

**From:** [Information Management Team](#)  
**To:** [REDACTED]  
**Bcc:** [Graeme Cato](#); [Nicissa Howard](#)  
**Subject:** FW: Information request - Boatshed options  
**Date:** 14 September 2023 17:18:00  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[FW Boat sheds and PWA.pdf](#)  
[FW EXTERNAL RE Meeting with GWRC: use of Hikoikoi Reserve boat shed site.pdf](#)  
[Hikoikoi Boatshed information regarding shed.pdf](#)  
[Meeting with GWRC: use of Hikoikoi Reserve boat shed site.pdf](#)  
[RE Boat sheds in the Hutt.pdf](#)  
[RE EXTERNAL RE Boat sheds in the Hutt.pdf](#)  
[RE EXTERNAL RE Meeting with GWRC: use of Hikoikoi Reserve boat shed site.pdf](#)  
[RE Request for assistance.pdf](#)

Kia ora [REDACTED]

Thank you for your information request below in which you have asked for "...all communication and documents to support the communication within the HCC and GWRC, that is all email communication with email address on the items raised" in relation to boatshed options.

Please find attached the documents that fall within your request. Some information has been withheld from these documents under section 7(2)(a), to protect the privacy of individuals.

We also advise that some communications have been withheld under section 7(2)(i), to enable the Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations).

You have the right to complain to the Ombudsman about this response. Contact details for the Office of the Ombudsman are available on [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz).

Kind regards, Susan

Ngā mihi

Susan Sales  
Ringa Āwhina Tāhūhū ki Te Koromatua | Senior Advisor  
Te Kaunihera o Te Awa Kairangi | Hutt City Council, 30 Laings Road, Private Bag 31912, Lower Hutt 5040, New Zealand  
Paetukutuku: [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

**From:** [REDACTED]  
**Sent:** Friday, August 18, 2023 9:46 AM  
**To:** [REDACTED]  
**Subject:** [REDACTED]

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WITHOUT PREJUDICE

Good morning James,

Following my email yesterday, I have highlighted my responses to your Email Memorandum below -

Are you happy with this? No, not until boatshed site at Hutt River has been fully explored

Suggestions we have for the planning advisor are Jason Jones of Resource Management Group, or Megan Barr of 4Sight Consulting. Who has picked these planners?

I have been exploring the possibility of you taking a licence of former "Shed 1", being an undeveloped area at the north (which you showed to me on our site visit). I understand recent licences have been granted under s54(1)(d) Reserves Act 1977, and have had typical terms of 5 years with up to two further terms of 5 years each (so a 15 year maximum). However under the Reserves Act it is possible for a licence to be granted for up to 33 years, and further for unlimited extensions of this term if (broadly speaking) the use remains in the public interest. Happy to agree to typical terms

However WRC is involved in this as the building of a boat shed in the area will be covered by their Natural Resources Plan. Council has consulted with WRC accordingly. Unfortunately the view seems to be that WRC is unlikely to be supportive of a new building on the disused site, nor to a long extension of a licence term compared to the terms currently granted. Council Parks teams also seems to hold this view. The reasons for this include;

- Flood risk management
- Climate change and potential for managed retreat – meaning reluctance to expand the number of people affected Disagree. Any permit to occupy could include construction method to allow for easy removal should any of these factors come into play

I am advised public notification Incorrect. Effects are minor due to being within existing boatshed area

Iwi consultation as stated in my email yesterday

Council also advises it is not aware of other opportunities it could offer you. The Seaview marina land you identified is required for its current purpose, and a new boatshed there would be disruptive. A build there would also likely face the same development concerns highlighted above. Again, HCC not prepared to let go of similar asset, wanting their cake and mine too.

Please provide all communication and documents to support the communication within the HCC and GWRC, that is all email communication with email address on the items raised above.

We will continue to explore s105 Public Works Act 1981 (PWA) exchange options as they may arise. However given limitations in what Council owns, I suggest we consider a new potential compensatory entitlement. Under s66(1)(a)(iii) PWA you are entitled to recover certain costs of acquiring land in substitution. Noting some novelty to the land being acquired, it is appreciated that it may take time for something equivalent to appear for you to purchase. Council has indicated it could take a generous view to the time in which you could bring a claim for these costs, to allow a good chance of finding an alternative. A boat shed somewhere may well come on the market, or a development opportunity, which you could purchase with the proceeds of your sale of the land to Council. Council could assist you with some of the future purchase costs if so. No, they have and hold freehold land of exactly the same type on the Hutt River and Seaview Marina land that has been identified. They have their cake; I have my cake and they want that as well. These remain viable possible land swaps that HCC are not prepared to consider and to date have dismissed. I suspect any court action in the future and mediation will consider the HCC's position as unreasonable, particularly due to the scarcity of this type land.

Can you please confirm I should prepare a suggested brief to a planning expert for your consideration? Yes, for the application for Boatshed 1 at Hutt River

