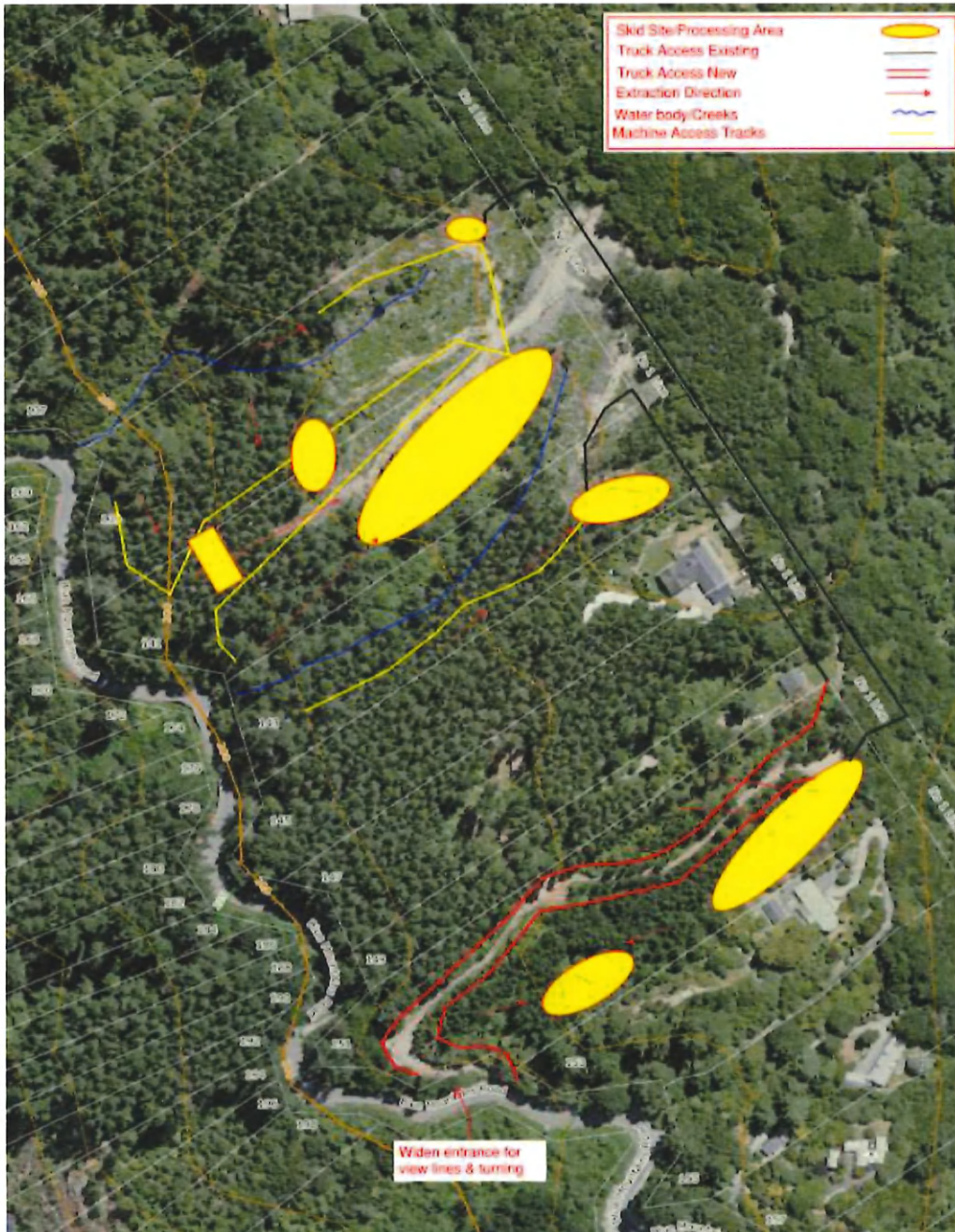
Kia ora Brett

Sorry it has taken so long to get back to you.

We have been working through what we're wanting to do to create access for forestry and then for the future use of the site.

We have confirmed that we would want to look at gaining access to the site through the stopped paper road for two purposes.

1. The first is in order to undertake the remaining forestry work for the site. It would be good to understand whether we could use the stopped road to access our site to remove the trees on GTC property. We have just submitted a forestry application and would like to understand whether you would accept us using your stopped road to access the site. It would be the most direct route and would not require us to use the corrections land. On this however, we have heard from Corrections property team they are not sure it is theirs again and may be the Ministry of Defence. The plan is outlined below:



2. We would then like to have a conversation in the next few weeks about having a permanent easement to support a resource consent application for development of the land because GTC are aiming to retire this part of it's site from its forestry portfolio and would like to consent residential dwellings. We want to have a draft scheme plan prepared top give you a definite proposal to you before we have the discussion around this though.

If you are able to let us know how we are able to progress item 1 that would be appreciated.

Cheers

Michael

From: Brett Latimer <Brett.Latimer@uhcc.govt.nz>
Sent: Thursday, September 14, 2023 5:22 PM
To: Michael Hall <(2)(a)>
Cc: Patrick Hanaray <patrick.hanaray@uhcc.govt.nz>
Subject: Re: discussion around paper road

Yes that land parcel is owned by corrections. So the proposal is a permanent easement which will affect public access?? If we receive a formal proposal from you I will need to get some guidance from our legal team on the process and implications of the easement.

Get [Outlook for iOS](#)

Brett Latimer

Parks and Reserves Manager



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

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T: +64 (4) 5272124 | M: +64274527451 | E: Brett.Latimer@uhcc.govt.nz

W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)

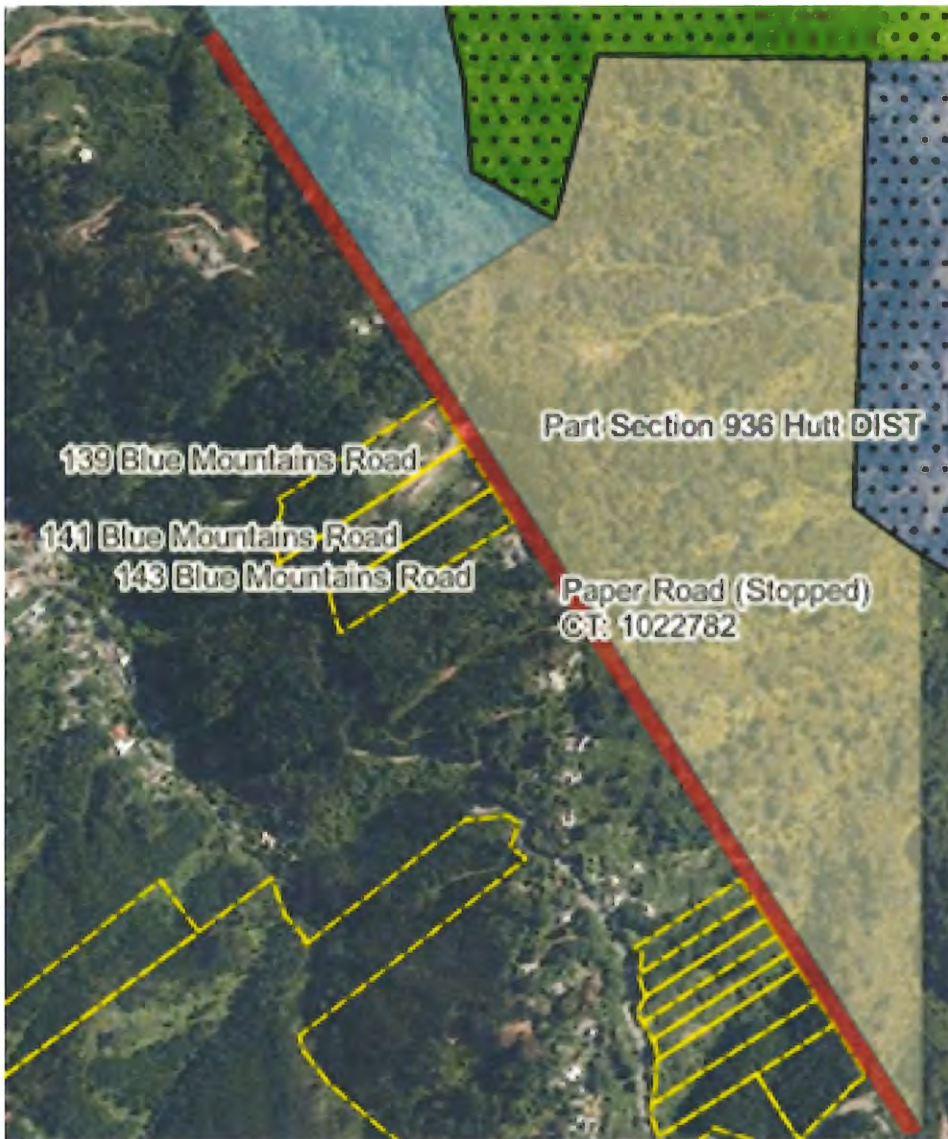


From: Michael Hall <michael.hall@awa.kiwi>
Sent: Thursday, September 14, 2023 5:07:29 PM
To: Brett Latimer <Brett.Latimer@uhcc.govt.nz>
Cc: Patrick Hanaray <patrick.hanaray@uhcc.govt.nz>
Subject: RE: discussion around paper road

Hi Brett

Thanks for getting back. So are you saying that Part Section 936 is owned by Corrections?

There isn't a certificate of title I can find that outlines ownership to Corrections.



Regarding the rest of your points, these all look achievable to provide. The easement would be for providing residential dwellings at 139-143 BMR.

Thank you

Michael

From: Brett Latimer <Brett.Latimer@uhcc.govt.nz>
Sent: Thursday, September 14, 2023 4:09 PM
To: Michael Hall <7(2)(a)>
Cc: Patrick Hanaray <patrick.hanaray@uhcc.govt.nz>
Subject: FW: discussion around paper road

Good afternoon, Michael, your request has been forward to me to reply.

This situation was raised a few years ago by The Guildford Timber company and if I recall correctly Council that any consideration of an easement across this land would, in the first instance be subject to GTC obtaining approval for access across the adjacent Correction Land and also 151 BMR. Initially Corrections was saying the land wasn't theirs, but belonged to the Defence Department and Defence was saying it wasn't their land. In the end I think Corrections did finally acknowledge that the land was owned by them.

I don't remember how this all panned out, but I haven't pursued an easement in favour of GTC since that time.

The land is currently held in Council as a Recreation Reserve and granting an easement will need to go through the necessary approval processes.

I think what is needed is for you to make a formal application for an easement with details of the purpose of the easement, i.e., is it just for the removal of pines or is it for a residential development ?? Also Council will need to assured that access across the Corrections land and 151BMR has been secured and that any easement will not affect public access across the reserve. You will also need to provide a detailed map of the location and width etc of the easement.

Once we have that information we will be in position to advise whether an easement would be considered by Council.

Brett Latimer
Parks and Reserves Manager



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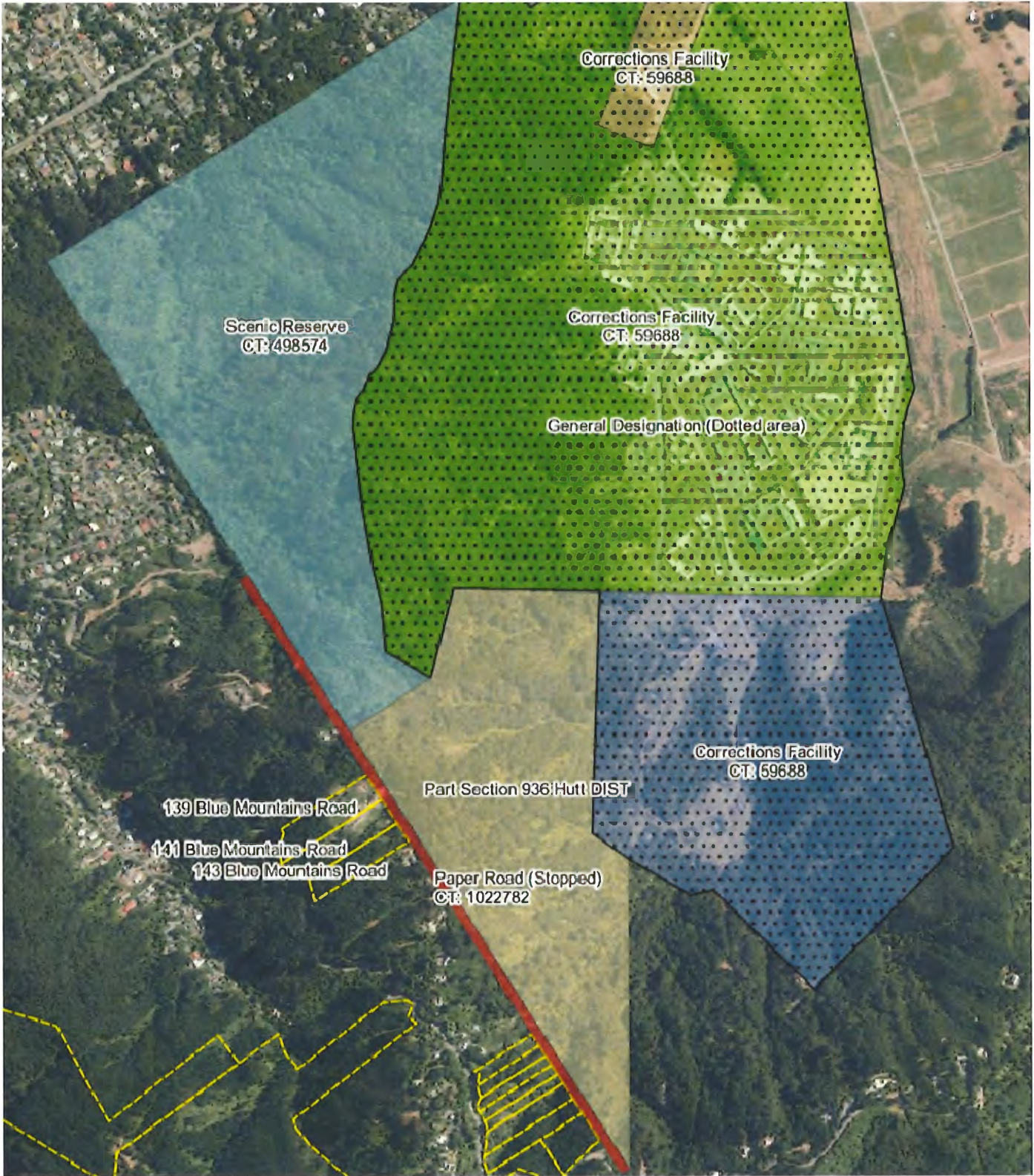
From: Michael Hall [7\(2\)\(a\)](#)
Sent: Tuesday, September 12, 2023 11:57 AM
To: Patrick Hanaray <patrick.hanaray@uhcc.govt.nz>
Subject: discussion around paper road

Kia ora Patrick

I am currently acting as the project manager for the Guildford Timber Company. Awa has been tasked with revisiting the previous two development plans across the site and reviewing how best to use it's existing landholdings across Pinehaven. We are interested in the paper road that was stopped in 2018. Should I be talking to you about this road?

It is still owned by UHCC and we are considering whether it may be possible to secure an easement over a portion of it so we can utilise it for access to 139-143 Blue Mountains Road. The existing access from BMR is tight and doesn't easily allow access to the top of the site without undertaking major earthworks which is not our client's preference for potentially using the land in the future.

If you can give me a call or email back that would be appreciated.



MICHAEL HALL

URBAN SPACES LEAD

Level 1 / 1 Ghuznee St, Te Aro, Wellington

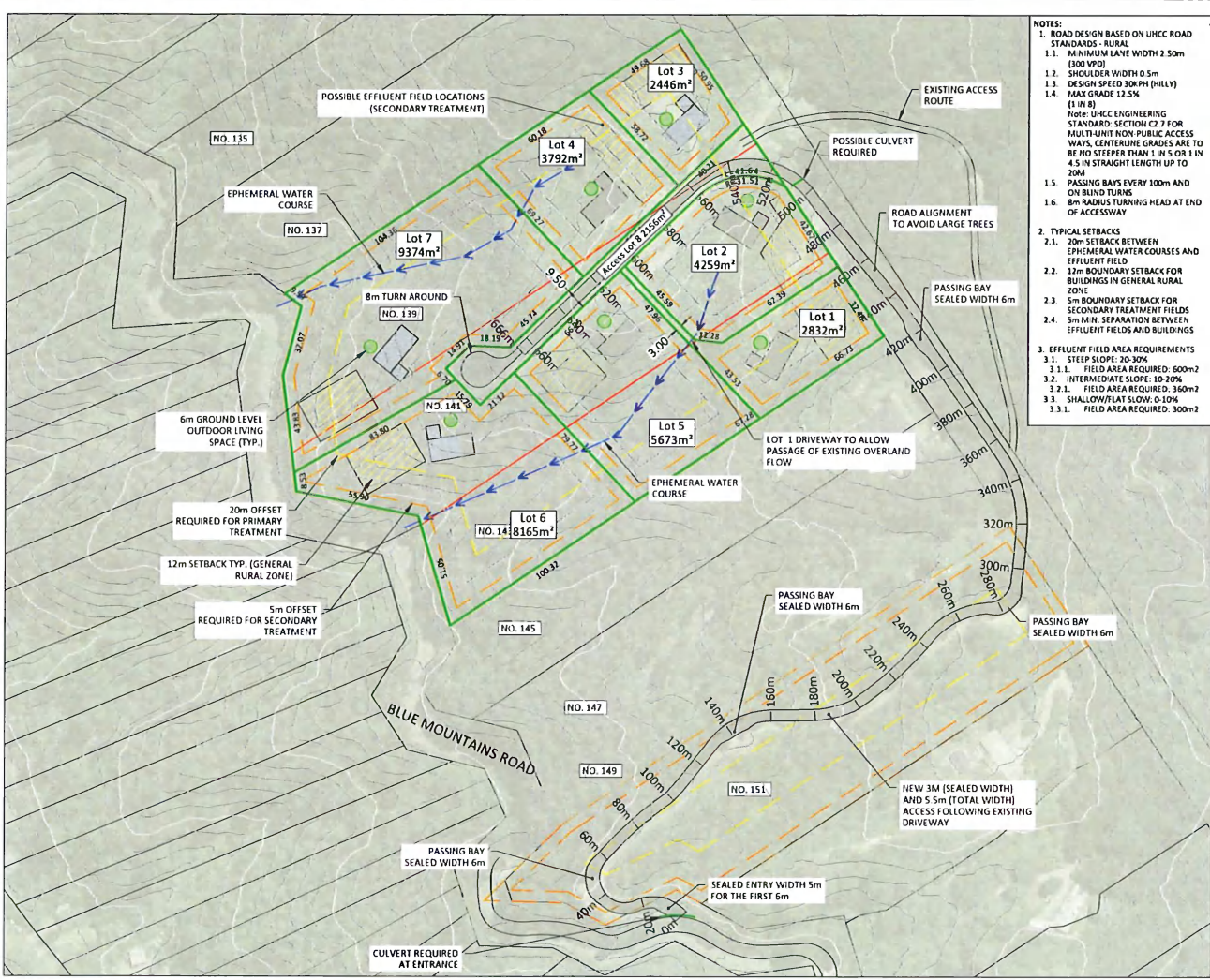
7(2)(a)

www: www.awa.kiwi

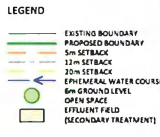
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- NOTES:**
- ROAD DESIGN BASED ON LMCC ROAD STANDARDS - RURAL
 - MINIMUM LAKE WIDTH 2.50m (300 VPD)
 - SHOULDER WIDTH 0.5m
 - DESIGN SPEED 30MPH (HILLY)
 - MAX GRADE 12.5% (1 IN 8)
 - NOTE: LMCC ENGINEERING STANDARD SECTION C2.7 FOR MULTI-UNIT NON-PUBLIC ACCESS WAYS. CENTERLINE GRADES ARE TO BE NO STEEPER THAN 1 IN 5 OR 1 IN 4.5 IN STRAIGHT LENGTH UP TO 20M
 - PASSING BAYS EVERY 100m AND ON BUND TURNS
 - 8m RADIUS TURNING HEAD AT END OF ACCESSWAY
- TYPICAL SETBACKS**
- 20m SETBACK BETWEEN EPHEMERAL WATER COURSES AND EFFLUENT FIELD
 - 12m BOUNDARY SETBACK FOR BUILDINGS IN GENERAL RURAL ZONE
 - 5m BOUNDARY SETBACK FOR SECONDARY TREATMENT FIELDS
 - 5m MIN. SEPARATION BETWEEN EFFLUENT FIELDS AND BUILDINGS
- EFFLUENT FIELD AREA REQUIREMENTS**
- STEEP SLOPE: 20-30%
 - FIELD AREA REQUIRED: 600m²
 - INTERMEDIATE SLOPE: 10-20%
 - FIELD AREA REQUIRED: 350m²
 - SHALLOW/FLAT SLOPE: 0-10%
 - FIELD AREA REQUIRED: 300m²



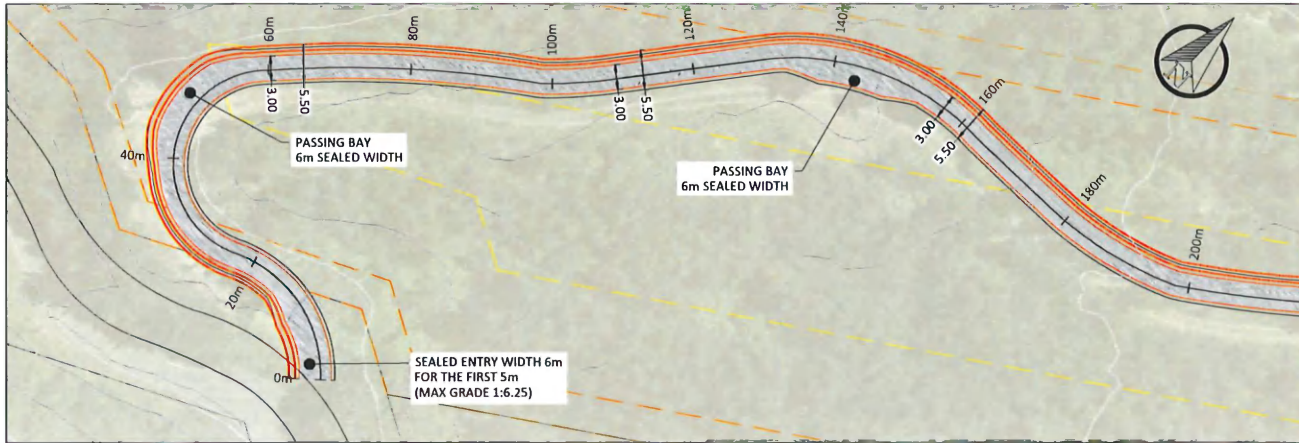
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PN1	Permitting	14/12/2013

Concept
AWA
 ARCHITECTS

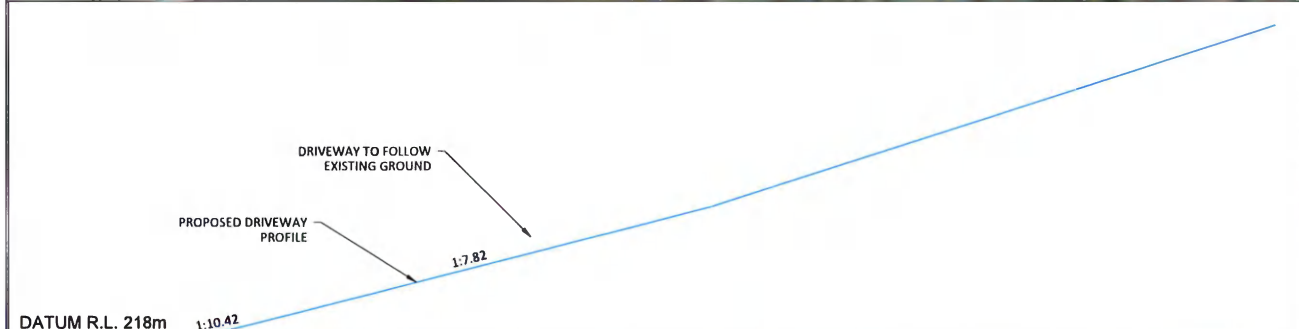
Guildford Timber Company
 139-143 Blue Mountains Road

Corridor Layout

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	P02



- NOTES:**
- ROAD DESIGN BASED ON UHCC ROAD STANDARDS - RURAL
 - LANE WIDTH 2.50m (300 VPI)
 - SHOULDER WIDTH 0.5m
 - DESIGN SPEED 30KPH (HILLY)
 - MAX GRADE 12.5% (1 IN 8), Note: UHCC ENGINEERING STANDARD SECTION C2.7 FOR MULTI-UNIT NON-PUBLIC ACCESS WAYS, CENTERLINE GRADES ARE TO BE NO STEEPER THAN 1 IN 5 OR 1 IN 4.5 IN STRAIGHT LENGTH UP TO 20M
 - PASSING BAYS EVERY 100m AND ON BLIND TURNS
 - THIS DESIGN IS CONCEPTUAL ONLY, AND REQUIRES A DETAILED TOPOGRAPHICAL SURVEY TO BE UNDERTAKEN, AND CONSULTATION WITH COUNCIL



DATUM R.L. 218m

HORIZONTAL	0+000	L 22.247	R 17.948	22+24.7	L 38.068	R 13.280	60+315	L 38.200	R 162.150	98+515	114.33	109+94.9	L 20.397	130+146	L 32.623	162.969
VERTICAL	G 9.6%	L 3.181		G 12.8%	L 67.702		G 16.1%	L 162.909				B 038° 23' 00"				
DESIGN LEVELS	218.125	219.446	220.868	223.301	224.416	225.735	228.455	231.522	231.761	232.440	233.358	236.633	239.252			
CHAINAGE	0.000	11.123	22.247	41.281	50.000	60.315	79.415	98.515	100.000	104.232	109.949	130.346	146.657			

PREL	PROVISIONAL	PER	14/04/23
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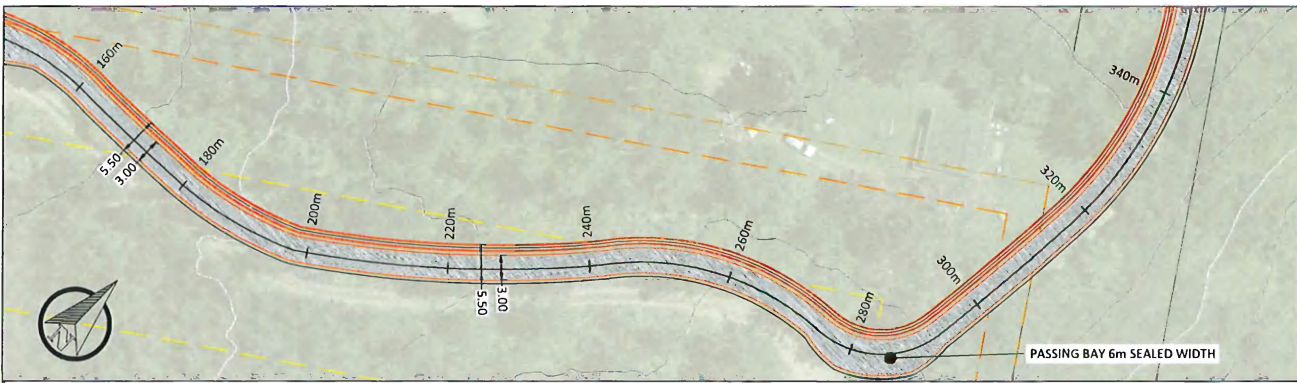
Concept

Guildford Timber Company
139-143 Blue Mountains Road

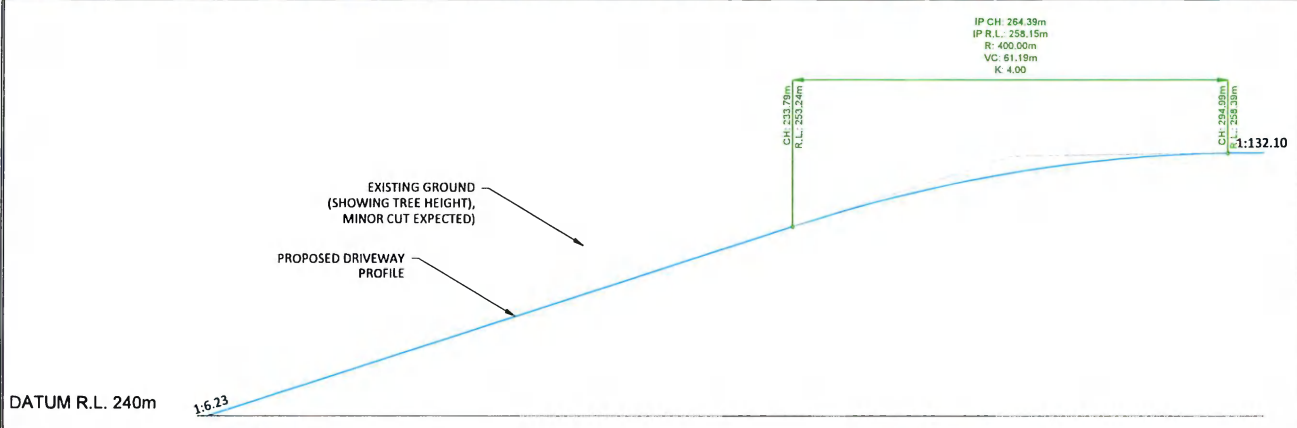
0-150 Driveway Long Section (Concept Road)

J000730 3201

P01



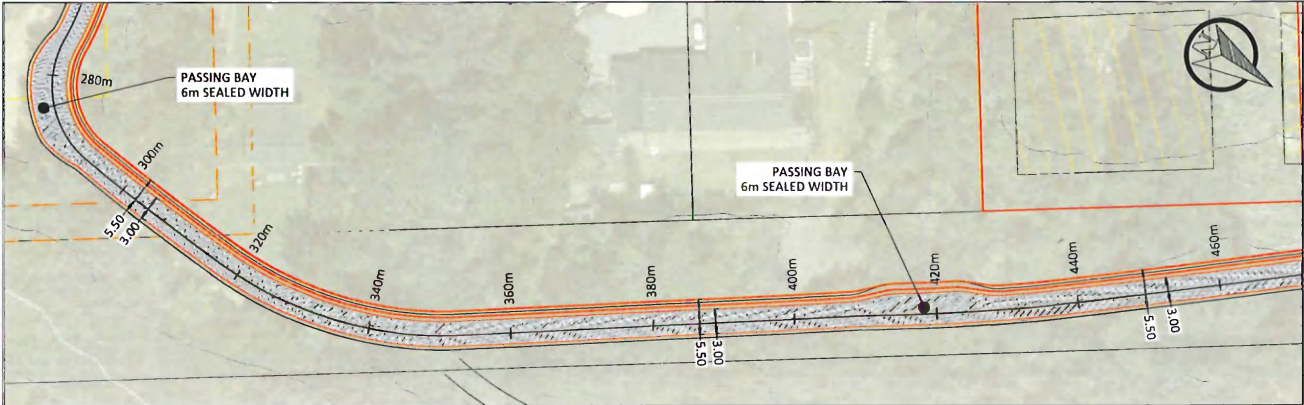
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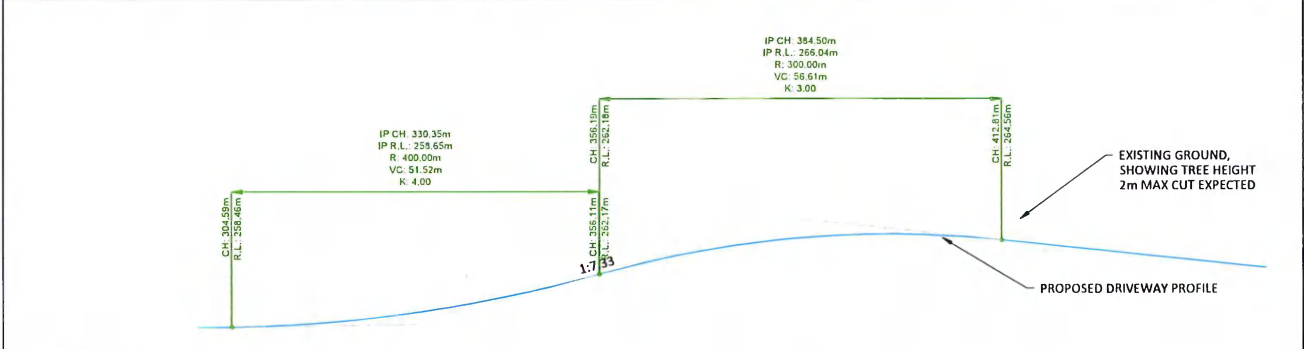
DATUM R.L. 240m

HORIZONTAL	130.346 L 32.623 R 34.641	167.969 L 16.707 R 617.207	178.675 L 18.424 R 53.096	198.100 L 43.761 R 160.889	241.861 L 33.127 R 37.322	274.988 L 18.077 R 13.459	293.655 L 22.693 R 69.758						
VERTICAL	G 16.1%		L 162.909		R 4.00 0 K 4.0 L 61.195		G 0.8% L 8.606						
DESIGN LEVELS	162.969 24.1871	171.322 24.3.212	179.675 24.4.553	188.888 24.6.032	198.100 24.7.511	200.000 24.7.816	219.980 25.1.024	241.861 25.4.456	250.000 25.5.516	258.424 25.6.438	274.988 25.7.735	284.026 25.8.153	293.065 25.8.367
CHAINAGE													

PS1 Preliminary	118	16/12/24
Concept		
awa		
Guildford Timber Company		
139-143 Blue Mountains Road		
150-300 Driveway Long Section (Concept Road)		
J000730	3202	



- NOTES:**
- ROAD DESIGN BASED ON UHCC ROAD STANDARDS - RURAL
 - LANE WIDTH 2.50m (300 WPD)
 - SHOULDER WIDTH 0.5m
 - DESIGN SPEED 30KPH (HILLY)
 - MAX GRADE 12.5% (1 IN 8), Note: UHCC ENGINEERING STANDARD: SECTION C2.7 FOR MULTI-UNIT NON-PUBLIC ACCESS WAYS, CENTERLINE GRADES ARE TO BE NO STEEPER THAN 1 IN 5 OR 1 IN 4.5 IN STRAIGHT LENGTH UP TO 20M
 - PASSING BAYS EVERY 100m AND ON BLIND TURNS
2. THIS DESIGN IS CONCEPTUAL ONLY, AND REQUIRES A DETAILED TOPOGRAPHICAL SURVEY TO BE UNDERTAKEN, AND CONSULTATION WITH COUNCIL



DATUM R.L. 255m

HORIZONTAL	293.065	L 22.693	R 355.386	315.758	L 35.694	R 53.764	351.452	L 29.978	R 4124.421	3874.30	L 27.191	R 1498.168	4086.21	L 26.525	R 347.886	4351.6	L 38.760	R 2619.107	4739.05																		
VERTICAL	G 0.8%	L 9.606		R 4.000	K 4.0	L 51.519	G 13.6%	L 0.083	R 300.0	K 3.0	L 56.613		G -5.2%	L 87.687																							
DESIGN LEVELS	304.411	258.457		315.758	258.699		333.432	259.717		350.000	261.380		351.107	261.515		363.444	263.079		375.781	264.209		382.439	264.931		400.000	264.953		409.097	264.727		422.192	264.065		435.287	263.380		
CHAINAGE																																					

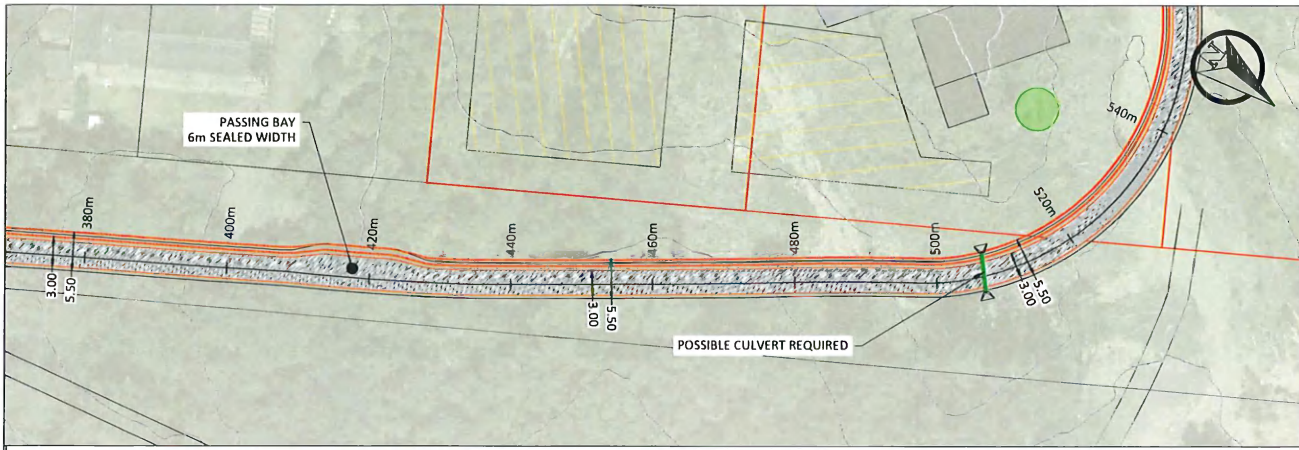
PS1	Primary	714	14/13/23
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Concept

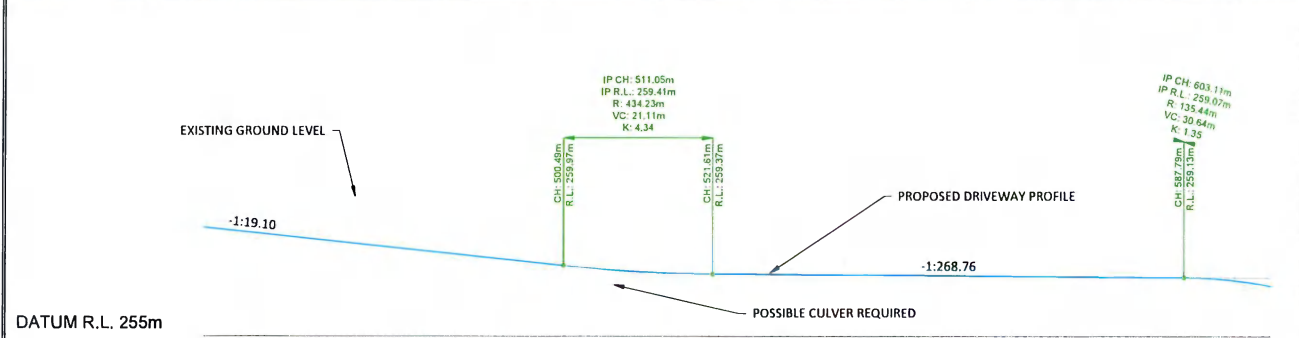
Guildford Timber Company
139-143 Blue Mountains Road

300-450 Driveway Long Section (Concept Road)

J000730	3203	P01
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- NOTES:**
- ROAD DESIGN BASED ON UHCC ROAD STANDARDS - RURAL
 - LANE WIDTH 2.50m (300 VPD)
 - SHOULDER WIDTH 0.5m
 - DESIGN SPEED 30RPH (HILLY)
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 - PASSING BAYS EVERY 100m AND ON BLIND TURNS
 - THIS DESIGN IS CONCEPTUAL ONLY, AND REQUIRES A DETAILED TOPOGRAPHICAL SURVEY TO BE UNDERTAKEN, AND CONSULTATION WITH COUNCIL



DATUM R.L. 255m

HORIZONTAL	4.35 116	L 38 760 R 2619 107	4.73 905	L 25 502 R 434 598	4.95 407	L 60 633 R 36 961	560 047	L 105 873 B 226° 19' 15"
VERTICAL		G -5.2% L 87 687		R 434.2 K 4.3 L 21 117		G -0.4% L 66 180		R 135.4 K 14 L 30 638
DESIGN LEVELS	4.55 097 262 31.3		4.74 693 261 317	4.87 386 260 652	500 079 259 988	500 000 259 992	550 000 259 269	543 466 259 293
CHAINAGE								

PRI	Preliminary	PER	14/03/23
Concept			
Guildford Timber Company 139-143 Blue Mountains Road			
450-600 Driveway Long Section (Concept Road)			
J000730		3204	
		P01	

Meetings re Silverstream Spur

18 Aug 2021 – 29 June 2022



Date	Regarding	UHCC staff present	GTC Staff Present
23 Aug 2021	Internal discussion re MOU report to Council	Peter Kelly, Vibhuti Chopra, Geoff Swainson, Guy Smith, Kimberly Bingham	None
11 Nov 2021	IAF RFP discussion with Beca & GTC & WW	Peter Kelly, Geoff Swainson, Patrick Hanaray	7(2)(a)
13 Nov 2021	Met with Forest & Bird re Silverstream Spur	Peter Kelly, Helen Hamilton, Guy Smith	
14 Feb 2022	IAF applications discussion with Kainga Ora and developers	Peter Kelly, Geoff Swainson, Patrick Hanaray	7(2)(a)

Michael Gibbons

From: [REDACTED] 7(2)(a)
Sent: Thursday, 20 January 2022 12:41 pm
To: Peter Kelly; Geoff Swainson; Bridget Herries; Emily Thomson
Cc: [REDACTED] 7(2)(a)
Subject: 44 Kiln St subdivision

Kia ora Peter, Geoff, Bridget and Emily

Happy new year and I hope you all enjoyed some time off over the break.