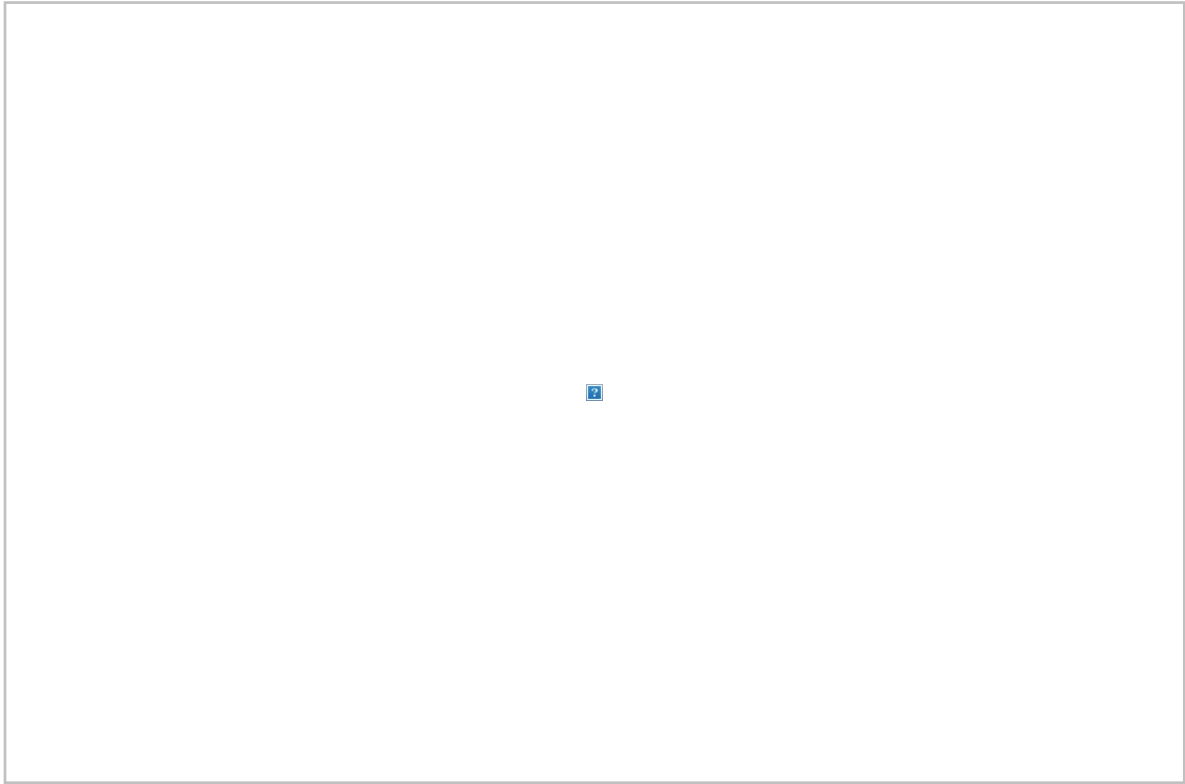
It may be useful to have a joint meeting with WRC to fully canvass their views on the viability of a new boatshed if they're agreeable to this. I suggest you may also benefit from taking legal advice on what I've uncovered and the seeming impediments to securing the licence I had hoped to be able to offer. This could also address the overall compensation setting noting various points made here. Maybe a good idea.

Graham Gilbert

On Tue, Aug 15, 2023 at 12:13 PM [REDACTED] wrote:

Kia ora [REDACTED]

Please see attached letter addressing various matters recently discussed, and below a digital may of the Hikoikoi boat sheds.



I look forward to hearing from you again once considered.

Ngā mihi

**James Clareburt**  
Group General Counsel

**TPG-Logo-white**



**Mobile:** 027 483 7729  
**Reception:** 04 470 6105

**Level 11, Cornerstone House, 36 Customhouse Quay, Wellington 6011**

**PO Box 2874, Wellington 6140**

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---

**From:** Melissa Harward  
**Sent:** Monday, 10 July 2023 1:51 pm  
**To:** Justin Arthur  
**Subject:** Re: Boat sheds and the PWA

No prob, thank you so much for confirming.

Ngā manaakitanga

Melissa Harward  
Solicitor

0272013352

**Melissa Harward**  
Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010  
**P:** **M:** **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



---

**From:** Justin Arthur <Justin.Arthur@huttcity.govt.nz>  
**Sent:** Monday, July 10, 2023 1:49:21 PM  
**To:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>  
**Cc:** Legal <Legal@huttcity.govt.nz>  
**Subject:** RE: Boat sheds and the PWA

Hi Melissa, this one slipped through the cracks. Sorry.

See below in red.

**Justin Arthur**  
Horticulture & Cemeteries Asset Manager

Hutt City Council, 93 Hutt Park Road, Moera, Lower Hutt, Lower Hutt 5010  
**P:** **M:** s.7(2)(a) **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



---

**From:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>  
**Sent:** Wednesday, June 21, 2023 4:40 PM  
**To:** Justin Arthur <Justin.Arthur@huttcity.govt.nz>  
**Cc:** Legal <Legal@huttcity.govt.nz>  
**Subject:** Boat sheds and the PWA

Tēnā koe Justin

Thanks so much for your time on the phone in relation to how boat shed licences run.

You stated that the physical boat sheds do not belong to the Council and there is no right of refusal or similar when they change hands. I understand they are popular and do not change hands often. Council owns the land as reserve and has a lease agreement with each boat shed owner. When the boat shed owners sell their boat shed, Council is notified so that rights to occupy are transferred to the purchaser. **Council manages the land on behalf of Greater Wellington Council. Greater Wellington Council own the land.**

To that end, I understand that Council does not have an ability to come in over the top of a commercial transaction.

However, I imagine that it would be possible for Council to purchase a boat shed should one become available? This would be for the very specific purpose of making a boat shed available to someone as part of Council's obligations under the Public Works Act. **HCC could purchase a boatshed if one became available, correct. Last one sold for 160k. It would mean that there will be a licence agreement in place and yearly cost associated with that.**

We would be keen to investigate this option, if it is possible.

Are you able to respond to my email confirming whether my interpretation is correct.

If there is anything else that we may be able to do to get a boat shed, please do let me know.

Finally, please can you confirm whether it is possible to build a new boat shed at the site? **I don't think that there is enough space to construct a new boatshed at Hikoikoi Reserve. Would have to get a survey done.**

Thanks!

**Ngā manaakitanga**

**Melissa Harward**

Rōia- Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

**P:** M: 027 201 3352 **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



The information on this electronic message is confidential information and may be legally privileged.