I'm writing to let you know that GTC intends to subdivide off and sell part of its site at 44 Kiln St that is not needed to provide for a road and infrastructure corridor to enable Silverstream Forest, as per the IAF application. Envelope Engineering (likely through Matt Aitchison) and our planners will engage with Council's planning and engineering teams as we will be looking to apply for a two-lot subdivision in the coming months.

I wanted to inform you of this as a key stakeholder in relation to Silverstream Forest. GTC will look to ensure that the proposed subdivision of 44 Kiln St doesn't compromise the ability to access and realise Silverstream Forest in the future.

Thanks,

[REDACTED] 7(2)(a)

The Guildford Timber Company / Silverstream Forest

[REDACTED] 7(2)(a) | W: www.silverstreamforest.nz

Please note that I work part-time for 2 x days per week. Sometimes it may take me a few days to respond your message.

Michael Gibbons

From: Guy Smith
Sent: Friday, 22 April 2022 4:29 pm
To: 7(2)(a); Forest & Bird, Upper Hutt Branch; Pinehaven Hills
Subject: Buddle Findlay advice on Silverstream Spur
Attachments: Advice to Upper Hutt City Council(62247508.3).pdf

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon all,

Hope you all got a good break in over Easter. Apologies that this has been delayed in delivery a couple of additional days due to me taking some time off this week for the school hols.

Please find attached, strictly on a **without prejudice, confidential and without waiver of privilege** basis, the opinion of Buddle Findlay on the questions we posed them about the Silverstream Spur.

I hope you find it interesting and thorough, as I did. I'm happy to discuss it further of course and look forward to any comments your peer reviewer might have.

Regards,

Guy.

Guy Smith
General Counsel



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

[838 - 842](tel:838-842) Fergusson Drive, Private Bag 907, Upper Hutt 5140, New Zealand

DDI: [+64 4 527 2147](tel:+6445272147) | Mobile: [+64 21 392 142](tel:+6421392142)

Īmēra: guy.smith@uhcc.govt.nz | Pae Tukutuku: www.upperhuttcity.com

The contents of this email is confidential to Upper Hutt City Council and may be legally privileged. If you are not the Intended recipient please notify the sender immediately and do not send this email on to anyone else without the consent of the author.

13 April 2022

To

Guy Smith
Kaitohutohu Mātāmua ā-Ture – General Counsel
Te Kaunihera o Te Awa Kairangi ki Uta – Upper Hutt City Council

From

7(2)(a)

By Email

guy.smith@uhcc.govt.nz

CONFIDENTIAL AND LEGALLY PRIVILEGED

Tēnā koe Guy

Silverstream Spur - legal implications of potential historical acts or omissions by Council

1. Thank you for seeking our advice on issues relating to land acquired in late 1989 / early 1990 by Upper Hutt City Council (**Council**), within an area known as the Silverstream Spur (the **Spur**).
2. As you know, while some of the past decisions and actions of the Council in relation to the land are clearly documented, due to the passage of time some of the historical detail may have been lost.
3. You have asked whether, on the facts currently available, anything done (or omitted to be done) by the Council in the past might continue to have legal consequences, today, for the status of the land and the Council's powers in relation to it.
4. In particular, you have asked what legal consequences, if any, might flow from:
 - (a) Council acts or omissions relating to the Spur during the past planning processes for which it was responsible under the Resource Management Act 1991 (**RMA**) or predecessor legislation. In particular:
 - (i) A notice was published on 10 March 1992 recording the Council's intention to "correct" the status of the Spur, through a review of the Hutt County District Scheme (**District Scheme**), to be "Rural B" with a 'designation' as "R7 (Scenic Reserve)". This apparent intention did not flow through to the finalised District Scheme or, subsequently, to the current operative District Plan (**District Plan**), under which the land was zoned "Rural B" (and since then "Rural Hill" and now "General Rural", reflecting the more recent terminology) and "Residential Conservation", without any reserve status indicated.
 - (ii) In late 2001, the Council passed a resolution recording 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". Again, this variation appears not to have proceeded, and the rezoning is not reflected in the current District Plan.

- (b) Past views expressed by the Council regarding the possible future use of the Spur, including as a recreation or scenic reserve. For example, during a planning process led by Heretaunga Pinehaven District Community Council between 1976 and 1984, after which the Spur was zoned "Rural Town Belt", a predecessor entity of the Council opposed the Spur being zoned for residential development because of the adverse amenity and other effects such development would have had, and because of the Spur's potential as a reserve. Further, a Council memorandum prior to its purchase of the Spur recorded 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 for passive recreation purposes which would complement [other existing reserves and the Silverstream Railway Society facility]".

- (c) The Council having purchased the Spur using funds that may have been earmarked for the creation of reserves. In particular, the Council Memorandum recommending the purchase of the Spur notes that *"the purchase could be funded from Council's Reserve Fund account"*.
5. Below we set out a summary of our advice. We then analyse in turn, by category, the potential legal implications.

Summary of advice

6. It appears from the documentary record that there is some basis for a belief that the Council intended the Spur to be held as public open space (and possibly as a legal reserve).
7. Equally, there are indications that the Council understood that the Spur could support a number of different activities (or a mix of them).
8. Given the gaps in the history, it is difficult at this distance from the relevant events to conclude with certainty what the Council's intentions have been at various points in time, whether certain outcomes are deliberate; if not, whether they were the result of errors or omissions; and if so, the nature and legal effect of those omissions. However, even read together these documents do not, in our view, evidence a clear and unambiguous commitment on the part of the Council to rezone the land or manage it as open space.
9. Notwithstanding the gaps in the record, in our view it is clear that the various points at which the Council may (or may not) have erred – such as in failing to give effect to a resolution or otherwise following through on an intended policy – were many years ago and in most cases, particularly in the planning sphere, have been superseded by subsequent public processes. In particular, the correct zoning of the Spur is directly at issue in Council's current Plan Change 49 – Open Spaces (PC49). As such, even if the Council did err, we have not identified any legal consequences that might flow from those errors today, in terms of the status of the Spur today or the Council's powers in relation to it.

10. Although we have concluded that there is no legal entitlement or particular consequence that arises from the various statements made by the Council in the past regarding the Spur, evidence of a past intention for the Spur to be held as public open space (or a reserve) could well be relevant to the decision-makers on PC49, as could the indications that the Council understood that the Spur could support some development or a mix of uses. In our view PC49 is the appropriate forum for the most appropriate zoning of the Spur to be determined.

The facts

11. The Council was formed through the local authority reorganisations in the late 1980s, with responsibility for Upper Hutt and the former 'ridings' of Rimutaka and Heretaunga-Pinehaven.
12. In 1987, the Council began discussions with the Land Corporation (**Landcorp**), as it was then known, about the purchase of the Spur (Part Sections 81 and 82, Hutt District; Certificates of Title 107/207 and 348/185) by the Council. Landcorp responded that the land was for sale and noted that the Silverstream Railway Incorporated had a lease over part of the Spur.
13. On 17 September 1987, the Council confirmed that the Policy and Resources Committee had indicated an interest in the purchase, subject to valuation. Landcorp received a valuation of \$80,000 in October 1987. The valuation noted that the Spur was zoned "*Rural – Town Belt*", stating that "*the purpose of this zone is to secure the protection of the hills which form the green backdrop to the adjoining urban areas. The predominant uses are parks, reserves, walkways etc and forestry and plantation development*".
14. In April 1989, the Council commissioned its own valuation of the Spur, which valued it at \$36,000. The valuation noted the zoning as Rural Town Belt. In July 1989, Landcorp received an updated valuation of \$70,000, which said "*the land is however, in spite of its condition and town planning restraints, strategically well located for reserve purposes*".
15. On 20 November 1989, a report was put to the Policy and Planning Committee, recommending that the Spur (described as Sections 81 and 82), be purchased by the Council for \$59,000. The Report noted the zoning as "*Rural Townbelt*", stating that:

part of the land may have potential for development as residential sections although a change in zoning would be require before such a development could proceed. The bulk of the land is best suited to passive reserves uses.
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

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.

17. It appears the Council purchased the Spur in 1989. At this time, it was zoned Rural Town Belt. On 19 March 1990, a new title to the Spur was issued to the Council. The land was then subdivided, with some of the land being transferred to the Railway and the title to the remainder being reissued as Part Section 1 SO 34755.
18. At this time, the Upper Hutt District was governed by the District Scheme, developed under the Town and Country Planning Act 1977 (TCPA). On 1 October 1991, when the RMA came into force, the District Scheme was deemed a district plan and the ongoing reviews of the District Scheme that had been notified before that date (including one known as **Review No. 4**) were deemed to be proposed plan changes (under section 373 of the RMA).
19. Review No. 4 appears to have occurred at some point in 1992. We have reviewed correspondence in February and March 1992 relating to submissions on and requested alterations to the proposed Plan:
 - (a) On 21 February 1992, a local resident objected to the re-zoning of land adjacent to their own from "Town Belt" to "Residential Conservation". The land referred to appears to be the Spur (or part of it), although the correspondence is not clear. On 25 February 1992, the City Planner responded stating that the zoning "of the land to the north of your subdivision" "is incorrect and will be altered".
 - (b) On 26 February 1992, the City Planner wrote to the Mayor, Chief Executive and City Solicitor, noting three errors found in the zoning maps. These included that the "ex: Hutt County Green Belt area bounded yellow on the attached map should be designated (R7) Scenic Reserve and not Residential Conservation". The land referred to appears to be the Spur, although again this is not entirely clear.
 - (c) On 3 March 1992, the Council distributed a Summary of Request for Alterations to the Upper Hutt City Council Proposed District Scheme (Review No. 4), in accordance with its obligations under Regulation 27 of the Town and Country Planning Regulations 1978. The Summary set out the changes sought by the Council to the Scheme. These included "Correct Map 2 as follows: Change zoning on northern side of Kiln Street from Residential Conservation to Rural B (restricted) and record its designation as R7 (Scenic Reserve)".
20. On 10 March 1992, the same Summary of Request for Alterations was published in the Upper Hutt Leader, recording the Council's intention to "correct" the status of the land to be "Rural B" with a designation as "R7 (Scenic Reserve)".
21. The finalised District Scheme and, subsequently, the current District Plan, show that the Spur has two distinct parts: one is zoned "Rural B" (now "General Rural") and the other is zoned "Residential

Conservation", without any reserve status indicated. It is not clear (owing to the uncertainty about the identity of the land referred to in the communications set out above) whether this was intentional or in error.

22. There is then a gap in the record until 1994. At some point around 1994, the Council applied for a resource consent application to undertake commercial forestry on the Spur (then legally registered as Section 1, SO 34755). In a report from the City Planner to the Council, dated 8 March 1994, the land is described as being zoned half as Rural B (Restricted) and half as Residential Conservation. There is no suggestion in the City Planner's report that the wrong zoning had been applied. The report notes that there were five submissions on the application, including one from the Railway. The Railway raised concerns about the impact of forestry operations on erosion, but was ultimately *"neutral in regard to the development"*. The report from the City Planner, and a report to the Judicial Committee of the Council, dated 18 March 1994, recommended that the consent be granted.
23. There is then a further gap in the record until late 2001. On 5 December 2001, the Policy Committee of Council resolved that the forestry operation be discontinued. The Policy Committee considered several options for the Spur, including selling the Spur or changing its status via a District Plan Variation *"to ensure that all the land was zoned as "open space" or alternatively "residential conservation" with a designation of reserve"*. The Committee ultimately resolved that *"in the light of the 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"*. Again, it is not clear what happened after this point. It does, however, seem clear that the proposed variation to the District Plan was not made.
24. In 2004 the then District Plan was replaced by a new District Plan, which remains in force. The District Plan retains similar zoning for the Spur: that is, General Rural and Residential Conservation.
25. On 24 February 2016, the Council resolved to enter into a memorandum of understanding (**MOU**) with Guildford Timber Company (**GTC**). The purpose of the MOU was to enable a land swap between GTC and the Council, with GTC acquiring the Spur. The Spur would provide access to GTC to other land owned by GTC, for housing development. A report accompanying the MOU, dated 24 February 2016, records that the Council had not consulted on the MOU, but that feedback on the Urban Growth Strategy indicated that some of the community *"have concerns about the impact of development on the proposed land"*. The Report also notes that the swap *"provides access to a key development required to provide for housing growth in the city over the next 30 years"*. The Council and GTC signed the MOU on 4 March 2016. Negotiations then continued until 2021, when the Council sent a letter to GTC formally bringing the MOU to an end.
26. In 2018, the Council adopted the Open Space Strategy, which set out the overarching strategy for Upper Hutt. The Council then undertook a review of the provisions of the District Plan relating to

Open Space and consulted with members of the community. This culminated in PC49, which proposes to change the management of open spaces under the District Plan. In particular, PC49 proposes to divide the current "Open Space" zone into three new zones, being:

- (a) Natural Open Space;
- (b) Open Space; and
- (c) Sport and Active Recreation.

27. The Spur is not included in any of these zones under the Proposed Open Space and Recreation Zoning. Several parties, including the Railway, Royal New Zealand Forest and Bird Society Incorporated and Save Our Hills (Upper Hutt) Incorporated, submitted on PC49 requesting that the Spur be included in the proposed "Natural Open Space" zone.

The issues

Introduction

28. There are three points at which an error might be said to have been made by the Council. All are over 20 years ago. The evidence for a mistake is, in each case, inferential.
- (a) The first possible mistake is at the point that the land was purchased. Arguably, the possibility that it was purchased from the Reserve Fund might support a view that the Council should have declared the land to be a reserve (under section 14 of the Reserves Act 1977) and/or zoned it accordingly under planning legislation at that stage. However, there is no evidence of such a declaration, and little other evidence about any proposed zoning of the land (or its 'designation' as a reserve or open space) at that time. Any planning error was then overtaken by the 1992 District Scheme process.
 - (b) The second possible mistake is in 1992, when there was a clear intention to rezone at least some of the Spur (and perhaps the whole of the Spur) and apply a reserve 'designation'. The Spur was at least in part rezoned, which may have been the intention at the time. The rezoning was then carried through into the 2004 District Plan.
 - (c) The third possible mistake is in 2001, when the Policy Committee resolved to vary what was at that time the proposed District Plan to rezone it as "Open Space" and manage it as a reserve. It seems clear that such rezoning did not occur separately or as part of the overall plan review process culminating in the 2004 District Plan. However, issues regarding the appropriate zoning of the Spur were then overtaken by the current PC49 process.

Implications of terms of purchase

29. We do not think that there is any actionable consequence arising from the purchase of this land in 1989/90. To explain:

- (a) It is not clear what cause of action would be said to lie. Presumably, any claim would be brought either as a judicial review, or (as in *Royal Forest & Bird Protection Society v Nelson City Council* [1984] NZLR 480) on the basis of an alleged trust.
- (b) As to a judicial review:
 - (i) A claim in judicial review is not time-barred. Judicial review is outside the scope of the Limitation Act 2010.
 - (ii) There is no reviewable error (eg, an error of law, a failure to take into account a relevant consideration, or taking account of an irrelevant consideration) established on the facts. It seems unlikely that there is any additional evidence available at this late stage that would establish that such an error occurred.
 - (iii) Although the claim would not be time-barred, the lapse of time means that the zoning of the land has been considered a number of times since the purchase. Even if a reviewable error could be shown, we think it is unlikely that a court would order relief cutting across those processes.
 - (iv) There is also a strong argument that judicial review is not available, in the light of the provisions of the RMA discussed below.
- (c) As to a claim in equity:
 - (i) The only basis for a claim in equity appears to be the use of the 'Reserve Fund'. As discussed above, it is not clear what terms applied to that fund, and it may well be that the purchase was within the scope of the fund.
 - (ii) Mr Durry, on behalf of the Railway, has carried out extensive and helpful research into the history of the Spur. He has suggested that section 288 of the Local Government Amendment Act 1978 specified how reserve contributions collected by the Council would be used, although he says that he does not have a complete copy of the Council's reserve fund policy from the time. Even assuming (as seems likely) the fund referred to in the Council's documents is the fund described in ss 284 to 292 of the 1978 Act, we observe that (1) the Act does not require that the fund, or any land purchased with it, are held on trust; and (2) the fund may be used in a number of ways, one of which is to purchase land that will be used to create a reserve within the meaning of the Reserves Act (see ss 288(2)(a) and 288(3)(a) for the creation of reserves, and ss 288(3)(b) – (g) for other purposes).
 - (iii) Nor is it clear how equity would be engaged here. A trust requires certainty of intention, subject matter, and object. In our view, as in *Royal Forest & Bird*, there is no clear evidence of an intention to hold the relevant land on a trust. The only contemporaneous documents refer to the land being purchased from the Reserve Fund but, as above, the nature of that fund is unclear. Nor is it clear that a purchase

from the Reserve Fund would be intended to be held in trust: that is not required by the Act, clearly evident from the surrounding documents, or a necessary part of placing land within the Reserves Act.

- (iv) The passage of time is also relevant to a claim in trust. Although a claim in equity is not time-barred, the doctrine of laches (that is, the equitable doctrine that delay will militate against equitable remedies being ordered) probably applies here, and would make any equitable remedy less likely at this late stage. If the land was in trust, the trust would remain: but, for the reasons set out above, we think that is unlikely

30. We note that it may be, that if the land was purchased from money set aside for reserves, the proceeds of any subsequent sale of the land should be paid back into a fund for reserve land (assuming that such a fund still exists). That question is outside the scope of this opinion, but we can advise on it if that would assist.

Potential RMA-related implications of the Council proposing to change the zoning

31. The next issues are the implication of the Council notifying its intention to "*correct*" the planning status of the land in 1992 (to include its designation as "*R7 – Scenic Reserve*"), and of the Council resolving to change the zoning in 2001, and neither change then coming to pass.
32. A change to the zoning of the Spur requires a change to the District Plan. The RMA sets out a specific process to do this, including notification of the change, the opportunity for public submissions, hearings, and public notification of the decision. As such, notification of the Council's intention to change the plan, or a resolution to that effect, are not sufficient to initiate a plan change.
33. The current situation is somewhat complicated by gaps in the historical record (which, in our experience, are not unusual for planning processes undertaken around the transition from the TCPA to the RMA, or even for 'first generation' plans developed under the RMA). Given the uncertainty, it is difficult to identify any actionable mistake.
34. It is possible that the outcome of the Review No. 4 process in relation to the Silverstream Spur was deliberate, and no error was made. For example:
- (a) the Council may have decided against declaring the land to be a scenic reserve, and accordingly not proceeded with the proposed 'correction' in the Review No. 4 process; or
 - (b) the zoning 'correction' may have fallen to be determined by the decision-makers on Review No. 4, who decided, for some other reason, not to give effect to it (in favour of retaining the "*Rural B (Restricted)*" and "*Residential Conservation*" zoning, with no reserve 'designation' noted).
35. That is consistent with the fact that, as explained above, the Council's officers did not mention any planning error at or around the relevant times.

36. Another possibility is that the Council's intended correction was somehow overlooked in the Review No. 4 process, resulting in the outcome confirming the zoning of the land that was proposed when Review No. 4 was originally notified, with no reserve 'designation' being noted. This omission could then have been perpetuated through the subsequent planning processes under the RMA, as reflected in the current status of the Silverstream Spur in the District Plan.
37. It is equally possible that the Council may have deliberately not followed through with the 2001 resolution to rezone the land.
38. If no error was made in the planning process, there would of course be no planning / RMA implications for the Council or community today. In any application under either the RMA or in judicial review, it would be for the plaintiff or applicant to show that an error had occurred.
39. Even if an error was made, section 83 of the RMA conclusively presumes the current District Plan to have been prepared lawfully, in a procedural sense: *"A (...) plan that is held out by a local authority as being operative shall be deemed to have been prepared and approved in accordance with Schedule 1 [of the RMA] and shall not be challenged except by an application for an enforcement order under section 316(3)"*.
40. As section 83 indicates, it is possible to apply (under section 316(3)) to the Environment Court for an enforcement order challenging a plan on the basis that proper process has not been followed. Section 314(1)(f) allows the Court to grant various relief in such a case, including a dispensation from the need to comply with any requirement not met, or to direct compliance.
41. In this case, for argument's sake, a procedural error within the ambit of section 83 (and so unable to be challenged other than through section 316) could have arisen if the Council decision-maker overlooked the proposed 'correction' in the Review No. 4 process and thereby failed to *"give a decision on the provisions [of a proposed plan] and matters raised in submissions"* (in terms of clause 10 of Schedule 1).
42. However, members of the public and other non-council entities can only make such a challenge within three months of the relevant plan becoming operative. In this case, any procedural error would likely have been made many years before that, either during the Review No. 4 process in the early 1990s or the plan processes in the early 2000s (eg the proposed variation to the draft plan apparently contemplated in 2001 or the other processes culminating in the 2004 District Plan).
43. There is no such time bar on the Council applying for an enforcement order under section 316(3), if it forms the view that some procedural error was made. In our view, however, it would be difficult for the Council to justify the costs associated with making such an application, given that there is no clear evidence of such an error, the zoning of the Silverstream Spur (including the reserve 'designation') is already at issue in PC49, and if the Council wishes to create a scenic reserve it can do so through other processes (as discussed below).

44. The Environment Court may also refuse to entertain an application for an enforcement order because there are likely to be a number of people (both within and outside Upper Hutt) with an interest in the status of the Silverstream Spur, and enforcement proceedings are not well suited to notifying a large number of people and factoring in their views. Instead, Schedule 1 processes (such as PC49) are the usual way of allowing the public to participate in decisions about the zoning and status of land (including council-owned land).
45. As well as procedural flaws, the Environment Court can also correct substantive mistakes in plans, under section 292 of the RMA. However, that power has been held to apply only to obvious or inadvertent errors, where these can be corrected in a straightforward way by the Court without the need to involve other parties. In this case, if an error could be proven, in our view the Court would be unlikely to exercise its powers under section 292, again because:
 - (a) it would be difficult for the Court to conduct a process in which all people who might have an interest in the status of the Silverstream Spur have an opportunity to take part (because the Court prefers to determine matters brought before it by parties, and does not typically seek input from other potentially interested people by, for example, giving public notice and inviting people to join a legal process); and
 - (b) there is already an RMA process in train where the status of that land is in issue.
46. Section 293 likewise allows the Court to order a council to change a plan, but only *"after hearing an appeal against, or an inquiry into, the provisions of any proposed (...) plan"*, and in this case there is no such appeal that could give a pretext for the Court to exercise its powers under section 293 (because any appeals relating to the proposed District Plan in the early 2000s, for example, are long since determined, and any new appeal relating to that instrument would be well out of time).
47. As such, even if an error could be proven to have been made in historical planning processes, there is no obvious process or power under the RMA for revisiting or correcting such an error. Rather, in our view current planning processes, such as PC49, or future processes will provide a more appropriate avenue for the zoning and associated status of the Silverstream Spur to be determined.

Implications of past positions taken or views expressed by the Council

Council's ability to make and change decisions and policies

48. You have provided us with a number of documents showing that the Council and its predecessors recognised, at various times, the potential for some of the Spur to be used as a reserve or for other *"passive recreation purposes"*, and even advocated for the land to be used in that way. The documents also evidence some other Council views, including that some of the land may have potential for residential development.
49. Since the Council acquired the Spur, the land has not been declared to be a scenic or other type of reserve, and the land has not otherwise been set aside for recreation purposes.

50. As discussed further below, the legal process of creating a reserve relevantly involves a council making a resolution to declare land vested in it to be a reserve, that resolution being notified to the public, the public having an opportunity to make objections, and the Minister of Conservation then considering the resolution and any objections and deciding whether or not to publish the resolution in the *Gazette*. We have not seen any evidence of the Council having followed that process; although the resolution made in December 2001 (that the land be "*managed as a reserve, with public access as of right*") indicates that the Council may have contemplated formally creating a reserve at that time, there is no evidence of a resolution to "*declare*" a reserve, let alone any evidence of objections being made, any process involving the Minister, or any relevant *Gazette* notice.
51. One possible interpretation of the records is that the Council simply considered making the land a reserve at various points in time, but then did not decide to follow through with that process.
52. Another possibility is that the Council did in fact make a formal decision to create a reserve, but then took no further steps to complete the legal process for doing so.
53. In either case, in general terms we do not consider that those scenarios bind the Council to any particular outcome today, or have any other implications for the way the land can be used. That is because the Local Government Act 2002 (like its predecessor legislation) provides the Council with the full rights, powers and privileges required to perform its role.¹ A council's role is a broad one² and, as such, the Council has wide powers to make decisions and act on behalf of the community, including in respect of land, and in particular to promote the social, economic and environmental well-being of the community.
54. The Council's powers include to make policy and decisions, which incorporate powers to **change** policy and make **different** decisions;³ the law reflects the principle that policy can and does evolve over time,⁴ and "*a decision-maker's liberty to make changes is 'inherent' in Westminster parliamentary government*".⁵ As a general proposition, then, we consider that assertions made historically by the Council or its predecessors do not bind the Council today, and even if decisions were taken in the past they can be revisited by this Council. Even if past resolutions did require the Council now to declare the Spur a reserve, that outcome would not be assured given that the power to create a reserve ultimately rests with the Minister.

¹ Local Government Act 2002, section 12.

² Local Government Act 2002, sections 10 and 11.

³ See for example *Gallagher v Attorney-General HC Wellington* CP402/88, 28 July 1988 at 21, and *Mackenzie District Council v Electricity Corp of New Zealand* [1992] 3 NZLR 41 (CA) at 47.

⁴ *PP and G Basra Ltd v Rangitoto College Board of Trustees* [2010] NZAR 372 (HC) at [62]

⁵ *Administrative Law – A to Z of New Zealand Law*, Chapter 2.25.6 – Doctrine of Legitimate Expectation citing *Hughes v Department of Health and Social Services* [1985] AC 776 (HL) at 788. See also *New Zealand Assoc for Migration and Investments Inc v Attorney-General* [2006] NZAR 45 (HC) at [140]; and *Lalli v Attorney-General* [2009] NZAR 720 (HC) at [20].

Judicial review

General points

55. As discussed above, if it could be shown that an error had been committed by the Council, that might be reviewable. If the Council had, for example, overlooked its decision to 'designate' the Spur as reserve land, or failed to take into account the fact that the Spur was purchased using funds set aside for the purchase of the reserve, those would arguably be reviewable errors.
56. However, we doubt that there is any real likelihood of a judicial review succeeding in the present case. This is for essentially two reasons. First, as explained above, the relevant actions took place a long time ago. This makes it difficult to demonstrate conclusively that an error has occurred. It also means that the Court would be reluctant to intervene given the period for which the relevant decisions have stood. Secondly, the status of the Spur is currently being considered as part of PC49. Any decision about its future, at least in planning terms, is best made through that process, rather than through a judicial review. In the circumstances we think it is unlikely that the Court would order relief, even if the elements of a successful review were made out.

Judicial review founded in a legitimate expectation

57. A 'legitimate expectation' can arise where a public body such as the Council commits to act in a certain way, either through a statement, promise or settled practice.⁶ In such a case, a council may be obligated to fulfil its commitment, unless there is a satisfactory reason not to do so.⁷ This reflects the need to balance the desire for public bodies to act fairly and reasonably, while also allowing appropriate shifts in government policy.⁸
58. Again, we consider a judicial review based on an asserted legitimate expectation to be highly unlikely to succeed, including because of the passage of time and the fact that zoning of the land is at issue in PC49.
59. Further, based on the information we have reviewed, the Council is unlikely to have created a legitimate expectation – ie that the Silverstream Spur would have been rezoned or declared a reserve – that is capable of being reasonably relied upon by any person today. To explain:
- (a) Although there are various indications of the Council's intention to manage the land as open space, a number of other historical documents indicate that the Council saw the land as having potential for other uses, including residential development. These include the 1989 memo to the Policy and Planning Committee immediately prior to the purchase of the land, which referred to the "*potential for development as residential sections*", and subsequent documents. Read together, these documents do not, in our view, evidence a clear and

⁶ *Comptroller of Customs v Terminals (NZ) Limited* [2012] NZCA 598, [2014] 2 NZLR 137 at [125].

⁷ *NZ Maori Council v Attorney-General* [1994] 1 NZLR 513 (PC) at 525 cited in *Comptroller of Customs v Terminals (NZ) Limited* [2012] NZCA 598, [2014] 2 NZLR 137 at [122].

⁸ *New Zealand Assoc for Migration and Investments Inc v Attorney-General* [2006] NZAR 45 (HC) at [140].

unambiguous commitment on the part of the Council to rezone the land or manage it as open space.

- (b) The legal processes to rezone land (under the RMA) or declare a reserve (under the Reserves Act 1977) are contestable, in that people can object or otherwise put forward their views for consideration.
- (c) While the Council has the power to initiate those processes, it does not have the power to create a reserve; the Minister of Conservation is the decision-maker under the Reserves Act 1977, for example, and Council decisions as to zoning are appealable and are often revisited by the Environment Court. In our view these factors make it less reasonable for any person to have relied on any intention expressed by the Council to achieve those outcomes.
- (d) We are unaware of any assertion by any person or entity that they have relied, to their detriment, on any commitment by the Council to zone the land. Put another way, it is not clear to us what harm (if any) has arisen from any failure by the Council to follow through on any such commitment.
- (e) Considerable time has passed since the Council recorded its intention to "correct" the status of the land (on 10 March 1992) and resolved to rezone it as "Open Space" (in December 2001). Numerous public planning processes have taken place since those dates, without those outcomes eventuating. Even if the Council had made commitments that could have reasonably been relied upon at the relevant times (which we doubt, for the reasons set out above), the reasonableness of relying on the commitment would have significantly lessened with time.

Conclusion

60. We trust that this advice assists, and would be happy to discuss it with you.

Ngā mihi

7(2)(a)

7(2)(a)

7(2)(a)

7(2)(a)

Michael Gibbons

From: Guy Smith
Sent: Wednesday, 13 April 2022 6:40 pm
To: Peter Kelly; Helen Hamilton
Subject: Buddle Findlay opinion on Silverstream Spur
Attachments: Advice to Upper Hutt City Council(62247508.3).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: [SharePoint] This message was saved in 'Legal Matters > Open Matters > Silverstream Spur - Southern Growth Area'

Hi both,

See attached for your comments, if any.

If none, next step is for me to release it to Silverstream Railway and F&B and SOH.

Enjoy!

Guy.

Guy Smith
General Counsel



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Te Awa Haurangi ika Uta
Upper Hutt City Council

7(2)(a)

THE HUMAN RIGHTS ACT 1993

7(2)(a)

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The Guildford Timber Company Limited (GTC)
c/o Kendons Chartered Accountants
69 Rutherford Street
Lower Hutt
DELIVERED BY EMAIL TO: [REDACTED] 7(2)(a)

October 2021

CONCLUSION OF MEMORANDUM OF UNDERSTANDING AND RELATED MATTERS

As you will be aware, Council voted at its Extraordinary Meeting on 22 September 2021 to formalise the conclusion of the non-binding Memorandum of Understanding executed between Council and GTC in March 2016.

As you know, this step is largely housekeeping. The MoU was not a formal, binding, agreement and there has never been any such formal legal relationship between GTC and the Council.

With that in mind from our perspective while we put a line under our previous understandings with this letter, the underlying intention to work constructively together to explore development in the Southern Growth Area for the benefit of the City is unchanged.

We look forward to continuing to work with you.

I would appreciate it if you could acknowledge receipt of this letter on behalf of GTC by return email.

Peter Kelly
Te Tumu Whakarae
Upper Hutt City Council

Michael Gibbons

From: Guy Smith
Sent: Friday, 10 September 2021 8:49 am
To: Peter Kelly; Vibhuti Chopra
Subject: GTC MoU Decision Paper v3
Attachments: Decision Paper - 09092021 DRAFT v3 - Guildford Timber Company MoU conclusion and further steps.docx

Categories: [SharePoint] This message was saved in 'Legal Matters > Open Matters > Guildford Timber Company Limited (J1-1, 853) - Land Swap MOU > Council Paper - Decision on MoU conclusion and further steps'

Hi both,

Attached is a revised version of the paper taking into account your feedback, and Richard's on one section.

Rather than go to town on mark ups I have mentioned in comments where I have made changes that weren't just accepting yours.

Let me know if you've got further feedback on this version, otherwise if everyone's happy it could go forward with the comments removed.

Guy.

Guy Smith
Kaitohutohu Mātāmua ā-Ture | General Counsel



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Michael Gibbons

From: Peter Kelly
Sent: Friday, 17 June 2022 11:55 am
To: 7(2)(a)
Cc: Executive Leadership Team
Subject: Kāinga Ora Specified Development Project

Kia ora 7(2)(a),

I hope this finds you all well. I recently attended a local government CE gathering and PWC hosted us and one of the topics discussed was the Specified Development Project that Kāinga Ora run. The PWC presenter was pretty positive about this and that KO are actively seeking development proposals to push through the SDP process with willing partners be they councils, developers or others. Like anything the government is keen on implementing, there is a process but there are advantages to be gained with this one.

I have attached the link to the KO website and if there was any interest we could organise a joint brief from either PWC or some other organisation familiar with the process to see if it stacks up for the Silverstream Forest development.

Obviously, we are still smarting over the IAF process, but it may be worth considering.

[Kainga Ora Specified Development Project](#)

Ngā mihi

Peter

Peter Kelly

Te Tumu Whakarae | Chief Executive



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Michael Gibbons

From: Forest & Bird, Upper Hutt Branch <UpperHutt.Branch@forestandbird.org.nz>
Sent: Tuesday, 21 December 2021 10:44 am
To: Peter Kelly
Subject: Meeting re Silverstream Spur
Attachments: Notes for UHC Mtg 13.12.21.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

Peter,

Thank you very much to you, Helen and Guy for meeting with our group.

Please find attached a note of our understanding of the actions that UHCC undertook to do as a result of our discussions.

Regards, 7(2)(a)

F&B UH - Questions for UHCC re Silverstream Spur

1. Silverstream Spur is a Natural Open Space and needs to be recognised as such. Why was it not accepted as part of the public submissions for Plan Change 48 (Significant Natural Areas & Landscapes) and also from Plan Change 49 (Open Spaces)? A large number of the community submitted on this issue but they were excluded from the process.
2. There is documentation showing that the Council acknowledged that the Residential Conservation zoning on the Spur was an error and that it would be corrected. This was noted in a memo from the City Planner, on 25 February 92, to the Mayor, Chief Executive and City Solicitor and stated that it would be corrected to show the Spur zoning as "(R7) Scenic Reserve". On 3 March 92 the City Solicitor wrote to a number of organisations pointing out the error and advising that the Council would correct it to show the Spur land as "Rural B Restricted" with a designation as "Scenic Reserve" and record its designation as "R7 Scenic Reserve". This notification was published in the Upper Hutt Leader on 10 March 92. This error still exists. Why has the council not honoured its own recommendation and agreement in 1991/2 to correct the zoning of the Silverstream Spur as Residential Conservation to Scenic Reserve?
3. A large portion of the residents in Silverstream / Pinehaven do not want the spur to be used for anything other than a reserve. Why does the council not listen to the ratepayers of the area?
4. What is the current status of the Memorandum Of Understanding and any other agreements between UHCC & GTC regarding the Spur?
5. Why is UHCC so determined to provide access for GTC development across the spur?
6. The spur is ideal land for a Natural Open Space Reserve to be provided for the southern end of Upper Hutt. Part of it is already defined by a SNA to be worthy of saving. Why would UHCC not decide to protect the rest and provide a public reserve with native planting replacing the current pine trees?
7. If a road is built across the spur this will take up a substantial portion of the ridge (1 km long and 20m wide) and divide the remaining bush providing a barrier to native birds, lizards, etc to migrate across the spur.

Michael Gibbons

From: Toni Neale
Sent: Monday, 4 October 2021 10:40 am
To: 7(2)(a)
Cc: Guy Smith
Subject: Memorandum of Understanding
Attachments: 20211004104324902.pdf

Good morning 7(2)(a)

Please find attached correspondence from Peter regarding the MOU.

Kind regards

Toni

Toni Neale
Executive Assistant to the Chief Executive

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W: www.upperhuttcity.com | F: [www.fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)

7(2)(a)

THE HONOURABLE MEMBER FOR THE REGION OF UTA

Dear Sir/Madam

7(2)(a)

re: [redacted]
[redacted]

ing [redacted] and their

ing [redacted] in this
[redacted] the [redacted]

of GDP by return on [redacted]

Yours faithfully

[redacted]

Michael Gibbons

From: [REDACTED] 7(2)(a)
Sent: Tuesday, 31 August 2021 9:46 am
To: Peter Kelly
Cc: [REDACTED] 7(2)(a)
Subject: OIA request for Silverstream Forest infrastructure EOI

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: [SharePoint] This message was saved in 'Official Information Provision > 2021 > [REDACTED] 7(2)(a) info, minutes Silverstream Spur - 16 Aug 2021 > LGOIMA emails'

Kia ora Peter

I hope you're well. We've given consideration to the request for the EOI for Silverstream Forest infrastructure under the IAF.

We're inclined to say that all financial information is commercially sensitive at this stage. It's a key factor in defining the developability and value of the land. Once / if funding is confirmed, we would expect that updated estimates and more accurate designs are then made public. For the same reasons, the yield table that was included in the application also informs developability and should be withheld.

The layout of the road through the Council land at the Spur could also be seen as commercially sensitive as this is still subject to discussion/negotiation with the Council. It may be more appropriate for this to be publicised once more detail is available.

On that basis, our view is that the application could be withheld on the basis of commercial sensitivity and ongoing negotiations between UHCC/GTC.

What position has the Council reached?

Thanks,

[REDACTED] 7(2)(a)

The Guildford Timber Company / Silverstream Forest
[REDACTED] 7(2)(a) W: www.silverstreamforest.nz

Michael Gibbons

From: Peter Kelly
Sent: Thursday, 28 April 2022 10:46 am
To: Helen Hamilton; Guy Smith
Subject: RE: Buddle Findlay advice on Silverstream Spur

Yeah we have met to discuss this earlier this year just cant remember when and our thoughts had moved on a bit.

Peter Kelly

Te Tumu Whakarae | Chief Executive



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From: Helen Hamilton <helen.hamilton@uhcc.govt.nz>
Sent: Thursday, 28 April 2022 10:42 am
To: Peter Kelly <Peter.Kelly@uhcc.govt.nz>; Guy Smith <guy.smith@uhcc.govt.nz>
Subject: RE: Buddle Findlay advice on Silverstream Spur

Hi

Jinx on emails.

Yep, just tbc on the ins and outs of her reporting on response to subs in prep for hearing...I'll get myself in a pickle if I start guessing details 😊

Thanks
HH

Helen Hamilton (she/her)

Kaihautū Ratonga Whakamahere Me Te Whakariterite | Director – Planning and Regulatory Services



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From: Peter Kelly <Peter.Kelly@uhcc.govt.nz>
Sent: Thursday, 28 April 2022 10:39 am

To: Guy Smith <guy.smith@uhcc.govt.nz>; Helen Hamilton <helen.hamilton@uhcc.govt.nz>
Subject: RE: Buddle Findlay advice on Silverstream Spur

He is right in that it wasn't in scope when PC49 was proposed originally because the land in question was subject to the MoU and land swap. That matter has now been settled.

If I recall correctly and from the recent council workshop and as a result of the consultation and submissions received it is now in scope and can be weaved in which is all part of the RMA process. So what I am expecting now is that PC49 will include about 32ha of spur land in the open space PC and make provision for enabling an infrastructure corridor/road to be built on around 2.5-3ha of land. These actions would reflect the submissions received albeit only one wanted the guarantee of the road provision being GTC.

I thought this was an excellent compromise. Emily would know all the ins and outs.

Peter

Peter Kelly

Te Tumu Whakarae | Chief Executive



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From: Guy Smith <guy.smith@uhcc.govt.nz>

Sent: Thursday, 28 April 2022 9:23 am

To: Peter Kelly <Peter.Kelly@uhcc.govt.nz>; Helen Hamilton <helen.hamilton@uhcc.govt.nz>

Subject: Fwd: Buddle Findlay advice on Silverstream Spur

Morning,

See below feedback from Jason. It's news to me that the Spur is "out of scope" of PC49. I was of the understanding that in fact one outcome of PC49 was likely to be a rezoning of the spur to Open Space?