**Melissa Harward**

Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

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From: **Melissa Harward** <Melissa.Harward@huttcity.govt.nz>  
To: **James Clareburt** <JClareburt@propertygroup.co.nz>  
Subject: FW: [EXTERNAL] RE: Meeting with GWRC- use of Hikoikoi Reserve boat shed site  
Date: 13.08.2023 20:41:41 (+02:00)  
Attachments: Proposed exchange boatshed site .jpg (1 page), HCC District Plan Map.jpg (1 page)

Hi James, hope you had a good weekend.

Confirmed position from GW.  
Our position in writing from HCC to come.

### Ngā manaakitanga

---

**From:** [REDACTED] @jigsawproperty.co.nz  
**Sent:** Friday, August 11, 2023 10:08 AM  
**To:** Melissa Harward <Melissa.Harward@huttcity.govt.nz > ; Jacky Cox <Jacky.Cox@gw.govt.nz>  
**Cc:** Legal <Legal@huttcity.govt.nz>  
**Subject:** [EXTERNAL] RE: Meeting with GWRC- use of Hikoikoi Reserve boat shed site

Hi Melissa,

I have no issues regarding your email below.

I note the proposed site of the boatshed licence appears to be on HCC fee simple land as per the attached Landonline snip image.

Also looking at the district plan map, the proposed site sits within the secondary river corridor zone but well outside the hydraulic line (refer second attachment).

Good luck!

[REDACTED]

*Jigsaw Property Consultancy Limited*  
Level 3, 85 Ghuznee Street  
Te Aro  
Wellington 6011

mobile [REDACTED]

[REDACTED]

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**From:** Melissa Harward <[Melissa.Harward@huttcity.govt.nz](mailto:Melissa.Harward@huttcity.govt.nz)>  
**Sent:** Thursday, August 10, 2023 2:40 PM  
**To:** Jacky Cox <[Jacky.Cox@gw.govt.nz](mailto:Jacky.Cox@gw.govt.nz)> ; [REDACTED] <[\[REDACTED\]@jigsawproperty.co.nz](mailto:[REDACTED]@jigsawproperty.co.nz)>  
**Cc:** Legal <[Legal@huttcity.govt.nz](mailto:Legal@huttcity.govt.nz)>  
**Subject:** FW: Meeting with GWRC- use of Hikoikoi Reserve boat shed site

Kia ora Jacky and [REDACTED]

*Legally privileged and confidential*

Thanks so much for your time on Monday. I am wanting to confirm our conversation, so please see notes below. This information is likely to be passed onto the person who is seeking a boatshed, so please advise if there is anything detailed below that raises any confidentiality issues.

The first hurdle is establishing who owns this property. LandOnline shows the Harbour Board as the owner but the Hutt City GIS system shows that HCC is the owner. Our head of Parks seemed to think that due to the riverside location, the land was owned by GW and managed by HCC on their behalf.

Even if GW doesn't own the land, it has an interest in it because the Natural Resources Plan covers the coastal marine area and the river. So the building of a boat shed in that area will be covered by the Natural Resources Plan.

I have been digging and found the below rules and objectives.

Speaking with GW, they have cited a few other reasons why they would not be supportive of a new building on the disused site:

1. They are likely to take a flood risk management POV view on both existing structures and anything proposed
2. There is work on a new flood management plan which will likely cover the river mouth. While this may not be in the next five years, there is concern about permitting new properties on the riverside because that will mean more people to deal with in the future.
3. With climate change, increased risk of flooding and sea level rise may necessitate GW to designate or require the land. Again, the fewer people involved the better.

Broadly, these align with what we heard from Parks last week.

Additional to this, the following regulatory barriers were noted:

1. As the boat shed would be in the Coastal Marine Area, a permit would be required.
2. The hydraulic line is stipulated in the comments of the District plan
3. Building on this site would likely need to be publicly notified
4. The area at Hikoikoi Reserve is a site of significance to Maori and it would require consultation with Mana Whenua prior to offering up a new licence.

## **Rules**

5.4.7 All other uses of the beds of rivers and lakes

### **Rule R145: All other uses of river and lake beds – discretionary activity**

**All other uses that would otherwise contravene section 13(1) or 13(2) of the RMA and any associated activities under sections 14 or 15 of the RMA in, on, under or over river and lake beds that is not permitted, controlled or restricted discretionary by Rule R122 to Rule R129 is a discretionary activity, except for reclamation, damming and diverting of water.**

Rule R201: New boatsheds outside Boatshed Management Areas – non-complying activity

**The placement of a new boatshed outside a Boatshed Management Area shown on Map 50 and the associated use of the boatshed in the coastal marine area that is not a discretionary activity under Rule R200, is a non-complying activity.**

5.6.2 coastal management general conditions

#### ***Diversion***

**(g) No structure shall alter the natural course of a river (that is part of the coastal marine area), including any diversion of open coastal water during flood events, and**

#### ***Design and maintenance of structures***

**(l) Any structure (other than stormwater network structures) shall be designed and maintained so that it does not reduce the ability of the river (that is part of the coastal marine area) to convey flood flows, including the management of flood debris accumulated against the structure, and**

#### 5.6.9 Boatsheds and swing moorings

Rule R198: Use of boatsheds – permitted activity

**The use of a boatshed in the coastal marine area, for water based activities that require a coastal location, is a permitted activity, provided the following condition is met:**

- (a) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

Rule R199: Change of use of boatsheds – non-complying activity

**The change in use of a boatshed in the coastal marine area to an activity that does not have a functional need to be in the coastal marine area, after the date of 31 July 2015, including any associated:**

- (a) occupation of space in the **common marine and coastal area** , and  
(b) disturbance of the foreshore or seabed, and  
(c) deposition in, on or under the foreshore or seabed, and  
(d) discharge of contaminants is a non-complying activity.

#### **Notification**

**In respect of Rule R199, applications must be publicly notified.**

#### **Objectives**

##### **3.14 Coastal management**

Objective O45

Use and development shall generally not be located in the coastal marine area unless it has a **functional need** or **operational requirement** to be located there.

Objective O47

**The need for public open space in the coastal marine area is recognised.**

#### **Policies**

Policy P147: New boatsheds

**New boatsheds shall be managed by:**

- (b) avoiding the development of boatsheds outside Boatshed Management Areas (shown on Map 50), and  
(c) requiring that new boatsheds are compatible in scale, size and character to existing boatsheds.

#### 4.9.9 Activities in beds of lakes and rivers

**Policy P110: Loss of extent and values of the beds of lakes and rivers, and natural wetlands**

**The loss of extent and values of the beds of lakes and rivers and natural wetlands ,**

- (a) in a river:
- there is a **functional need** for the activity in that location; and
  - any **reclamation** or drainage is:
    - partial **reclamation** of a river bank for the purposes of flood protection or erosion control, or
    - for the purposes of the development, operation, maintenance and **upgrade of Regionally Significant Infrastructure** , or



- associated with the creation of a new river bed and does not involve piping of the river, or
- for the purpose of forming a reasonable crossing point, or
- associated with the extraction of **significant mineral resources** from existing quarries, or
- partial **reclamation** of a river bank for the purposes of local roads, and
- in respect of (1) to (6) there are no other practicable alternative methods of providing for the activity,

I don't think this leaves us completely hamstrung. We can still approach current owners- I intend to draft something this week.

Hopefully this shows that we have shown good faith in trying to arrange a boat shed for Graham Gilbert.

### Ngā manaakitanga

#### Melissa Harward

Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

**P:**   **M:**   **w:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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### Summary

Type	Freehold
Land Registration District	Wellington
Date Issued	19 November 1957
Prior References	<a href="#">WN542/293</a>
Estate	Fee Simple
Indicative Area	2833 square metres
Legal Description	Lot 13 Deposited Plan 19843
Registered Owners	<b>Ⓜ Petone Borough Council</b>

Historical Instruments (1)

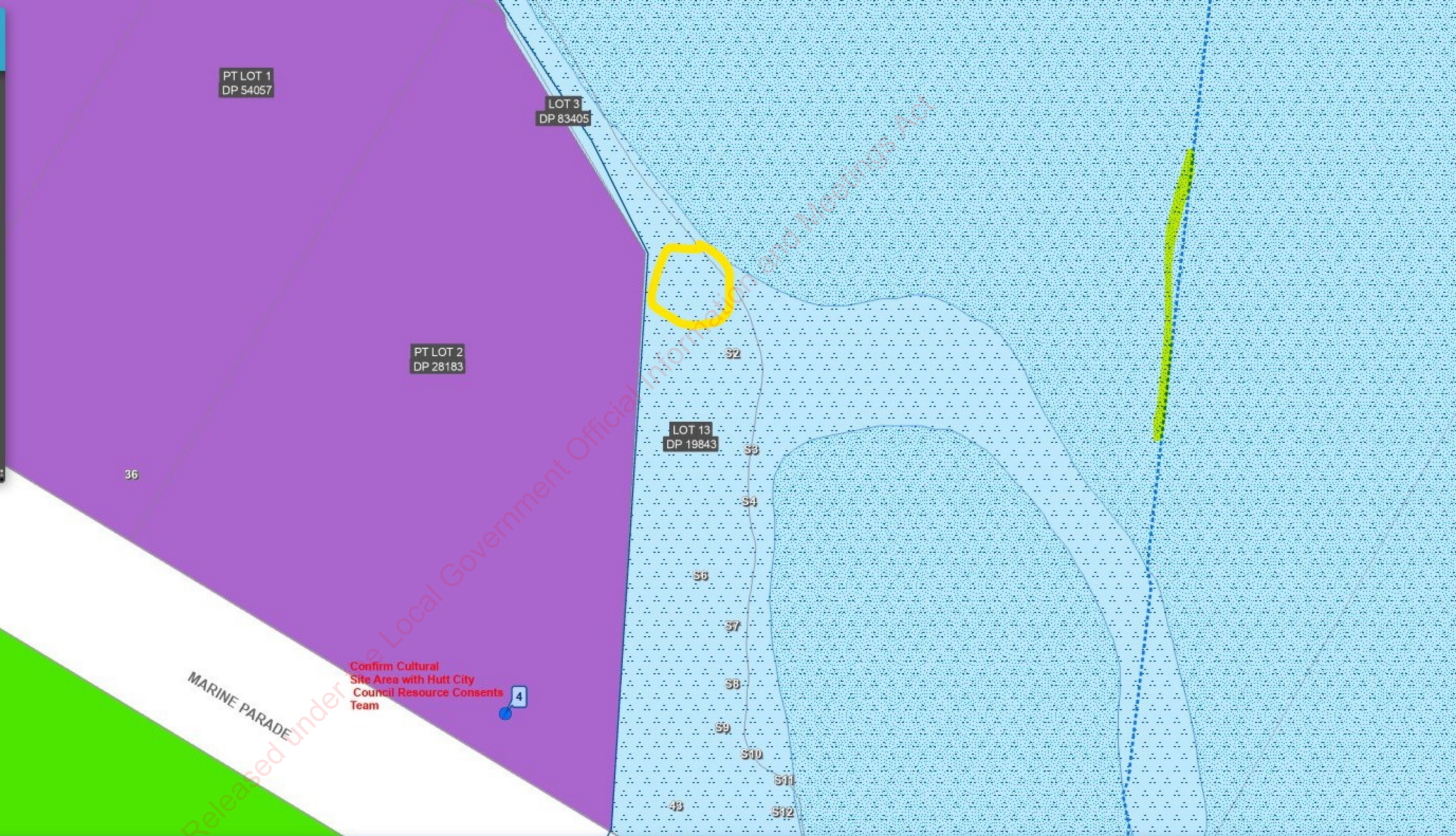
Referenced Surveys (1)