Can either of you shed any light?

Guy.

From: [REDACTED] 7(2)(a)

Sent: Thursday, April 28, 2022 7:44:46 AM

To: Guy Smith <guy.smith@uhcc.govt.nz>; Forest & Bird, Upper Hutt Branch <UpperHutt.Branch@forestandbird.org.nz>; Pinehaven Hills <helpsaveourhills@gmail.com>

Subject: Re: Buddle Findlay advice on Silverstream Spur

Hello Guy

Thank you for sending that through.

Interestingly it states repeatedly in the contents that PC49 is the correct vehicle for deciding the zoning of the Spur, we assume from this that BF were not provided the brief which deemed the Spur was “out of scope” of PC49? Obviously with the number of submissions and petition signatures submitted on the issue it seems likely that there will be some scope in the plan change to make some decisions? Another action that came from our meeting in December was for the question of why the Spur was deemed out of scope of PC49 which to be investigated and reported back more thoroughly to the group. We were wondering how this was progressing?

As it looks like I provided most of the background information for this legal opinion, it would be appreciated if you could forward on any information that UHCC directly contributed towards it, in particular the documents referred to in Paragraph 16 and the 48 and 59 (a) in particular the “number of other historical documents which indicate the council saw potential for other uses, including residential development”.

Many thanks

7(2)(a)

From: [Guy Smith](#)
Sent: Friday, April 22, 2022 4:28 PM
To: 7(2)(a) ; [Forest & Bird, Upper Hutt Branch](#) ; [Pinehaven Hills](#)
Subject: Buddle Findlay advice on Silverstream Spur

Good afternoon all,

Hope you all got a good break in over Easter. Apologies that this has been delayed in delivery a couple of additional days due to me taking some time off this week for the school hols.

Please find attached, strictly on a without prejudice, confidential and without waiver of privilege basis, the opinion of Buddle Findlay on the questions we posed them about the Silverstream Spur.

I hope you find it interesting and thorough, as I did. I’m happy to discuss it further of course and look forward to any comments your peer reviewer might have.

Regards,

Guy.

Guy Smith
General Counsel



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Michael Gibbons

From: Peter Kelly
Sent: Tuesday, 14 September 2021 3:43 pm
To: 7(2)(a)
Cc: 7(2)(a); Toni Neale
Subject: RE: GTC's feedback to PC 50

Thanks 7(2)(a) and yes we will of course give this further consideration.

Now on another couple of matters we have received two LGOMIA requests from a member of the public on two matters; one being the joint IAF EOI application and the second being; email correspondence between UHCC CE and GTC representatives and includes meetings and discussions between Nov 20 and 18 Aug 21.

With regards to the first LGOMIA we have refused it in full, as has Kāinga Ora.

With regards the second we have agreed to release all the information, but are now in the process of redacting for privacy, commercial-in-confidence and legal privilege reasons. Once we have this process completed I will send you a PDF file of what will be released.

Finally, we have the re-scheduled Council meeting occurring on Wed 22 Sep at 3pm here in Council Chambers and the UHCC-GTC paper will go up in public. I will be able to share this paper with you later this week. The meeting will be open to the Public and include a Public Form either via zoom if at AL2, or in person if at AL1 for your awareness should you or others wish to attend.

Regards

Peter

Peter Kelly

Te Tumu Whakarae | Chief Executive



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From: 7(2)(a)
Sent: Tuesday, 14 September 2021 3:27 pm
To: Peter Kelly <Peter.Kelly@uhcc.govt.nz>
Cc: 7(2)(a)
Subject: GTC's feedback to PC 50

Kia ora Peter

I hope you've been keeping well.

Yesterday I submitted GTC's feedback to PC 50, but wanted to send you a copy as well. I appreciate there has been a high level of public interest in the draft proposal and the team will be working through a lot of feedback.

Our primary concern is the proposed exclusion of the Southern Growth Area from the scope of PC 50.

While we appreciate Council's intention to run a separate plan change, it seems that a Future Urban Zone could be proposed for the SGA through PC 50, in the same way being proposed for the Gillespies Block – with residential development enabled once a range of conditions are met (e.g. access and transport, servicing, development plans and zoning). The advice we've received suggests that a 'live-zone' is another option that could also be applied to the SGA.

As we've set out in the attached feedback, we disagree with the extent of the 'legalistic' reasons for excluding the SGA from the scope of PC 50 and are strongly encouraging the Council to reconsider its view on this.

I wanted to make you aware of GTC's feedback as we're also mindful that having a clear planning pathway to enable the SGA will be essential for the viability of the IAF application.

Ngā mihi nui

7(2)(a)

The Guildford Timber Company / Silverstream Forest

7(2)(a) | W: www.silverstreamforest.nz

Michael Gibbons

From: 7(2)(a)
Sent: Wednesday, 23 February 2022 10:52 pm
To: Guy Smith
Cc: 7(2)(a); Peter Kelly
Subject: Re: Silver Stream Railway Incorporated Plan Change 49 Submission

Hello All

Thanks for the response and update. I have some additional points below and in red on your email.

We recently discovered part of our railway land has been incorrectly given a zoning overlay, which is only applicable to a neighbouring property. This shows that mistakes like what has happened to the Spur are still happening. We can only hope for everyone's sake this example is brought to a speedy resolution and the overlay removed from our land. These errors are seemingly left to others to point out, and while going beyond what is being talked about here, it certainly shows that unless it is pointed out as being an error, there seems to be little in the way of cross checking to ensure that such inaccuracies do not come into being, and cause a great deal of hassle in the future to untangle, like this situation could be, and like what has occurred with the Spur.

The points that you have asked to be considered appear to be correct (see notes in red below) although being a UHCC initiated exercise using ratepayers money, we would expect the criticism of council will not be too harsh if it is found to be wanting. The group is seeking its own opinion on the matters, so it will be interesting to compare in the fullness of time.

1. I have already gathered and am continuing to find documents relating to the Spur. There are quite a number that may be useful to this exercise, which I am happy to share if required.
- 2.
3. Likewise if you require any further information or background to any of the points I have made either in this email, or the submissions which were forwarded earlier and go into more detail please feel free to contact me, either by email or phone 0221560874.
- 4.
5. Regards
6. 7(2)(a)

From: [Guy Smith](#)
Sent: Tuesday, February 22, 2022 10:20 AM
To: 7(2)(a)
Cc: 7(2)(a); [Peter Kelly](#)
Subject: RE: Silver Stream Railway Incorporated Plan Change 49 Submission

Hi 7(2)(a)

Happy New Year etc etc.

Thanks for the follow up. I have been progressing this, and should have been keeping you in the loop more. My apologies.

I've copied in 7(2)(a) at Buddle Findlay who is leading their advice to us on this.

Broadly I've asked 7(2)(a) to consider three areas and what they mean for Council today:

- (a) Council acts or omissions relating to the land during the past planning processes for which it was responsible under the Resource Management Act 1991 (**RMA**) or predecessor legislation (including giving attention to the notice published on 10 March 1992 recording the Council's intention to *"correct"* the zoning of the land as *"R7 (Scenic Reserve)"*).
- (b) The statement made by the City Solicitor as part of the Public Notification of District Review #4 actually read : *"change zoning on northern side of Kiln Street from Residential Conservation to Rural B (Restricted) and record its designation as R7 Scenic Reserve"*. This change was brought about after the City Planner agreed with a neighbouring land owner that the map released as part of this scheme review was *"incorrect"*, which was followed up in a memo to the Mayor and Chief Executive calling it an error and advised that it should be designated as Scenic Reserve. The release of the statement in the Public Notification appears (so far) to be the only record of public consultation about any zoning alterations on the Spur in its time in Council ownership. The public notification about the designation as Scenic Reserve was, we believe, notified as part of the process required under section 14 of the Reserves Act 1977.
- (c)
- (d) Past views expressed by the Council regarding the possible future use of the land, including as a recreation or scenic reserve. For example, a Council memorandum prior to its purchase of the land recorded 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 for passive recreation purposes which would complement [other existing reserves and the Silverstream Railway Society facility]"*.
- (e) There are a large number of letters, memos and submissions made by council calling for the Spur to become a reserve prior to its ownership. The above mentioned memo was the last before it was purchased, others after purchase including the public notification shown in point A, continue to call for the land to become a reserve.
- (f)
- (g) The Council having apparently purchased the land using Council funds earmarked for the creation of reserves.
- (h) This fact is probably the most important, the Local Government Amendment Act 1978 was very specific about how Reserve Fund Contributions were to be used, with section 288 specifying exactly what the reserve contributions collected by UHCC must be used for. The purchase of the Spur easily meeting this criteria. While I do not have a complete copy of the UHCC reserves fund policy, I have parts of it discussed in meeting minutes from the period of the Spurs purchase and the points raised align with the legislation. The favoured memo referred to above also clearly states that the purchase price was to be met using this fund.

If you've got any thoughts about those general areas or think I've missed something then feel free to reply-all to this and let us know. Now is also a good time to raise any specific bits of evidence that you think have particular weight.

Just FYI, over the Christmas break I worked my way through a dozen more archive boxes from the period and didn't find anything else new or useful. I did find a bunch of judicial committee minutes from the period, considering plan change requests, but none of them on the Spur. If you wanted to come and take a look at this material I could make it available downstairs.

7(2)(a) and his team are working away at the opinion. It's fairly complex and covers several areas of the law, so I'd imagine it's still a couple of weeks away.

Guy.

Guy Smith
General Counsel



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

[838 - 842](tel:6445272147) Fergusson Drive, Private Bag 907, Upper Hutt 5140, New Zealand

DDI: [+64 4 527 2147](tel:6445272147) | Mobile: [+64 21 392 142](tel:6421392142)

Imēra: guy.smith@uhcc.govt.nz | Pae Tukutuku: www.upperhuttcity.com

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From: 7(2)(a)
Sent: Monday, 21 February 2022 9:48 pm
To: Guy Smith <guy.smith@uhcc.govt.nz>
Subject: Re: Silver Stream Railway Incorporated Plan Change 49 Submission

Hello Guy

Just following up to see how you got on with the information I forwarded through to you before Xmas in regards to the undertaking that you would seek advise on the standing of the errors which we have uncovered with the zoning of the Spur land. If there is no outcome a simple form of update will suffice.

Regards

7(2)(a)

From: 7(2)(a)
Sent: Thursday, December 16, 2021 10:11 PM
To: [Guy Smith](mailto:guy.smith@uhcc.govt.nz)
Subject: Fw: Silver Stream Railway Incorporated Plan Change 49 Submission

Hello Guy

As per Mondays discussion, please find attached the Submission to Plan Change 49 which includes the supporting information referred to outlining what we believe to be the intention for the Spur.

The Further Submission which includes the recently uncovered documentation I will forward in a separate email.

Any questions please ask.

Regards

7(2)(a)

From: 7(2)(a)

Sent: Friday, September 17, 2021 5:01 PM

To: planning@uhcc.govt.nz

Subject: Fw: Silver Stream Railway Incorporated Plan Change 49 Submission

Completed submission with required form attached.

Many thanks

7(2)(a)

Hi 7(2)(a)

I am willing to receive a late submission after taking into account the matters under 37A of the RMA, but I would ask if you could provide your full submission by 5pm on Monday 20th September 2021.

Kind regards,

Owen Jeffreys

Intermediate Planner (Policy)



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838 – 842 Fergusson Drive, Private Bag 907, Upper Hutt 5140, New Zealand

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From: 7(2)(a)

Sent: Friday, 17 September 2021 1:56 PM

To: Owen Jeffreys <Owen.Jeffreys@uhcc.govt.nz>

Subject: Re: Silver Stream Railway Incorporated Plan Change 49 Submission

Hi Owen

I might not be able to get back in front of a computer to send this before 5pm will that be ok?

Regards

7(2)(a)

Sent from my iPhone

On 17/09/2021, at 1:37 PM, Owen Jeffreys <Owen.Jeffreys@uhcc.govt.nz> wrote:

Hi 7(2)(a)

Thank you for your email.

With regards to your submission, you will need to complete the Submission Form 5 (which I have attached) as there are several questions within that submission form which are not answered within the documents you have sent through. The documents you sent through can be appended to that Submission Form as your main submission, simply referencing the documents in the submission form will suffice.

With regards to the petition, this can be included in the other supporting documents of your submission.

You can send your completed submission to planning@uhcc.govt.nz

Kind regards,

Owen Jeffreys
Intermediate Planner (Policy)

<image001.gif>

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838 – 842 Fergusson Drive, Private Bag 907, Upper Hutt 5140, New Zealand

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From: 7(2)(a)
Sent: Friday, September 17, 2021 1:03 PM
To: askus@uhcc.govt.nz
Cc: 7(2)(a)
Subject: Silver Stream Railway Incorporated Plan Change 49 Submission

Hi

Please find attached Silver Stream Railways Submission on Plan Change 49, including a number of attachment containing material referenced in the submission.

Can you please confirm that this submission is received.

We would like to present a petition as part of this submission, can you please advise me on the correct way to go about this.

Many thanks

7(2)(a)

Silver Stream Railway Inc.

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Michael Gibbons

From: 7(2)(a)
Sent: Tuesday, 21 September 2021 1:11 pm
To: Peter Kelly
Cc: 7(2)(a)
Subject: Re: UHCC - GTC Paper for Council meeting 22 Sep 21

Kia ora Peter

Thanks for your email and the link to the Council paper.

We appreciate the clear intent signalled in the paper that UHCC/GTC will continue to work collaboratively toward a shared goal of realising the potential of the Southern Growth Area.

While GTC feels its position on the swap and sale options are presented somewhat inaccurately (i.e. that we're not interested in either), we accept the point that's been reached and remain very committed to the process.

On that basis, GTC won't be speaking in the public forum tomorrow as we feel the paper clearly sets out a shared intent to work together and a practical pathway forward via the IAF (and/or subsequent funding options to be explored) and RMA planning processes. I plan to watch the meeting via the livestream.

We look forward to continuing our work with the Council to make the Silverstream Forest vision a reality, and hope for a promising response from Kāinga Ora in the coming weeks.

Ngā mihi
7(2)(a)

From: Peter Kelly <Peter.Kelly@uhcc.govt.nz>
Date: Friday, 17 September 2021 at 10:21 AM
To: 7(2)(a)
Subject: UHCC - GTC Paper for Council meeting 22 Sep 21

Kia ora 7(2)(a),

here is a copy of the final paper going up next week. This will be available online now and it is most likely that Public forum will be run over zoom with a link posted shortly.

Ngā mihi

Peter

Peter Kelly

Te Tumu Whakarae | Chief Executive



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Michael Gibbons

From: [REDACTED] 7(2)(a)
Sent: Monday, 27 September 2021 5:51 pm
To: Peter Kelly; [REDACTED] 7(2)(a)
Cc: Toni Neale
Subject: Re: Update SGA and Spur

Kia ora Peter

Thanks for your message and the update. I watched the Council meeting last week via the Facebook link, which worked well.

It's great to hear that Council and officers are committed to advancing the SGA and GTC certainly shares that same commitment. We look forward to hearing from you / Kāinga Ora in the next few weeks about whether the EOI application has made it through the first round.

Thanks also for the link to the updated UHCC website. Ours has a couple more tweaks to be made, but is also updated to reflect the outcome of last week's meeting re the MOU.

Ngā mihi

[REDACTED] 7(2)(a)

From: Peter Kelly <Peter.Kelly@uhcc.govt.nz>
Date: Monday, 27 September 2021 at 4:45 PM
To: [REDACTED] 7(2)(a)
Cc: Toni Neale <Toni.Neale@uhcc.govt.nz>
Subject: Update SGA and Spur

Kia ora [REDACTED] 7(2)(a),

Not sure if you were watching the meeting last week, but it went well and there were no issues with item 6. We are in the process of drafting a letter to you and we have updated our SGA site to reflect the changes which can be viewed here at the link below.

We have added "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 reaffirms Councils commitment to the SGA.

Again, this was further reinforced at the previous Council meeting in August when the IAF EOI was tabled where a large majority of Councillors supported the motion. Regardless of what happens when Kāinga Ora announce the next stage of the EOI process, we are committed under the current leadership at Council and staff to work collaboratively with GTC in advancing the planned development of the SGA.

Ngā mihi

Peter

<https://www.upperhuttcity.com/SGA>

Peter Kelly

Te Tumu Whakarae | Chief Executive



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Michael Gibbons

From: 7(2)(a)
Sent: Thursday, 30 September 2021 5:24 pm
To: Peter Kelly
Subject: RE: Update SGA and Spur

Thank you Peter for the confirmation
Appears the media article was more balanced and good input from yourself and Mark
Let's see what the EOI brings
Regards

7(2)(a)

7(2)(a)

7(2)(a)

Level 14, ANZ Centre, 171 Featherston Street, Wellington, PO Box 3394



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From: Peter Kelly <Peter.Kelly@uhcc.govt.nz>
Sent: Monday, 27 September 2021 4:45 pm
To: 7(2)(a)
Cc: Toni Neale <Toni.Neale@uhcc.govt.nz>
Subject: Update SGA and Spur

Kia ora 7(2)(a),

Not sure if you were watching the meeting last week, but it went well and there were no issues with item 6. We are in the process of drafting a letter to you and we have updated our SGA site to reflect the changes which can be viewed here at the link below.

We have added "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 reaffirms Councils commitment to the SGA.

Again, this was further reinforced at the previous Council meeting in August when the IAF EOI was tabled where a large majority of Councillors supported the motion. Regardless of what happens when Kāinga Ora announce the

next stage of the EOI process, we are committed under the current leadership at Council and staff to work collaboratively with GTC in advancing the planned development of the SGA.

Ngā mihi

Peter

<https://www.upperhuttcity.com/SGA>

Peter Kelly

Te Tumu Whakarae | Chief Executive



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Siobhan Simpson

From: Craig Martell 7(2)(a)
Sent: Friday, 10 May 2024 3:13 pm
To: Wayne Guppy; Geoff Swainson
Cc: Pherne Tancock
Subject: Letter of Support

Wayne and Geoff, apologies for being away over the last 10 days but I just wanted to tank you formally for your letter of support for GTC. Our fast track submission was looking really good by the time it went in and this support will be key for us going forward. There are a number of things on our mind now going forward and it will be good to retain a cadence of communication to ensure we give this Fast Track opportunity the best chance of success.

Thanks and regards



CRAIG MARTELL

MANAGING DIRECTOR

a: 1 Ghuznee St, Wellington 6011

m: 7(2)(a) e: 7(2)(a) w: www.awa.kiwi

Siobhan Simpson

From: Christine Robinson
Sent: Wednesday, 8 May 2024 1:39 pm
To: 7(2)(a)
Subject: Long Term Plan Hearing information

Dear Craig Martell / Michael Hall

Feedback from the public is an important and essential part of our democratic process. We encourage public attendance at meetings and want you to feel welcome and comfortable when sharing your views. Your input can help shape the decision-making process, providing local knowledge and helping to build an inclusive community.

The Long Term Plan Hearing Meetings will be held in Council Chambers which is on Level 2 of the Civic Building, 838-842 Fergusson Drive, Upper Hutt.

After signing in at reception you will be either directed to Level 2 Council Chambers or taken to the Council Chambers by a member of staff. Please ensure you arrive at least 30 minutes before your appointed time, check that your mobile phone and devices are switched off or turned to silent.

The [Council meeting](#) schedule has the latest information about our meetings. Council meetings are also livestreamed on our [Facebook](#) and [YouTube](#) channels.

If you have any accessibility needs, you can phone us on 04 527 2169 or email Governance@uhcc.govt.nz. We can book translators and interpreters if required, we will endeavour to help in any way we can depending on the availability.

You will have been allocated 5 minutes to speak followed by 5 minutes for questions from the Mayor and Councillors if they have any questions for you.

If you have indicated that you would like to include a Power Point presentation please ensure that it is with Council by midday this Friday 10 May.

Please note, anything presented to the meeting will become part of the public record of the meeting and attached to the minutes. The minutes of the meeting are the official public record and may contain your name, the item you spoke to, and any information presented.

When it is your time to speak, the Mayor will call you up to a space at the end of the table for you to address the meeting. A bell will sound after four minutes and again at five minutes to indicate that your time has expired. Members, with permission of the Chair, may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker. It is important not to interrupt the Chair or members when they are speaking. You are welcome to leave at any time.