Survey Number	Survey Date
<a href="#">DP 19843</a>	1 July 1957



**Legend**

- National Grid Yard
- National Grid Corridor LINE
- Significant Archaeological Resource Site
  - Significant Archaeological Resource Site
- City Boundary
- Building Setback Line
- Hydraulic Line
- Kerb Lines
- Railway Line



Confirm Cultural Site Area with Hutt City Council Resource Consents Team

MARINE PARADE

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**From:** Melissa Harward  
**Sent:** Monday, 10 July 2023 1:51 pm  
**To:** James Clareburt  
**Cc:** Bradley Cato; Legal  
**Subject:** Fwd: Boat sheds and the PWA

FYI- boat shed

Ngā manaakitanga

Melissa Harward  
Solicitor

§ 7(2)(a)

**Melissa Harward**  
Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010  
**P:** **M:** **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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**Sent:** Monday, July 10, 2023 1:49:21 PM  
**To:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>  
**Cc:** Legal <Legal@huttcity.govt.nz>  
**Subject:** RE: Boat sheds and the PWA

Hi Melissa, this one slipped through the cracks. Sorry.

See below in red.

**Justin Arthur**

Horticulture & Cemeteries Asset Manager

Hutt City Council, 93 Hutt Park Road, Moera, Lower Hutt, Lower Hutt 5010

P: M: s.7(2)(a) W: [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



---

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**Sent:** Wednesday, June 21, 2023 4:40 PM

**To:** Justin Arthur <Justin.Arthur@huttcity.govt.nz>

**Cc:** Legal <Legal@huttcity.govt.nz>

**Subject:** Boat sheds and the PWA

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Thanks!

**Ngā manaakitanga**

**Melissa Harward**

Rōia- Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

P: M: s.7(2)(a) W: [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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**Melissa Harward**  
Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010  
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From: **Melissa Harward** <Melissa.Harward@huttcity.govt.nz>  
To: **Bradley Cato** <Bradley.Cato@huttcity.govt.nz>; **James Clareburt** <JClareburt@propertygroup.co.nz>  
Subject: Meeting with GWRC- use of Hikoikoi Reserve boat shed site  
Date: 07.08.2023 05:57:50 (+02:00)  
Attachments: Pages from Natural-Resource-Plan-Operative-Version-2023-incl-maps-compressed.pdf (1 page)

Kia ora kōrua

Further to my email last week, I have spoken with GWRC to consider the ability of Council to allow Graham Gilbert to build on a disused site.

The first hurdle is establishing who owns this property. LandOnline shows the Harbour Board as the owner but the Hutt City GIS system shows that HCC is the owner. Our head of Parks seemed to think that due to the riverside location, the land was owned by GW and managed by HCC on their behalf.

- This is an action point for me.

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## Rules

5.4.7 All other uses of the beds of rivers and lakes

### **Rule R145: All other uses of river and lake beds – discretionary activity**

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#### 5.6.2 coastal management general conditions

##### ***Diversion***

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Rule R198: Use of boatsheds – permitted activity

**The use of a boatshed in the coastal marine area, for water based activities that require a coastal location, is a permitted activity, provided the following condition is met:**

- (a) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

Rule R199: Change of use of boatsheds – non-complying activity

**The change in use of a boatshed in the coastal marine area to an activity that does not have a functional need to be in the coastal marine area, after the date of 31 July 2015, including any associated:**

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- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants is a non-complying activity.

##### ***Notification***

**In respect of Rule R199, applications must be publicly notified.**

##### **Objectives**

#### **3.14 Coastal management**

Objective O45

Use and development shall generally not be located in the coastal marine area unless it has a **functional need** or **operational requirement** to be located there.

Objective O47

**The need for public open space in the coastal marine area is recognised.**

##### **Policies**

Policy P147: New boatsheds

**New boatsheds shall be managed by:**

- (b) avoiding the development of boatsheds outside Boatshed Management Areas (shown on Map 50), and



- (c) requiring that new boatsheds are compatible in scale, size and character to existing boatsheds.

#### 4.9.9 Activities in beds of lakes and rivers

**Policy P110: Loss of extent and values of the beds of lakes and rivers, and natural wetlands**

**The loss of extent and values of the beds of lakes and rivers and natural wetlands ,**

- (a) in a river:
- there is a **functional need** for the activity in that location; and
  - any **reclamation** or drainage is:
    - partial **reclamation** of a river bank for the purposes of flood protection or erosion control, or
    - for the purposes of the development, operation, maintenance and **upgrade of Regionally Significant Infrastructure** , or
    - associated with the creation of a new river bed and does not involve piping of the river, or
    - for the purpose of forming a reasonable crossing point, or
    - associated with the extraction of **significant mineral resources** from existing quarries, or
    - partial **reclamation** of a river bank for the purposes of local roads, and
    - in respect of (1) to (6) there are no other practicable alternative methods of providing for the activity,

I don't think this leaves us completely hamstrung. We can still approach current owners- I intend to draft something this week.

Hopefully this shows that we have shown good faith in trying to arrange a boat shed for Graham Gilbert.