It is important to note that your name, the item that you spoke to and any information that you present will be included in the official record of the meeting, referred to as the Minutes. You cannot ask elected members to keep the information you present confidential.

There is limited seating in the Council Chambers but we have another room available to watch the livestream. Please advise if you will be bringing more than 1 person with you when you speak so we can ensure there is sufficient seating during your presentation time.

Regards
Christine Robinson

Siobhan Simpson

From: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Sent: Friday, 4 October 2024 12:15 pm
Cc: UHCC Planning
Subject: PC49 / Variation 1 - Formal Notification of Notice of Decision
Attachments: PC49 -Notice of Decision Public Notice.pdf

Tēnā koe,

We are writing to notify you that decisions on Plan Change 49 (including Variation 1) were formally notified today in The Post, following the resolution made by Council at the 25 September meeting. The plan change now enters a 30 working day appeals period. Please see the attached public notice for more information about this process.

You can view the resolution and decisions on [our website](#).

If you have any questions, please feel free to contact us.

Regards
Hayley

Notification of Decisions on Plan Change 49 (PC49) - Open Spaces and Variation 1 to the Upper Hutt City Council District Plan (2004)

Notice is given, as required by Clauses 10 and 11 of the First Schedule of the Resource Management Act (RMA, 1991), that Upper Hutt City Council has made decisions on Plan Change 49 (PC49) – Open Spaces and Variation 1 to the Upper Hutt City Council District Plan (2004), following a resolution at the Council Meeting on 25 September 2024.

PC49 / Variation 1 seeks to:

- Make changes to the management of open spaces within the District Plan that enable activities which are suitable within open spaces whilst managing those activities which could affect the amenity and use of our open spaces.
- Zoning regional parks which are not currently zoned as open space.
- Splitting the existing open space zoning into three zones that reflect the different character of our open spaces and the different activities which occur within them:
 - Natural Open Space
 - Open Space
 - Sport and Active Recreation
- Rezone the Silverstream Spur as Natural Open Space
- Protect biodiversity values on the Silverstream Spur from development.

Please note: The decision on PC49/Variation 1 can be viewed at any of the following locations:

Online: www.upperhutt.govt.nz/PC49

Council Service Centre

Upper Hutt Civic Centre.
838-842 Fergusson Drive, Upper Hutt.

Upper Hutt Central Library

844 Fergusson Drive, Upper Hutt.

Pinehaven Library

Corner of Pinehaven Road and Jocelyn Crescent, Pinehaven, Upper Hutt.

Right of Appeal to the Environment Court

In accordance with Clause 14 of the First Schedule of the RMA (1991), any person who made a submission on PC49 or Variation 1 has the right to appeal to the Environment Court in respect of the following:

- a provision / matter included or excluded in PC49, or
- a provision which the decisions of the Council proposed to include or exclude in PC49.

Appeals may be made to the Environment Court within 30 working days of this notice **by 5:00pm, 15 November 2024.**

This is provided the person referred to that provision or matter in the person's submission on the proposed PC49.

You and the Environment Court

Any person considering an appeal should refer directly to Clause 14 of the First Schedule to the RMA (1991), and if any doubt about the procedures to be followed should consult a lawyer. The appeal process is independent of the Council's responsibilities.

Information about the appeals process is available on the Ministry for the Environment (MfE) website at: environment.govt.nz/publications/you-and-the-environment-court/

Notice of appeal to the Environment Court

Form 7 of the RMA (Forms, Fees and Procedure) Regulations (2003) outlines the information required, and process which should be followed when lodging an appeal with the Environment Court.

A copy of the form is available on the Environment Court of New Zealand or Legislation Government New Zealand website at: environmentcourt.govt.nz/forms-fees/ or legislation.govt.nz/regulation/public/2003/0153/latest/DLM195868.html

Contact details for the Environment Court

The contact details for the Environment Court are:

- Webpage: environmentcourt.govt.nz/contact-us/
- Street address: District Court Building, Level 5, 49 Ballance Street, Wellington, 6011,
- Postal address: The Deputy Registrar, Wellington Registry, SX10044, Wellington,
- Phone: (04) 918 8300, or
- Email: EnvironmentCourt@justice.govt.nz

Serve a copy of the Notice of Appeal

A copy of the Notice of Appeal to the Environment Court must also be served to Upper Hutt City Council within 30 working days of service of this notice to the following:

- Address to: Attn: Emily Thomson, Planning (Policy) Manager, Private Bag 907, Upper Hutt, 5140.

You must also serve a copy of the Notice of Appeal on every person who made a submission on the matter to which the appeal relates to within 5 working days, after the Notice of Appeal is lodged with the Environment Court.

An address list of the submitters can be provided on request.

If you have any questions, or would like further information about Plan Change 49 (PC49) or Variation 1, please call us on (04) 527 2169 and we will arrange a call back from one of our Planners or email us at planning@uhcc.govt.nz

Emily Thomson

Planning (Policy) Manager
Upper Hutt City Council

Post: Private Bag 907, Upper Hutt 5140

Email: planning@uhcc.govt.nz

Telephone: (04) 527 2169

Siobhan Simpson

From: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Sent: Wednesday, 29 May 2024 2:16 pm
Cc: UHCC Planning
Subject: Plan Change 49 / Variation 1 - Council Right of Reply (additional appendices)

Good afternoon,

Please follow the link to our PC49 webpage - <https://www.upperhuttcity.com/Services/District-Plan/PC49> to see the final versions of the table of recommendations in relation to submissions on PC49 (appendices 11 and 12). These should have been uploaded as part of the PC49 right of reply that was sent to you on 23 May.

Regards
Hayley

From: UHCC Planning
Sent: Thursday, May 23, 2024 11:13 AM
Cc: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Subject: Plan Change 49 / Variation 1 - Council Right of Reply

Kia ora,

As per the request from the Panel in Minute 11, the Council's right of reply has now been uploaded to the [Plan Change 49 website](#). This can be found in the table under the "Council Right of Reply" tab.

Ngā mihi
Hayley

Siobhan Simpson

From: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Sent: Thursday, 23 May 2024 11:13 am
Cc: UHCC Planning
Subject: Plan Change 49 / Variation 1 - Council Right of Reply

Kia ora,

As per the request from the Panel in Minute 11, the Council's right of reply has now been uploaded to the [Plan Change 49 website](#). This can be found in the table under the "Council Right of Reply" tab.

Ngā mihi
Hayley

Siobhan Simpson

From: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Sent: Thursday, 6 June 2024 4:09 pm
Cc: UHCC Planning
Subject: Plan Change 49 / Variation 1 - Minute #12 - Closing of Hearing
Attachments: Minute 12.pdf

Good afternoon,

Please find attached Minute #12 from the Panel to close the hearing.

Regards
Hayley

**IN THE MATTER OF:
AND IN THE MATTER OF:**

the Resource Management Act 1991
Proposed Plan Change 49 - Open
Spaces (PC49) to the Operative Upper Hutt
District Plan; and Variation 1 to PC49

MINUTE 12 OF THE INDEPENDENT HEARING PANEL APPOINTED BY UPPER HUTT CITY COUNCIL

Introduction

1. You have received this Minute because you have either made a submission, have been involved in the preparation of, or are an expert witness in the matter of Plan Change 49 and Variation 1 to the Operative Upper Hutt District Plan (PC49 and Variation 1).

Decision to close the hearing

2. The purpose of this Minute is to advise that the Panel has reviewed all the information, including that in the Right of Reply. The Panel does not require any more information. Therefore it determined that at 5pm June 5 2024 the Hearing was closed.
3. The Panel now moves into its deliberative phase. This will conclude with the Panel providing written recommendations to Council for its consideration.
4. The Panel would to thank all participants for their involvement in this process

Communication and questions

5. Noting that the hearing is now closed, any enquiries regarding these directions or related matters should be directed to the Hearing Administrator, Hayley Boyd (Hayley.Boyd@uhcc.govt.nz). No party is to directly contact any member of the Hearings Panel.



Sue Wells

Chairperson, on behalf of the Independent Hearings Panel

Thursday 6 June 2024

Siobhan Simpson

From: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Sent: Wednesday, 31 July 2024 1:01 pm
Cc: UHCC Planning
Subject: Plan Change 49 - Extension of time for making a decision
Attachments: Public Notice - Extension of timeframe granted .pdf

Good afternoon,

Under the Resource Management Act, there is a two year time limit for Councils to process proposed plan changes from notification to making a decision.

Plan Change 49 (Open Spaces) was notified on 11 August 2021 and Council requested an extension from the Minister for the Environment to extend the deadline for making a decision on Plan Change 49. The Minister for the Environment has now granted Council this extension, and UHCC is required to give its decision on the Plan Change 49 and Variation 1 to Plan Change 49 (Silverstream Spur) by 5 October 2024.

The reasons for the Minister's Decisions are:

1. UHCC has met the statutory requirements for an application under clause 10A, schedule 1 of the RMA.
2. UHCC will be able to complete the plan change process for Plan Change 49 and Variation 1 and release an integrated decision.

Please find attached the public notice that was published in The Post today (on 31 July 2024).

If you have any questions, please let us know at planning@uhcc.govt.nz

Regards
Hayley



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

EXTENSION TO DECISION TIMEFRAME FOR PLAN CHANGE 49 (OPEN SPACES)

Pursuant to Clause 10A of the First Schedule of the Resource Management Act 1991 (RMA), Upper Hutt City Council gives notice of an extension of time to make its decisions on proposed Plan Change 49 (Open Spaces) to the Upper Hutt City District Plan.

The Minister for the Environment has granted Upper Hutt City Council an extension of time to make decisions on Plan Change 49, which was notified in August 2021.

The reasons for the Minister's Decisions are:

1. UHCC has met the statutory requirements for an application under clause 10A, schedule 1 of the RMA.
2. UHCC will be able to complete the plan change process for Plan Change 49 and Variation 1 and release an integrated decision.

The decisions for both Plan Change 49 and Variation 1 (Silverstream Spur) must be made on or before 5 OCTOBER 2024.

Further information on Plan Change 49 and Variation 1 to Plan Change 49, is available at:
upperhuttcity.com/Services/District-Plan/PC49

If you have any questions or would like further information about PC49, please contact
planning@uhcc.govt.nz

Suzanne Rushmere
Acting Planning Policy Manager
31 July 2024

Siobhan Simpson

From: UHCC Planning
Sent: Friday, 7 June 2024 3:47 pm
Cc: UHCC Planning
Subject: Plan Change 50 - Further submission period extended

Good afternoon,

We have been made aware of a submission that wasn't included in the summary of submissions or published in full due to an IT error. This submission relates to provisions across Plan Change 50 and is Submission 257: Transpower New Zealand Limited.

Due to this, the extent of Plan Change 50 and the number of submissions received, Council is taking this opportunity pursuant to Clause 37(1) of the RMA to extend the timeframe for making any further submissions on Plan Change 50 to the Upper Hutt City District Plan 2004 to **5pm on 26 June 2024**. We will notify this formally in the Leader on Wednesday 12 June, but wanted to give you (as a submitter) a heads up that you will have more time if you wish to make a further submission.

We will send an email on Wednesday 12 June with a link to the updated summary of submissions including submission #257.

Regards
Hayley

Siobhan Simpson

From: UHCC Planning
Sent: Wednesday, 12 June 2024 10:18 am
Cc: UHCC Planning
Subject: Plan Change 50 - Notification of further submission period extended
Attachments: PC50 - Public Notice - Extension.pdf

Mōrena,

As per the email sent last Friday 7 June, the further submission period has been extended to **5pm, 26 June 2024** and was notified in the Leader today. Please see the attached public notice.

Submission #257 has now been added to the full submissions and summary of submissions on [our webpage](#).

If you would like to make a further submission please head to [our consultation page](#) which also has the summary of submissions and copies of the full original submissions.

Regards
Hayley

From: UHCC Planning
Sent: Friday, June 7, 2024 3:47 PM
Cc: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Subject: Plan Change 50 - Further submission period extended

Good afternoon,

We have been made aware of a submission that wasn't included in the summary of submissions or published in full due to an IT error. This submission relates to provisions across Plan Change 50 and is Submission 257: Transpower New Zealand Limited.

Due to this, the extent of Plan Change 50 and the number of submissions received, Council is taking this opportunity pursuant to Clause 37(1) of the RMA to extend the timeframe for making any further submissions on Plan Change 50 to the Upper Hutt City District Plan 2004 to **5pm on 26 June 2024**. We will notify this formally in the Leader on Wednesday 12 June, but wanted to give you (as a submitter) a heads up that you will have more time if you wish to make a further submission.

We will send an email on Wednesday 12 June with a link to the updated summary of submissions including submission #257.

Regards
Hayley



PUBLIC NOTIFICATION OF AN ADDITION AND AMENDMENT TO THE SUMMARY OF DECISIONS REQUESTED AND EXTENSION OF TIME TO FURTHER SUBMISSION PERIOD ON PROPOSED PLAN CHANGE 50 – RURAL REVIEW TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN (2004)

Upper Hutt City Council gives NOTICE as required by clause 7 of the First Schedule of the Resource Management Act 1991, of an addition to the Summary of Decisions Requested (Summary of Submissions) and one amendment on the rezoning request map on Plan Change 50.

On Wednesday 29 May 2024 Upper Hutt City Council publicly notified the Summary of Submissions on Proposed Plan Change 50 to the Upper Hutt City Council District Plan 2004. During the further submission period, the Council was made aware of a submission that was not received due to a transmission issue. This submission is Submission 257: Transpower.

Because of the broad-reaching scope of Submission 257, and taking into account the number of primary submissions and complexity and extent of Plan Change, Council is extending the timeframe, pursuant to Clause 37(1) of the RMA for making further submissions on Plan Change 50 to the Upper Hutt City District Plan 2004 to **5pm on 26 June 2024**.

All further Submissions that have already been lodged with Council will be reviewed and fully considered as part of the hearing process. These earlier further submissions do not need to be re-lodged. If any person wishes to amend an earlier further submission; or file an additional further submission in relation to any submission in the summary of decisions requested; this is now possible. All further submissions on the summary of decisions requested can now be lodged, in the prescribed form, as provided in Clauses 7 and 8 of Schedule 1 of the Resource Management Act 1991 (RMA).

The Summary of Decisions Requested can be viewed on the Council website at letskorero.upperhuttcity.com/pc50-rural-chapter-review, and can also be inspected at any of the following locations:

- **Upper Hutt City Council**
838 – 842 Fergusson Drive
Upper Hutt
- **Upper Hutt Central Library**
844 Fergusson Drive
Upper Hutt
- **Pinehaven Branch Library**
Corner of Pinehaven Road & Jocelyn Crescent
Pinehaven, Upper Hutt

Making further submissions

You may make further submissions electronically or in writing to the Council in the following ways:

- Online: letskorero.upperhuttcity.com/pc50-rural-chapter-review
- Email: planning@uhcc.govt.nz
- In person: **Upper Hutt City Council**
838 – 842 Fergusson Drive
Upper Hutt
- Post: **Proposed Plan Change 50**
Upper Hutt City Council
Private Bag 907
Upper Hutt 5140

Further submissions must be completed on the Further Submission Form (Form 6) and must state whether or not you wish to be heard on your submission. A further submission must

be in response to a decision requested in one of the original submissions. Copies of the Further Submission Form are available on the website and from Council. Further submissions must be received by **5pm, Wednesday, 26 June 2024**.

Any person representing a relevant aspect of the public interest and any person with an interest in the Plan Change greater than the interest the general public has, may make a further submission.

A further submission must be:

- in response to a decision requested in one of the original submissions; and
- is limited to either be in support of, or opposition to an original submission; and
- must provide reasons for support or opposition to an original submission.

Please note: In addition to serving a copy of the further submission on the Upper Hutt City Council, a copy of the further submission must also be served on the person(s) who made the original submission to which the further submission relates. This must be done no later than 5 working days after providing the Upper Hutt City Council with the further submission.

Process for public participation

The proposal for public participation in the consideration of the proposal under the Act is as follows:

- after the close of further submissions, Council will conduct a hearing if needed. Everyone who made a submission or further submission, and who requested to be heard, will be advised of the dates and times of the hearing and will be given an opportunity to attend and speak to the Council in support of their submission.
- after considering the plan change and undertaking a further evaluation of the plan change in accordance with section 32AA the Upper Hutt City Council
 - may decline, approve, or approve with modifications the plan or change; and
 - must give reasons for its decision; and
- the local authority shall give public notice of its decision within 2 years of notifying the proposal and serve it on every person who made a submission and
- any person who has made a submission has the right to appeal against the decision on the proposal to the Environment Court if,
 - in relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal; and
 - in the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole.

If you have any questions, or would like further information about PC50, please contact planning@uhcc.govt.nz

Suzanne Rushmere
Planning Policy Manager
Upper Hutt City Council
Wednesday 12 June

Siobhan Simpson

From: Kerrie Falconer
Sent: Tuesday, 16 April 2024 12:46 pm
To: Diana Goodall
Cc: Pherne Tancock
Subject: RE: Catch Up

Great. I'll send a diary invite shortly.

From: Diana Goodall 7(2)(a)
Sent: Tuesday, April 16, 2024 12:45 PM
To: Kerrie Falconer <Kerrie.Falconer@uhcc.govt.nz>
Cc: Pherne Tancock 7(2)(a)
Subject: RE: Catch Up

That was supposed to be 24th April at 2:30pm is ok for Craig.

From: Kerrie Falconer <Kerrie.Falconer@uhcc.govt.nz>
Sent: Tuesday, April 16, 2024 12:43 PM
To: Diana Goodall 7(2)(a)
Cc: Pherne Tancock 7(2)(a)
Subject: RE: Catch Up

Unfortunately I can't get our CE for Thursday. I can get both Wayne and Geoff for 24 April at 2.30pm.

Would that work?

Kerrie Falconer
Executive Assistant to Mayor



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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
T: +64 4 5272189 | M: +64 27 8391424 | E: Kerrie.Falconer@uhcc.govt.nz
W: upperhuttcity.com | F: fb.com/UpperHuttCityCouncil

**MAKING TOUGH
DECISIONS**

**LONG
TERM
PLAN**

From: Diana Goodall 7(2)(a) **On Behalf Of** Craig Martell
Sent: Tuesday, April 16, 2024 8:04 AM
To: Kerrie Falconer <Kerrie.Falconer@uhcc.govt.nz>; Craig Martell 7(2)(a)
Cc: Pherne Tancock 7(2)(a)
Subject: RE: Catch Up

Craig is ok for noon on Thursday.

From: Kerrie Falconer <Kerrie.Falconer@uhcc.govt.nz>

Sent: Monday, April 15, 2024 3:26 PM

To: Craig Martell 7(2)(a)

Cc: Pherne Tancock 7(2)(a)

Subject: RE: Catch Up

You don't often get email from kerrie.falconer@uhcc.govt.nz. [Learn why this is important](#)

Hi Craig and Pherne

Wayne is available on Thursday at 12noon. I'd also include our CE Geoff Swainson at the meeting.

Let me know if that works for you both and I can send a diary invite.

Kerrie Falconer

Executive Assistant to Mayor



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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand

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W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)

MAKING TOUGH DECISIONS

LONG TERM PLAN

From: Craig Martell 7(2)(a)

Sent: Friday, April 12, 2024 5:58 PM

To: Wayne Guppy <Wayne.Guppy@uhcc.govt.nz>

Cc: Pherne Tancock 7(2)(a)

Subject: Catch Up

Wayne as discussed on the phone we would like to catch up next week to discuss the planning processes for the Southern Growth Area and understand how the Council are going to meaningfully support these going forward.

We are flexible in timing so why don't you identify what days this may work for you and give me some available time slots.

Kind Regards

The logo for Craig Martell, consisting of the letters 'CWA' in a stylized, rounded, green font.

CRAIG MARTELL

MANAGING DIRECTOR

a: 1 Ghuznee St, Wellington 6011

m: 7(2)(a) e: 7(2)(a) w: www.awa.kiwi

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Siobhan Simpson

From: Phernne Tancock 7(2)(a)
Sent: Monday, 27 May 2024 12:41 pm
To: Geoff Swainson; Craig Martell 7(2)(a)
Cc: Geoff Swainson
Subject: Re: Amendment to Fast Track Approval Application for Silverstream Forest Development

Thanks for letting us know Geoff.

From: Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>
Date: Monday, 27 May 2024 at 12:14 PM
To: Phernne Tancock 7(2)(a) Craig Martell
7(2)(a)
Cc: Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>
Subject: FW: Amendment to Fast Track Approval Application for Silverstream Forest Development

Good afternoon Phernne and Craig

The attached have been sent to the Ministers to amend the letter of support, at the request of Councillors.