**Ngā manaakitanga**

**Melissa Harward**  
Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

**P:** **M:** **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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# Boatshed management areas

## Map 50



Figure 31.1

Camborne Boatsheds

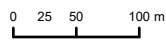


Figure 31.2

Paremata Boatsheds

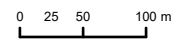


Figure 31.3

Onepoto Boatshed

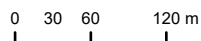


Figure 31.4

Evans Bay Boatsheds

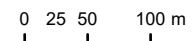
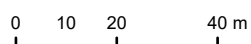





Figure 31.5

Skerrett Boatshed



This version of the map is not complete. The version of this map available online through the online web map viewer shows the complete, detailed information on a GIS overlay that is not shown on this hard copy. The online version is available on the Council's website at <https://mapping.gw.govt.nz/gwrc/> (select theme Natural Resources Plan) and can be accessed from the Council offices or public library.

-  Boatshed
-  Management Area
-  State Highway



Basemap: GWRC Orthophotos 2012-13  
 Topographic & Cadastral: LINZ, CoreLogic  
 Projection: NZTM 2000  
 CC By 4.0

---

**From:** Bradley Cato  
**Sent:** Monday, 31 July 2023 2:15 pm  
**To:** Melissa Harward; James Clareburt  
**Subject:** RE: Boat sheds in the Hutt

I don't think we would cancel an existing licence and give it to Graham if it was legitimately being used. Weren't we going to call this licence holder and see if they were still using it?

---

**From:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>  
**Sent:** Monday, July 31, 2023 2:12 PM  
**To:** Bradley Cato <Bradley.Cato@huttcity.govt.nz>; James Clareburt <JClareburt@propertygroup.co.nz>  
**Subject:** FW: Boat sheds in the Hutt

It seems to me that a Council decision to change the use of this boatshed, or a wide reading of "public work" could enable Council officers to terminate the licence and give it to Graham.

The current licence fee is \$20/ year.

As noted previously, this boatshed is a heritage building meaning no substantial changes can be made to it.

See council's right of termination below:

## **19 The Council's further rights of termination**

19.1 Without limiting the Council's rights to cancel this Licence under clause 18.1, the Council may terminate this Licence at any time if any one or more of the following occurs:

19.1.1 the Council wishes to develop or sell the Site,

19.1.2 a change in Council policy or a Council decision is made as to the use and/or future suitability of the Site for the Improvements which is inconsistent with this Licence,

19.1.3 the Site is required for a public work or another public work,

19.1.4 the Improvements causes interference with the Council's other utilities or assets at the Site (or adjacent to the Site or the Land), if any

provided that the Council must first give 6 months' written notice to the Licensee (or shorter notice by mutual agreement) of the Council's intention to terminate this Licence for one or more of the above reasons, and, in the case of clause 19.1.4, the Licensee has failed to remedy the interference or comply with the requirements within that period.

19.2 On termination under clause 19.1 the Licensee must comply with the renewal and reinstatement obligations under clause 20, and the Council will credit to the Licensee any portion of the Licence Fee actually paid calculated on a daily basis for the period starting on the date on which the Improvements have been removed and ending on the date to which the Licence Fee has been actually paid.

19.3 For the purposes of clause 19.2 removal of the Improvements will include the completion of restoration of the Site as required by clause 20.1.

19.4 The Licensee acknowledges that it will not be entitled to any compensation for early termination under clause 19.1.

### **Ngā manaakitanga**

**Melissa Harward**  
Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

P: M: W: [www.huttcity.govt.nz](http://www.huttcity.govt.nz)

---

**From:** Melissa Harward  
**Sent:** Tuesday, 1 August 2023 8:51 am  
**To:** [REDACTED]; Kelly Crandle  
**Cc:** Sukhraj Singh Sandhu; Jacky Cox  
**Subject:** RE: [EXTERNAL] RE: Boat sheds in the Hutt

Thank you [REDACTED]

Would it be possible to link in a flood protection person? I am relatively available this week so am happy to work around you.

However I am off on Friday.

**Ngā manaakitanga**

**Melissa Harward**

Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

**P:** **M:** **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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---

**From:** [REDACTED]@jigsawproperty.co.nz>  
**Sent:** Saturday, July 29, 2023 3:21 PM  
**To:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>; Kelly Crandle <Kelly.Crandle@huttcity.govt.nz>  
**Cc:** Sukhraj Singh Sandhu <SukhrajSingh.Sandhu@huttcity.govt.nz>; Jacky Cox <Jacky.Cox@gw.govt.nz>  
**Subject:** [EXTERNAL] RE: Boat sheds in the Hutt

Hi Melissa,

I'm relatively free for a meeting on this from Wednesday onwards.

---

**From:** [REDACTED] <[REDACTED]@jigsawproperty.co.nz>  
**Sent:** Friday, August 11, 2023 10:08 AM  
**To:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>; Jacky Cox <Jacky.Cox@gw.govt.nz>  
**Cc:** Legal <Legal@huttcity.govt.nz>  
**Subject:** [EXTERNAL] RE: Meeting with GWRC- use of Hikoikoi Reserve boat shed site

Hi Melissa,

I have no issues regarding your email below.

I note the proposed site of the boatshed licence appears to be on HCC fee simple land as per the attached Landonline snip image.

Also looking at the district plan map, the proposed site sits within the secondary river corridor zone but well outside the hydraulic line (refer second attachment).

Good luck!

[REDACTED]  
**JIGSAW PROPERTY CONSULTANCY LIMITED**  
Level 3, 85 Ghuznee Street  
Te Aro  
Wellington 6011

mobile [REDACTED]  
[REDACTED]

---

**From:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>  
**Sent:** Thursday, August 10, 2023 2:40 PM  
**To:** Jacky Cox <Jacky.Cox@gw.govt.nz>; [REDACTED] <[REDACTED]@jigsawproperty.co.nz>  
**Cc:** Legal <Legal@huttcity.govt.nz>  
**Subject:** FW: Meeting with GWRC- use of Hikoikoi Reserve boat shed site

Kia ora Jacky and [REDACTED]

*Legally privileged and confidential*

Thanks so much for your time on Monday. I am wanting to confirm our conversation, so please see notes below. This information is likely to be passed onto the person who is seeking a boatshed, so please advise if there is anything detailed below that raises any confidentiality issues.

The first hurdle is establishing who owns this property. LandOnline shows the Harbour Board as the owner but the Hutt City GIS system shows that HCC is the owner. Our head of Parks seemed to think that due to the riverside location, the land was owned by GW and managed by HCC on their behalf.

Even if GW doesn't own the land, it has an interest in it because the Natural Resources Plan covers the coastal marine area and the river. So the building of a boat shed in that area will be covered by the Natural Resources Plan. I have been digging and found the below rules and objectives.

Speaking with GW, they have cited a few other reasons why they would not be supportive of a new building on the disused site:

1. They are likely to take a flood risk management POV view on both existing structures and anything proposed
2. There is work on a new flood management plan which will likely cover the river mouth. While this may not be in the next five years, there is concern about permitting new properties on the riverside because that will mean more people to deal with in the future.
3. With climate change, increased risk of flooding and sea level rise may necessitate GW to designate or require the land. Again, the fewer people involved the better.

Broadly, these align with what we heard from Parks last week.

Additional to this, the following regulatory barriers were noted:

1. As the boat shed would be in the Coastal Marine Area, a permit would be required.
2. The hydraulic line is stipulated in the comments of the District plan
3. Building on this site would likely need to be publicly notified
4. The area at Hikoikoi Reserve is a site of significance to Maori and it would require consultation with Mana Whenua prior to offering up a new licence.

## Rules

5.4.7 All other uses of the beds of rivers and lakes

### **Rule R145: All other uses of river and lake beds – discretionary activity**

**All other uses that would otherwise contravene section 13(1) or 13(2) of the RMA and any associated activities under sections 14 or 15 of the RMA in, on, under or over river and lake beds that is not permitted, controlled or restricted discretionary by Rule R122 to Rule R129 is a discretionary activity, except for reclamation, damming and diverting of water.**

Rule R201: New boatsheds outside Boatshed Management Areas – non-complying activity

**The placement of a new boatshed outside a Boatshed Management Area shown on Map 50 and the associated use of the boatshed in the coastal marine area that is not a discretionary activity under Rule R200, is a non-complying activity.**

5.6.2 coastal management general conditions

#### ***Diversion***

**(g) No structure shall alter the natural course of a river (that is part of the coastal marine area), including any diversion of open coastal water during flood events, and**

#### ***Design and maintenance of structures***

**(l) Any structure (other than stormwater network structures) shall be designed and maintained so that it does not reduce the ability of the river (that is part of the coastal marine area) to convey flood flows, including the management of flood debris accumulated against the structure, and**

5.6.9 Boatsheds and swing moorings

Rule R198: Use of boatsheds – permitted activity

**The use of a boatshed in the coastal marine area, for water based activities that require a coastal location, is a permitted activity, provided the following condition is met:**

- (a) the activity shall comply with the coastal management general conditions specified above in Section 5.6.2.

Rule R199: Change of use of boatsheds – non-complying activity

**The change in use of a boatshed in the coastal marine area to an activity that does not have a functional need to be in the coastal marine area, after the date of 31 July 2015, including any associated:**

- (a) occupation of space in the **common marine and coastal area**, and
- (b) disturbance of the foreshore or seabed, and
- (c) deposition in, on or under the foreshore or seabed, and
- (d) discharge of contaminants is a non-complying activity.

**Notification**

**In respect of Rule R199, applications must be publicly notified.**

**Objectives**

**3.14 Coastal management**

Objective O45

Use and development shall generally not be located in the coastal marine area unless it has a **functional need** or **operational requirement** to be located there.

Objective O47

**The need for public open space in the coastal marine area is recognised.**

**Policies**

Policy P147: New boatsheds

**New boatsheds shall be managed by:**

- (b) avoiding the development of boatsheds outside Boatshed Management Areas (shown on Map 50), and
- (c) requiring that new boatsheds are compatible in scale, size and character to existing boatsheds.

4.9.9 Activities in beds of lakes and rivers

**Policy P110: Loss of extent and values of the beds of lakes and rivers, and natural wetlands**

**The loss of extent and values of the beds of lakes and rivers and natural wetlands,**

- (a) in a river:
  - there is a **functional need** for the activity in that location; and
  - any **reclamation** or drainage is:
    - partial **reclamation** of a river bank for the purposes of flood protection or erosion control, or
    - for the purposes of the development, operation, maintenance and **upgrade** of **Regionally Significant Infrastructure**, or
    - associated with the creation of a new river bed and does not involve piping of the river, or
    - for the purpose of forming a reasonable crossing point, or
    - associated with the extraction of **significant mineral resources** from existing quarries, or
    - partial **reclamation** of a river bank for the purposes of local roads, and
    - in respect of (1) to (6) there are no other practicable alternative methods of providing for the activity,

I don't think this leaves us completely hamstrung. We can still approach current owners- I intend to draft something this week.

Hopefully this shows that we have shown good faith in trying to arrange a boat shed for Graham Gilbert.

Ngā manaakitanga

**Melissa Harward**

Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

P: M: W: [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



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---

**From:** Information Management Team  
**Sent:** Friday, 28 July 2023 4:31 pm  
**To:** Melissa Harward  
**Subject:** RE: Request for assistance

Kia ora Melissa,

I will arrange retrieving the file next week, I'll let you know when it is available to view and we can arrange an appointment time at Liangs Road.