Regards

Geoff Swainson
Chief Executive Officer | Kaihautū Taiao



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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
T: +64 4 5272136 | M: +64 27 8030195 | E: Geoff.Swainson@uhcc.govt.nz
W: upperhuttcity.com | F: fb.com/UpperHuttCityCouncil

From: Geoff Swainson
Sent: Monday, May 27, 2024 12:10 PM
To: 'C.Bishop@ministers.govt.nz' <C.Bishop@ministers.govt.nz>; 'Simeon Brown (MIN)' <S.Brown@ministers.govt.nz>; 'S.Jones@ministers.govt.nz' <S.Jones@ministers.govt.nz>
Subject: Amendment to Fast Track Approval Application for Silverstream Forest Development

Dear Ministers

Please find attached cover letter and amendment to our letter of support for Silverstream Forest Development

From: Geoff Swainson
Sent: Thursday, May 2, 2024 1:38 PM
To: C.Bishop@ministers.govt.nz; Simeon Brown (MIN) <S.Brown@ministers.govt.nz>; S.Jones@ministers.govt.nz
Cc: Phernne.Tancock@legalchambers.co.nz; craig.martell@awa.kiwj; Geoff Swainson

[<Geoff.Swainson@uhcc.govt.nz>](mailto:Geoff.Swainson@uhcc.govt.nz)

Subject: Fast Track Approval Application for Silverstream Forest Development

Dear Ministers

Please find attached support letter regarding the Fast Track application for the Silverstream Forest Development.

The information contained in this email and any attachments is confidential and intended for the named recipients only. If you are not the intended recipient, please notify the sender immediately and delete this email.

Siobhan Simpson

From: Pherne Tancock 7(2)(a)
Sent: Thursday, 2 May 2024 1:44 pm
To: Geoff Swainson; C.Bishop@ministers.govt.nz; Simeon Brown (MIN); S.Jones@ministers.govt.nz
Cc: 7(2)(a); Geoff Swainson
Subject: Re: Fast Track Approval Application for Silverstream Forest Development

Thanks Geoff,
Upper Hutt City Councils support for Guildford Timber Companies Fastrack application is greatly appreciated.
Kind regards,
Pherne.

From: Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>
Date: Thursday, 2 May 2024 at 1:38 PM
To: C.Bishop@ministers.govt.nz <C.Bishop@ministers.govt.nz>, Simeon Brown (MIN) <S.Brown@ministers.govt.nz>, S.Jones@ministers.govt.nz <S.Jones@ministers.govt.nz>
Cc: Pherne Tancock 7(2)(a), craig.martell 7(2)(a), Geoff Swainson <Geoff.Swainson@uhcc.govt.nz>
Subject: Fast Track Approval Application for Silverstream Forest Development

Dear Ministers

Please find attached support letter regarding the Fast Track application for the Silverstream Forest Development.

Geoff Swainson

Chief Executive Officer | Kaihautū Taiao



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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand

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W: upperhuttcity.com | F: fb.com/UpperHuttCityCouncil

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PLAN**

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Siobhan Simpson

From: UHCC Planning
Sent: Thursday, 13 June 2024 9:31 am
To: Deborah Ryan; UHCC Planning
Cc: submissions@awa.kiwi
Subject: RE: further submission PC50

Hi Deborah,

Thank you for your submission, please accept this as confirmation this has been received.

Thanks
Hayley

From: Deborah Ryan 7(2)(a)
Sent: Tuesday, June 11, 2024 3:39 PM
To: UHCC Planning <UHCC.Planning@uhcc.govt.nz>
Cc: submissions@awa.kiwi
Subject: further submission PC50

to the planning policy team, UHCC
please find attached my further submission to the proposed plan change 50- Rural review.
Deborah Ryan

Siobhan Simpson

From: Suzanne Rushmere
Sent: Friday, 3 May 2024 6:06 pm
To: Michael Hall
Subject: RE: GTC

Hi Micheal

I have not forgotten you.

I have caught up with Patrick and will get back to you Monday morning.

Suze

From: Michael Hall [7\(2\)\(a\)](#)
Sent: Tuesday, April 23, 2024 5:48 PM
To: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Subject: RE: GTC

Hi Suzanne

I got into the same rush. Is tomorrow morning possible to talk after 10.30am?

Regards

Michael

From: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Sent: Tuesday, April 16, 2024 2:21 PM
To: Michael Hall [7\(2\)\(a\)](#)
Subject: RE: GTC

Hi Michael

Apologies but I was off on Friday and on leave yesterday.

I am available tomorrow between 9 and 11.

The next two weeks are a bit hectic with school holidays.

Suze

Suzanne Rushmere
Senior Planner (Policy) | Kaiwhakamahere Matua



Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council
838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand

**MAKING TOUGH
DECISIONS**

**LONG
TERM
PLAN**

From: Michael Hall [7\(2\)\(a\)](#)
Sent: Friday, April 12, 2024 3:47 PM
To: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Subject: RE: GTC

Hi Suzanne

With PC49 taking up so much of our headspace I've left asking this question to now. We have completed a review of the previously modelling for the southern areas of Upper Hutt and believe there should be some updates undertaken.

Could you let me know when you're free for a call to discuss? I can do this afternoon or Monday morning if that works with you?

Thank you

Michael

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Siobhan Simpson

From: Suzanne Rushmere
Sent: Wednesday, 31 July 2024 5:03 pm
To: Pherne Tancock
Subject: RE: GTC
Attachments: Sales Invoice INV32699.pdf

Hi Pherne

Sincere apologies, things have been so busy and this fell off my radar.

Please see attached.

I would be grateful if you could arrange reimbursement for Council.

Kind regards

Suzanne

From: Pherne Tancock 7(2)(a)
Sent: Tuesday, April 2, 2024 11:10 AM
To: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Cc: 7(2)(a) Michael Hall 7(2)(a)
Subject: GTC

Hi Suzanne

Further to our discussion on Thursday, GTC are prepared to meet the cost of Nick Goldwater which you have indicated is max \$1800 (daily rate).

Vaughan can meet Nick on Thursday he has suggested meeting at Council (if you can make a room available) for he and Nick to have an initial chat then they can identify areas which they may want a further look at onsite before heading out to GTC.

The weather for Thursday is looking horrendous so if that precludes the amount of time spent onsite, I assume Nick would not charge for the whole day and would only charge for time spent?

Let me know if this would work.

Pherne.

Upper Hutt City Council
 Private Bag 907
 Upper Hutt
 5140
 New Zealand

Wildland Consultants Limited
 PO Box 7137, Te Ngae, Rotorua 3042

Client PO Number	EPO208748	Project Manager	Nick Goldwater
Client No. (Internal)	C10267	Email	xxxxxxxx@xxxxxxxx.xx.xx
Contact	Suzanne Rushmere	Website	www.wildlands.co.nz
Email	xxxxxxxx@xxxx.xxxx.xx	Phone No.	+64 7 343-9017
Tax Invoice No.	INV32699	NZBN	9429039428714
Additional Client Ref.		GST Number	052-454-697
Invoice Date	30/04/2024	Westpac	03-1552 0098792-000
Due Date	20/05/2024	SWIFT Code	WPACNZ2W
Payment Terms	20th of the month following invoice date		
Project No. (Internal)	11378		

Plan Change 50 SNA Site Visit

Description	Quantity	UOM	Unit Price	Amount Excl
Professional Services: April 2024				
Project management and client liaison				150.00
Information review and map updates				200.00
GIS				62.50
Site visit				1,050.00
				1,462.50
Disbursements				
Overnight allowance				50.00
				Subtotal
				1,512.50
				GST Amount
				226.88
				Total \$ Incl. GST
				1,739.38

Siobhan Simpson

From: Christine Robinson
Sent: Friday, 10 May 2024 1:56 pm
To: Michael Hall
Subject: RE: Long Term Plan Hearing information

Yes I'll make sure it is ready to go
Chris

From: Michael Hall [7\(2\)\(a\)](#)
Sent: Friday, May 10, 2024 1:49 PM
To: Christine Robinson <Christine.Robinson@uhcc.govt.nz>
Cc: Craig Martell [7\(2\)\(a\)](#)
Subject: RE: Long Term Plan Hearing information

Hi Christine

Can we use this updated file?

Regards

Michael

From: Michael Hall [7\(2\)\(a\)](#)
Sent: Friday, May 10, 2024 1:32 PM
To: Christine Robinson <Christine.Robinson@uhcc.govt.nz>
Cc: Craig Martell [7\(2\)\(a\)](#)
Subject: RE: Long Term Plan Hearing information

Hi Christine

Attached are our slides.

From: Christine Robinson <Christine.Robinson@uhcc.govt.nz>
Sent: Wednesday, May 8, 2024 1:39 PM
To: Michael Hall [7\(2\)\(a\)](#)
Subject: Long Term Plan Hearing information

You don't often get email from christine.robinson@uhcc.govt.nz. [Learn why this is important](#)

Dear Craig Martell / Michael Hall

Feedback from the public is an important and essential part of our democratic process. We encourage public attendance at meetings and want you to feel welcome and comfortable when sharing your views. Your input can help shape the decision-making process, providing local knowledge and helping to build an inclusive community.

The Long Term Plan Hearing Meetings will be held in Council Chambers which is on Level 2 of the Civic Building, 838-842 Fergusson Drive, Upper Hutt.

After signing in at reception you will be either directed to Level 2 Council Chambers or taken to the Council Chambers by a member of staff. Please ensure you arrive at least 30 minutes before your appointed time, check that your mobile phone and devices are switched off or turned to silent.

The [Council meeting](#) schedule has the latest information about our meetings. Council meetings are also livestreamed on our [Facebook](#) and [YouTube](#) channels.

If you have any accessibility needs, you can phone us on 04 527 2169 or email Governance@uhcc.govt.nz. We can book translators and interpreters if required, we will endeavour to help in any way we can depending on the availability.

You will have been allocated 5 minutes to speak followed by 5 minutes for questions from the Mayor and Councillors if they have any questions for you.

If you have indicated that you would like to include a Power Point presentation please ensure that it is with Council by midday this Friday 10 May.

Please note, anything presented to the meeting will become part of the public record of the meeting and attached to the minutes. The minutes of the meeting are the official public record and may contain your name, the item you spoke to, and any information presented.

When it is your time to speak, the Mayor will call you up to a space at the end of the table for you to address the meeting. A bell will sound after four minutes and again at five minutes to indicate that your time has expired. Members, with permission of the Chair, may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker. It is important not to interrupt the Chair or members when they are speaking. You are welcome to leave at any time.

It is important to note that your name, the item that you spoke to and any information that you present will be included in the official record of the meeting, referred to as the Minutes. You cannot ask elected members to keep the information you present confidential.

There is limited seating in the Council Chambers but we have another room available to watch the livestream. Please advise if you will be bringing more than 1 person with you when you speak so we can ensure there is sufficient seating during your presentation time.

Regards
Christine Robinson
Christine Robinson
LTP project coordinator



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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
T: +64 4 5272176 | E: Christine.Robinson@uhcc.govt.nz
W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)



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Siobhan Simpson

From: Michael Hall 7(2)(a)
Sent: Wednesday, 8 May 2024 4:25 pm
To: Christine Robinson
Cc: Craig Martell
Subject: RE: Long Term Plan Hearing information

Hi Christine

Craig Martell will be presenting at the hearing in person.

Regards

Michael

From: Christine Robinson <Christine.Robinson@uhcc.govt.nz>
Sent: Wednesday, May 8, 2024 1:39 PM
To: Michael Hall 7(2)(a)
Subject: Long Term Plan Hearing information

You don't often get email from christine.robinson@uhcc.govt.nz. [Learn why this is important](#)

Dear Craig Martell / Michael Hall

Feedback from the public is an important and essential part of our democratic process. We encourage public attendance at meetings and want you to feel welcome and comfortable when sharing your views. Your input can help shape the decision-making process, providing local knowledge and helping to build an inclusive community.

The Long Term Plan Hearing Meetings will be held in Council Chambers which is on Level 2 of the Civic Building, 838-842 Fergusson Drive, Upper Hutt.

After signing in at reception you will be either directed to Level 2 Council Chambers or taken to the Council Chambers by a member of staff. Please ensure you arrive at least 30 minutes before your appointed time, check that your mobile phone and devices are switched off or turned to silent.

The [Council meeting](#) schedule has the latest information about our meetings. Council meetings are also livestreamed on our [Facebook](#) and [YouTube](#) channels.

If you have any accessibility needs, you can phone us on 04 527 2169 or email Governance@uhcc.govt.nz. We can book translators and interpreters if required, we will endeavour to help in any way we can depending on the availability.

You will have been allocated 5 minutes to speak followed by 5 minutes for questions from the Mayor and Councillors if they have any questions for you.

If you have indicated that you would like to include a Power Point presentation please ensure that it is with Council by midday this Friday 10 May.

Please note, anything presented to the meeting will become part of the public record of the meeting and attached to the minutes. The minutes of the meeting are the official public record and may contain your name, the item you spoke to, and any information presented.

When it is your time to speak, the Mayor will call you up to a space at the end of the table for you to address the meeting. A bell will sound after four minutes and again at five minutes to indicate that your time has expired. Members, with permission of the Chair, may ask questions of speakers. Questions are to be confined to obtaining information or clarification on matters raised by a speaker. It is important not to interrupt the Chair or members when they are speaking. You are welcome to leave at any time.

It is important to note that your name, the item that you spoke to and any information that you present will be included in the official record of the meeting, referred to as the Minutes. You cannot ask elected members to keep the information you present confidential.

There is limited seating in the Council Chambers but we have another room available to watch the livestream. Please advise if you will be bringing more than 1 person with you when you speak so we can ensure there is sufficient seating during your presentation time.

Regards
Christine Robinson
Christine Robinson
LTP project coordinator



Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council
838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
T: +64 4 5272176 | E: Christine.Robinson@uhcc.govt.nz
W: upperhuttcity.com | F: fb.com/UpperHuttCityCouncil



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Siobhan Simpson

From: Chris Hansen <chris@rmaexpert.co.nz>
Sent: Tuesday, 25 June 2024 1:44 pm
To: Duncan Stuart
Cc: UHCC Planning
Subject: Re: PC50 Further Submission

Follow Up Flag: Follow up
Flag Status: Completed

Hi Duncan

There was no document attached to your email. Could you please try resending the attachment.

Kind regards

Chris

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179
7(2)(a)



On 24/06/2024, at 8:41 PM, Duncan Stuart 7(2)(a) wrote:

Hi there

Here is my further submission. Please let me know if there are any issues with it.

Thanks
Duncan

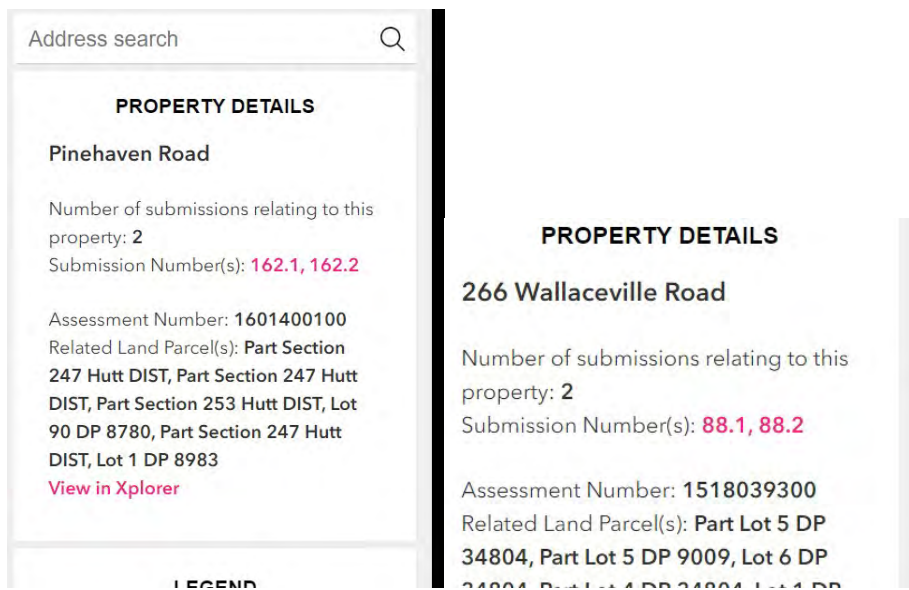
Siobhan Simpson

From: Suzanne Rushmere
Sent: Tuesday, 4 June 2024 10:34 am
To: Chris Hansen
Cc: Pherne Tancock; Michael Hall
Subject: RE: Plans Change 50 - request for further submissions

Hi Chris

Thank you for your email.

Once you click on the parcel of interest on the viewer, the right hand side of the screen in the viewer will show all relevant submissions relating to that parcel, and these are cross referenced to the submission sub points in the summary of submissions:



Clicking on the relevant submission on the left hand side of the viewer shows a summary of the request on the top left hand side of the screen, as well as providing a link to the submission for full details. In respect to GTC land, we also included where in the submission the rezoning request map can be found:

SUBMISSIONS REQUESTING REZONING

Submission Number 162.1

Guildford Timber Company Limited, Silverstream Forest Limited, Goodwin Estate Trust

Summary: Rezone ridgeline areas of Map 1 in Appendix A from General Rural Zone to General Residential Zone.

[View Full Submission](#)

Impacted Address(es): Avro Road, Pinehaven Road, 104 Wyndham Road, 118 Wyndham Road

Guildford Timber Company Limited, Silverstream Forest Limited, Goodwin Estate Trust

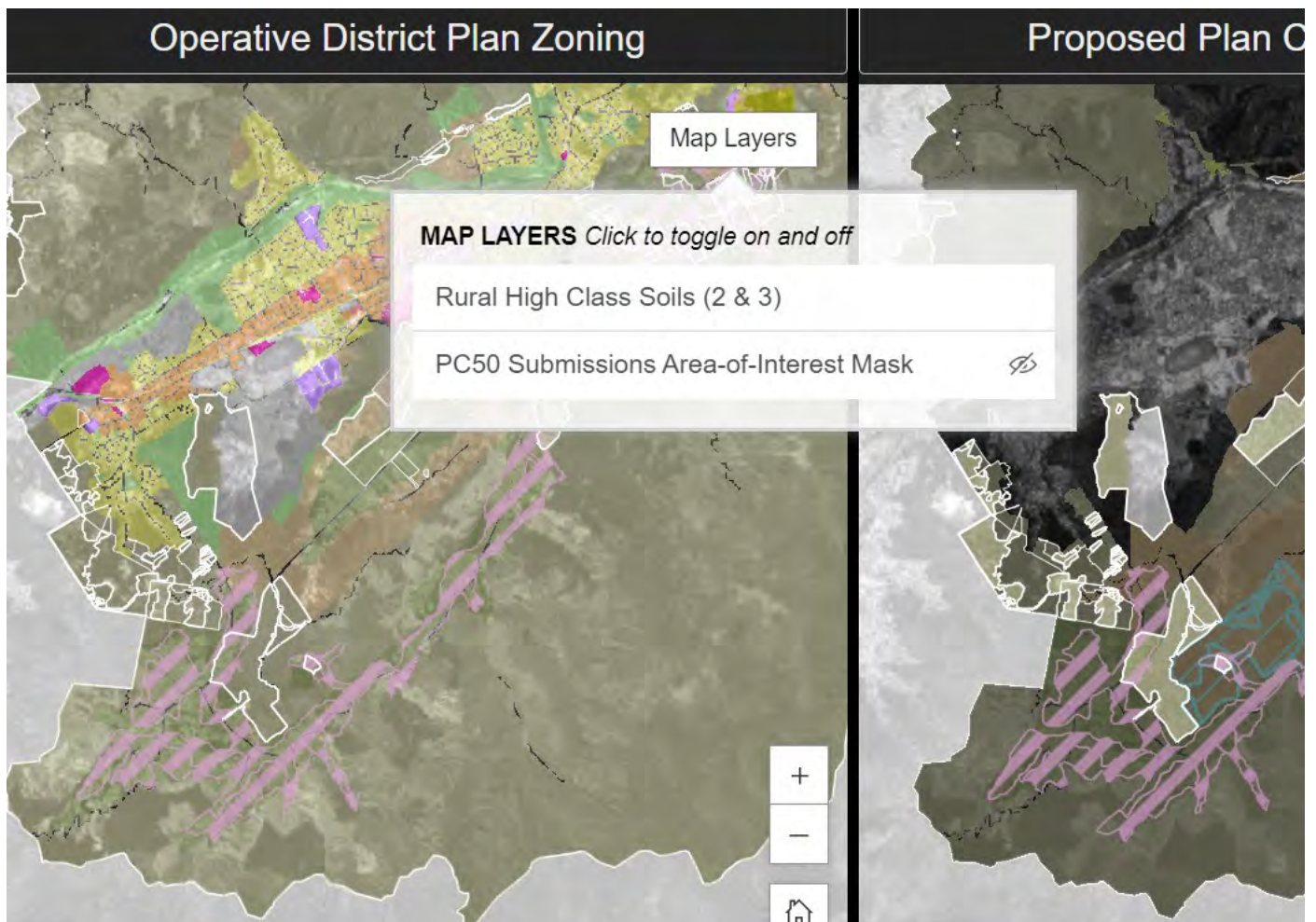
Summary: Rezone lifestyle areas and adjoining Blue Mountains Road identified on Map 1 in Appendix A from General Rural Zone to Rural Lifestyle Zone.