Ngā mihi,  
Char

---

**From:** Melissa Harward <Melissa.Harward@huttcity.govt.nz>  
**Sent:** Friday, July 28, 2023 3:59 PM  
**To:** Information Management Team <informationmanagementteam@huttcity.govt.nz>  
**Subject:** RE: Request for assistance

Kia ora Char  
What an awesome help this is, thank you.

I would be keen to see the historic information. Please let me know when it is available.

Have a good weekend

**Ngā manaakitanga**

**Melissa Harward**  
Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010  
**P:** **M:** **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



---

**From:** Information Management Team <[informationmanagementteam@huttcity.govt.nz](mailto:informationmanagementteam@huttcity.govt.nz)>  
**Sent:** Friday, July 28, 2023 12:21 PM  
**To:** Melissa Harward <[Melissa.Harward@huttcity.govt.nz](mailto:Melissa.Harward@huttcity.govt.nz)>  
**Subject:** RE: Request for assistance

Kia ora Melissa,

Further to our discussion last week I have done a search in our council archives relating to Hikoikoi Boatsheds and found a few things that may be of relevance.

I have added a table below with the items I think are the most relevant and some additional ones that may be of interest to you.

I was able to find some information on Boatshed 1, It is possible that this boatshed was leased by a s 7(2)(a) between 1996 and 2002.

There is also a file that looks like it is related to this. We don't know exactly what is in there, but we can retrieve it for you to view as it is a physical file.

This will take a couple of days, and then we will arrange a time for you to view this at Liangs Road.

Let me know if you would like us to go ahead and retrieve this file for you, see links below for the relevant archives.

Ngā mihi,  
Char Taylor

ARCH79478	Hutt City Council - Minutes - Policy Committee - Public Business 5-7-2011 to 11-10-2011 - Policy Committee Meeting 11 October 2011 - New licence to occupy reserve land.PDF	21 Sept 2011	<a href="#">Link</a>	Committee meeting minutes discussing the new Licence to Occupy Reserve Land with Boatshed Schedule.	Relevant
ARCH79478	Hutt City Council - Minutes - Policy Committee - Public Business 5-7-2011 to 11-10-2011 - Policy Committee Meeting 11 October 2011 - New licence to occupy reserve land - App 1.PDF	11 Oct 2011	<a href="#">Link</a>	Licence to Occupy Reserve Land Appendix document.	Relevant
ARCH79481	Hutt City Council - Minutes - Petone Community Board - Public Business 27-10-2009 to 26-9-2011 - Petone Community Board Meeting 28 March 2011 - Private boatsheds at hikoikoi reserve.PDF	28 Mar 2011	<a href="#">Link</a>	Memorandum from Shelley Donoghue to Petone Community Board regarding Licence to Occupy documents for Hikoikoi Reserve boat sheds.	Relevant
DOC/19/32226	Licence to Occupy - Boatshed 19 Hikoikoi Reserve, Petone - 2004.PDF	2002	<a href="#">Link</a>	Licence to Occupy document for Boatshed 19.	Semi-relevant
DOC/14/11244	Re- Confidential and Without Prejudice - Thank you for the Deed of Surrender of Licence and letter dated 18 May 2005 - Hikoikoi Boatshed 9.PDF	2005	<a href="#">Link</a>	Letter regarding Surrender of Licence for Boat Shed at Hikoikoi Reserve, Boat Shed 9 burnt down.	Semi-relevant

---

**From:** Melissa Harward <[Melissa.Harward@huttcity.govt.nz](mailto:Melissa.Harward@huttcity.govt.nz)>  
**Sent:** Friday, July 21, 2023 9:24 AM  
**To:** Information Management Team <[informationmanagementteam@huttcity.govt.nz](mailto:informationmanagementteam@huttcity.govt.nz)>  
**Cc:** Laura Jamieson <[Laura.Jamieson@huttcity.govt.nz](mailto:Laura.Jamieson@huttcity.govt.nz)>  
**Subject:** RE: Request for assistance

I will be from about 12

**Ngā manaakitanga**

**Melissa Harward**  
Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010  
**P:** **M:** **W:** [www.huttcity.govt.nz](http://www.huttcity.govt.nz)



---

**From:** Information Management Team <[informationmanagementteam@huttcity.govt.nz](mailto:informationmanagementteam@huttcity.govt.nz)>  
**Sent:** Friday, July 21, 2023 9:14 AM  
**To:** Melissa Harward <[Melissa.Harward@huttcity.govt.nz](mailto:Melissa.Harward@huttcity.govt.nz)>  
**Cc:** Laura Jamieson <[Laura.Jamieson@huttcity.govt.nz](mailto:Laura.Jamieson@huttcity.govt.nz)>  
**Subject:** RE: Request for assistance

Kia ora Melissa,

Thank you for your enquiry.

We're happy to discuss this with you and get more details, are you free today for a 30 min teams chat?

Ngā mihi,  
Information Management Team

---

**From:** Melissa Harward <[Melissa.Harward@huttcity.govt.nz](mailto:Melissa.Harward@huttcity.govt.nz)>  
**Sent:** Thursday, July 20, 2023 3:43 PM  
**To:** Information Management Team <[informationmanagementteam@huttcity.govt.nz](mailto:informationmanagementteam@huttcity.govt.nz)>  
**Subject:** Request for assistance

Kia ora e hoa ma

I am seeking a hand with a quick question about the ownership of Hikoikoi reserve boatsheds, in particular those that are no longer leased.

I have been looking through Te Pataka but note a significant amount of info sits in the archives. Keen to chat about this for more detail.

Thank you!

Ngā manaakitanga

**Melissa Harward**

Solicitor

Hutt City Council, 30 Laings Road, Lower Hutt 5010

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