[View Full Submission](#)

Impacted Address(es): 139 Blue Mountains Road, 141 Blue Mountains Road, 143 Blue Mountains Road, 151 Blue Mountains Road, 169 Blue Mountains Road, 171 Blue Mountains Road, 173 Blue Mountains Road, 175 Blue Mountains Road, 177 Blue Mountains Road, 179 Blue Mountains Road, 181 Blue Mountains Road, 183 Blue Mountains Road, 185 Blue Mountains Road, 222 Blue Mountains Road, 224 Blue Mountains Road, 226 Blue Mountains Road, 228 Blue Mountains Road

The rezoning requests are also shown in the summary of submissions.

With regards to the zoning of the land, the land is shown as general rural. Turning the 'submissions area of interest' mask off will show this (see left hand side below). Turning the mask on will grey out all parts of district that are not subject to a rezoning request in PC50 (see right hand side below).



All of the information above is also shown in the map viewers help function.

Therefore, I cannot see a reason to renotify the summary of submissions at this stage.

Kind regards

Suzanne

From: Chris Hansen <chris@rmaexpert.co.nz>

Sent: Friday, May 31, 2024 12:49 PM

To: Emily Thomson <Emily.Thomson@uhcc.govt.nz>; Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>

Cc: Pherne Tancock <pherne.tancock@legalchambers.co.nz>; Michael Hall <michael.hall@awa.kiwi>

Subject: Plans Change 50 - request for further submissions

Hi Emily (and Suzanne)

Further to the voice messages I have left on your mobile (Emily), I am writing in response to UHCC's publicly notified request for further submissions for Plan Change 50, how it has treated advice regarding rezoning by submission requests, and to point out an error in how the Council has identified the zoning of GTC's land in the submission web-viewer which will need to be corrected.

The approach that the Notice takes to rezoning requests may lead to some confusion as: it says that there are areas that a change of zoning has been requested, and says these requests have been mapped, but the submission web-viewer only identifies the area the request relates to, and not what the actual change of zoning requested is (i.e. from General Rural to General Residential).

To get that information and the identity of the submitter you must hunt through the submissions themselves.

GTC had expected, based on earlier discussions, that UHCC intended to take a similar approach to KCDC, which included clear notification as to the rezoning submissions received, the location impacted by those

submissions and the zoning sought. A copy of the Map included in notification of KCDC PC2 can be found at <https://www.kapiticoast.govt.nz/media/5uefat34/pc2-rezone-requests-map.pdf> by way of an example where this information is clearly provided, along with the area of land, submitter name, submitter number and change in zoning sought via submission.

It is important that people reading the public notification can clearly understand the extent of rezoning requests to allow them to determine whether to make a further submission (or not). Council needs to ensure this is communicated in a clear way in its public notification.

It is also noted that the submission web-viewer wrongly identifies large areas of land owned by GTC as rural production zoned land (when it is general rural). This is a significant error that should be corrected.

In the circumstances it is requested that UHCC fix these errors and re-notify the summary of submissions and request for further submissions.

Kind regards

Chris

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179

7(2)(a)



Siobhan Simpson

From: Chris Hansen <chris@rmaexpert.co.nz>
Sent: Tuesday, 4 June 2024 1:32 pm
To: Suzanne Rushmere; Emily Thomson
Cc: Pherne Tancock; Michael Hall
Subject: Re: Plans Change 50 - request for further submissions

Follow Up Flag: Follow up
Flag Status: Completed

Hi Suzanne

Thank you for your email and for confirming how the right-hand side bar of the submission web-viewer works - while I had found the reference to the property details and submission numbers relevant to the area highlighted when clicked on, I had missed the next level that describes the summary of the submission requested, and the impacted addresses. This was most helpful when you pointed this out.

Thank you for also confirming the zoning of the Guildford land and turning off the 'submissions area of interest' mask off.

Kind regards

Chris

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179
7(2)(a)

On 4/06/2024, at 10:34 AM, Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz> wrote:

Hi Chris

Thank you for your email.

Once you click on the parcel of interest on the viewer, the right hand side of the screen in the viewer will show all relevant submissions relating to that parcel, and these are cross referenced to the submission sub points in the summary of submissions:

<image001.png><image004.png>

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<image003.png> <image006.png>

The rezoning requests are also shown in the summary of submissions.

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<image007.png>

All of the information above is also shown in the map viewers help function.

Therefore, I cannot see a reason to renotify the summary of submissions at this stage.

Kind regards

Suzanne

Suzanne Rushmere

Senior Planner (Policy) | Kaiwhakamahere Matua

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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand

T: +64 4 8855706 | E: suzanne.rushmere@uhcc.govt.nz

W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)

From: Chris Hansen <chris@rmaexpert.co.nz>

Sent: Friday, May 31, 2024 12:49 PM

To: Emily Thomson <Emily.Thomson@uhcc.govt.nz>; Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>

Cc: Phernne Tancock <phernne.tancock@legalchambers.co.nz>; Michael Hall <michael.hall@awa.kiwi>

Subject: Plans Change 50 - request for further submissions

Hi Emily (and Suzanne)

Further to the voice messages I have left on your mobile (Emily), I am writing in response to UHCC's publicly notified request for further submissions for Plan Change 50, how it has treated advice regarding rezoning by submission requests, and to point out an error in how the Council has identified the zoning of GTC's land in the submission web-viewer which will need to be corrected.

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Kind regards

Chris

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179
7(2)(a)

<image002.jpg>

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Siobhan Simpson

From: Wayne Guppy
Sent: Thursday, 4 July 2024 8:20 pm
To: Craig Martell
Subject: Re: Presentation to Council

Thanks Craig and the comments. I will phone you tomorrow. Wayne

Get [Outlook for iOS](#)

From: Craig Martell [7\(2\)\(a\)](#)
Sent: Thursday, July 4, 2024 9:42:54 AM
To: Wayne Guppy <Wayne.Guppy@uhcc.govt.nz>
Subject: Presentation to Council

Wayne we had discussed the Guildford Timber Company coming and presenting the vision for the development of its land to the Councillors. Is this something the Council would like to take up the offer on? My message would be;

- The Company has been taken over by independent directors with a clear remit;
- The development has a number of clear benefits for UHCC;
- The concerns raised are without basis and we can provide clear answers to all of these;
- We welcome questions from the Councillors to test these answers;

As you know Guildford Timber Company has engaged in this growth area over a long time and invested significantly to work with the Council on this zone. We would like the Council to respect this investment by providing the time for us to present a clear picture for its future.

Kind Regards



CRAIG MARTELL

MANAGING DIRECTOR

a: 1 Ghuznee St, Wellington 6011

m: [7\(2\)\(a\)](#)

w: www.awa.kiwi

Siobhan Simpson

From: Chris Hansen <chris@rmaexpert.co.nz>
Sent: Tuesday, 9 July 2024 11:45 am
To: Suzanne Rushmere
Cc: Michael Hall
Subject: Re: Submission195

Follow Up Flag: Follow up
Flag Status: Completed

Thanks for the update Suzanne.

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179

7(2)(a)

On 9/07/2024, at 10:26 AM, Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz> wrote:

Hi Chris

We have no date for the publication of further submissions at the moment.

We are currently working our way through them all.

Kind regards

Suzanne

Suzanne Rushmere

Senior Planner (Policy) | Kaiwhakamahere Matua

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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand

T: +64 4 8855706 | E: suzanne.rushmere@uhcc.govt.nz

W: upperhuttcity.com | F: fb.com/UpperHuttCityCouncil

From: Chris Hansen <chris@rmaexpert.co.nz>

Sent: Monday, July 8, 2024 4:55 PM

To: Hayley Boyd <hayley.boyd@uhcc.govt.nz>

Cc: Michael Hall <michael.hall@awa.kiwi>

Subject: Re: Submission195

Thanks Hayley

Can you also advise me when the further submissions are likely to be available on the PC50 website - we have received 143.further submissions to the GTC submission, but

would like to check the other further submissions to make sure there aren't any that have not been sent to us within the 5 working days.

Kind regards

Chris

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179
7(2)(a)

On 8/07/2024, at 12:26 PM, Hayley Boyd <hayley.boyd@uhcc.govt.nz> wrote:

Hi Chris,

Apologies for the lateness of this email, unfortunately the request had been emailed to someone who was on sick leave.

The email address for submitter 195 is 7(2)(a)

Regards
Hayley

Hayley Boyd | she/her
Planning Support Officer | Pou Hāpai Whakamahere
Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council
838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
T: +64 4 8854600 | E: hayley.boyd@uhcc.govt.nz
W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)

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PUBLIC NOTIFICATION OF AN ADDITION AND AMENDMENT TO THE SUMMARY OF DECISIONS REQUESTED AND EXTENSION OF TIME TO FURTHER SUBMISSION PERIOD ON PROPOSED PLAN CHANGE 50 – RURAL REVIEW TO THE UPPER HUTT CITY COUNCIL DISTRICT PLAN (2004)

Upper Hutt City Council gives NOTICE as required by clause 7 of the First Schedule of the Resource Management Act 1991, of an addition to the Summary of Decisions Requested (Summary of Submissions) and one amendment on the rezoning request map on Plan Change 50.

On Wednesday 29 May 2024 Upper Hutt City Council publicly notified the Summary of Submissions on Proposed Plan Change 50 to the Upper Hutt City Council District Plan 2004. During the further submission period, the Council was made aware of a submission that was not received due to a transmission issue. This submission is Submission 257: Transpower.

Because of the broad-reaching scope of Submission 257, and taking into account the number of primary submissions and complexity and extent of Plan Change, Council is extending the timeframe, pursuant to Clause 37(1) of the RMA for making further submissions on Plan Change 50 to the Upper Hutt City District Plan 2004 to **5pm on 26 June 2024**.

All further Submissions that have already been lodged with Council will be reviewed and fully considered as part of the hearing process. These earlier further submissions do not need to be re-lodged. If any person wishes to amend an earlier further submission; or file an additional further submission in relation to any submission in the summary of decisions requested; this is now possible. All further submissions on the summary of decisions requested can now be lodged, in the prescribed form, as provided in Clauses 7 and 8 of Schedule 1 of the Resource Management Act 1991 (RMA).

The Summary of Decisions Requested can be viewed on the Council website at letskorero.upperhuttcity.com/pc50-rural-chapter-review, and can also be inspected at any of the following locations:

- **Upper Hutt City Council**
838 – 842 Fergusson Drive
Upper Hutt
- **Upper Hutt Central Library**
844 Fergusson Drive
Upper Hutt
- **Pinehaven Branch Library**
Corner of Pinehaven Road & Jocelyn Crescent
Pinehaven, Upper Hutt

Making further submissions

You may make further submissions electronically or in writing to the Council in the following ways:

- Online: letskorero.upperhuttcity.com/pc50-rural-chapter-review
- Email: planning@uhcc.govt.nz
- In person: **Upper Hutt City Council**
838 – 842 Fergusson Drive
Upper Hutt
- Post: **Proposed Plan Change 50**
Upper Hutt City Council
Private Bag 907
Upper Hutt 5140

Further submissions must be completed on the Further Submission Form (Form 6) and must state whether or not you wish to be heard on your submission. A further submission must

be in response to a decision requested in one of the original submissions. Copies of the Further Submission Form are available on the website and from Council. Further submissions must be received by **5pm, Wednesday, 26 June 2024**.

Any person representing a relevant aspect of the public interest and any person with an interest in the Plan Change greater than the interest the general public has, may make a further submission.

A further submission must be:

- in response to a decision requested in one of the original submissions; and
- is limited to either be in support of, or opposition to an original submission; and
- must provide reasons for support or opposition to an original submission.

Please note: In addition to serving a copy of the further submission on the Upper Hutt City Council, a copy of the further submission must also be served on the person(s) who made the original submission to which the further submission relates. This must be done no later than 5 working days after providing the Upper Hutt City Council with the further submission.

Process for public participation

The proposal for public participation in the consideration of the proposal under the Act is as follows:

- after the close of further submissions, Council will conduct a hearing if needed. Everyone who made a submission or further submission, and who requested to be heard, will be advised of the dates and times of the hearing and will be given an opportunity to attend and speak to the Council in support of their submission.
- after considering the plan change and undertaking a further evaluation of the plan change in accordance with section 32AA the Upper Hutt City Council
 - may decline, approve, or approve with modifications the plan or change; and
 - must give reasons for its decision; and
- the local authority shall give public notice of its decision within 2 years of notifying the proposal and serve it on every person who made a submission and
- any person who has made a submission has the right to appeal against the decision on the proposal to the Environment Court if,
 - in relation to a provision or matter that is the subject of the appeal, the person referred to the provision or matter in the person's submission on the proposal; and
 - in the case of a proposal that is a proposed policy statement or plan, the appeal does not seek the withdrawal of the proposal as a whole.

If you have any questions, or would like further information about PC50, please contact planning@uhcc.govt.nz

Suzanne Rushmere
Planning Policy Manager
Upper Hutt City Council
Wednesday 12 June

Siobhan Simpson

From: Chris Hansen <chris@rmaexpert.co.nz>
Sent: Tuesday, 9 July 2024 11:45 am
To: Suzanne Rushmere
Cc: Michael Hall
Subject: Re: Submission195

Follow Up Flag: Follow up
Flag Status: Completed

Thanks for the update Suzanne.

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179

7(2)(a)

On 9/07/2024, at 10:26 AM, Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz> wrote:

Hi Chris

We have no date for the publication of further submissions at the moment.

We are currently working our way through them all.

Kind regards

Suzanne

Suzanne Rushmere

Senior Planner (Policy) | Kaiwhakamahere Matua

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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand

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W: upperhuttcity.com | F: fb.com/UpperHuttCityCouncil

From: Chris Hansen <chris@rmaexpert.co.nz>

Sent: Monday, July 8, 2024 4:55 PM

To: Hayley Boyd <hayley.boyd@uhcc.govt.nz>

Cc: Michael Hall <michael.hall@awa.kiwi>

Subject: Re: Submission195

Thanks Hayley

Can you also advise me when the further submissions are likely to be available on the PC50 website - we have received 143.further submissions to the GTC submission, but

would like to check the other further submissions to make sure there aren't any that have not been sent to us within the 5 working days.

Kind regards

Chris

Chris Hansen
RMA Planning Consultant/Company Director
Chris Hansen Consultants Ltd
220 Ross Road, RD7
Whakamarama, Tauranga 3179
7(2)(a)

On 8/07/2024, at 12:26 PM, Hayley Boyd <hayley.boyd@uhcc.govt.nz> wrote:

Hi Chris,

Apologies for the lateness of this email, unfortunately the request had been emailed to someone who was on sick leave.

The email address for submitter 195 is 7(2)(a)

Regards
Hayley

Hayley Boyd | she/her
Planning Support Officer | Pou Hāpai Whakamahere
Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council
838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
T: +64 4 8854600 | E: hayley.boyd@uhcc.govt.nz
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<image001.jpg>

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Siobhan Simpson

From: Michael Hall 7(2)(a)
Sent: Friday, 10 May 2024 1:09 pm
To: Suzanne Rushmere
Subject: RE: Traffic Model

Hi

I went into the teams call. I'm free until 1.30pm then free again from 4

From: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Sent: Wednesday, May 8, 2024 1:10 PM
To: Phernne Tancock 7(2)(a) Michael Hall 7(2)(a)
Subject: RE: Traffic Model

7(2)(a)

Suzanne Rushmere
Senior Planner (Policy) | Kaiwhakamahere Matua



Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council
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W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)

MAKING TOUGH DECISIONS

LONG TERM PLAN

From: Phernne Tancock 7(2)(a)
Sent: Wednesday, May 8, 2024 12:54 PM
To: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>; Michael Hall 7(2)(a)
Subject: Re: Traffic Model

Hi both

7(2)(a) go on without me.

Apologies
Phernne.

From: Michael Hall 7(2)(a) on behalf of Suzanne Rushmere
<suzanne.rushmere@uhcc.govt.nz>
Date: Wednesday, 8 May 2024 at 12:33 PM
To: Phernne Tancock 7(2)(a) Michael Hall 7(2)(a)
Subject: FW: Traffic Model

Hi Pherne

Sorry I was travelling and then in meetings and have just opened my computer now.

-----Original Appointment-----

From: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>

Sent: Tuesday, May 7, 2024 4:20 PM

To: Suzanne Rushmere; Michael Hall

Subject: Traffic Model

When: Wednesday, 8 May 2024 3:15 pm-3:45 pm (UTC+12:00) Auckland, Wellington.

Where:

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 417 614 026 770

Passcode: Fnwy3h

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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Siobhan Simpson

From: Pherne Tancock 7(2)(a)
Sent: Wednesday, 8 May 2024 1:23 pm
To: Suzanne Rushmere
Subject: Re: Traffic Model

Me too - thanks

From: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Date: Wednesday, 8 May 2024 at 1:10 PM
To: Pherne Tancock 7(2)(a) Michael Hall
7(2)(a)
Subject: RE: Traffic Model

7(2)(a)

Suzanne Rushmere
Senior Planner (Policy) | Kaiwhakamahere Matua



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

838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand

T: +64 4 8855706 | E: suzanne.rushmere@uhcc.govt.nz

W: upperhuttcity.com | F: [fb.com/UpperHuttCityCouncil](https://www.facebook.com/UpperHuttCityCouncil)

MAKING TOUGH DECISIONS

LONG TERM PLAN

From: Pherne Tancock 7(2)(a)
Sent: Wednesday, May 8, 2024 12:54 PM
To: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>; Michael Hall 7(2)(a)
Subject: Re: Traffic Model

Hi both
I am unwell, but go on without me.
Apologies
Pherne.

From: Michael Hall 7(2)(a) on behalf of Suzanne Rushmere
<suzanne.rushmere@uhcc.govt.nz>
Date: Wednesday, 8 May 2024 at 12:33 PM
To: Pherne Tancock 7(2)(a) Michael Hall
7(2)(a)
Subject: FW: Traffic Model

Hi Phernne

Sorry I was travelling and then in meetings and have just opened my computer now.

-----Original Appointment-----

From: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>

Sent: Tuesday, May 7, 2024 4:20 PM

To: Suzanne Rushmere; Michael Hall

Subject: Traffic Model

When: Wednesday, 8 May 2024 3:15 pm-3:45 pm (UTC+12:00) Auckland, Wellington.

Where:

Microsoft Teams [Need help?](#)

[Join the meeting now](#)

Meeting ID: 417 614 026 770

Passcode: Fnwy3h

For organizers: [Meeting options](#) | [Reset dial-in PIN](#)

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Siobhan Simpson

From: Suzanne Rushmere
Sent: Friday, 10 May 2024 1:14 pm
To: Michael Hall
Subject: RE: Traffic Model

Apologies, I am online now

From: Michael Hall **7(2)(a)**
Sent: Friday, May 10, 2024 1:09 PM
To: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Subject: RE: Traffic Model

Hi

I went into the teams call. I'm free until 1.30pm then free again from 4

From: Suzanne Rushmere <suzanne.rushmere@uhcc.govt.nz>
Sent: Wednesday, May 8, 2024 1:10 PM
To: Phernne Tancock **7(2)(a)** Michael Hall **7(2)(a)**
Subject: RE: Traffic Model

7(2)(a).

Suzanne Rushmere
Senior Planner (Policy) | Kaiwhakamahere Matua



Te Kaunihera o Te Awa Kairangi ki Uta | Upper Hutt City Council
838 - 842 Fergusson Drive, Private Bag 907, Upper Hutt, 5140, New Zealand
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7(2)(a) go on without me.
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<suzanne.rushmere@uhcc.govt.nz>
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