

14 March 2003

Mr David Benham
Divisional Manager
Utility Services
Greater Wellington
P O Box 11-646
WELLINGTON

Dear David

**Ngauranga Water Reservoir : Proposed "Smiley Face" by Ian Huckstepp -
Updated Information**

I refer to my letter to you in this matter, dated 13 August 2002, in which it is stated that a resource consent under the District Plan from the Wellington City Council is not required for the subject proposal.

Following recent discussions between yourselves and Stephen Rainbow and Brendon Stone from the Wellington City Council, I now write to confirm that following numerous complaints to Council from local residents, who would, should the proposal proceed, ultimately overlook the large painted (yellow) "smiley face" atop the reservoir, the Environmental Control Business Unit, being the regulatory wing of Council, has undertaken a review of this early call, and has since obtained specific legal advice on this issue.

I regret to advise that the outcome of this legal advice is that, amongst other things, resource consent approval is in fact required prior to the proposal proceeding atop the reservoir, which is located in an Open Space area. Moreover, public notification of such an application, pursuant to sections 93 and 94 of the Resource Management Act 1991, would enable the numerous residents who overlook the site to have input in to the appropriate resource management process.

In any event, following the letter from Council dated 12 September 2002, in which Derek Fry advises that the requisite land owner consent from Council would be required, there may be a view that the current "promotion" of the proposal by the applicant (via Greater Wellington) is somewhat meaningless. Moreover, as previously noted, clause (b) of the resolution by your Utilities Services Committee requires the proposal being "supported" by the Wellington City Council, which as you now know, is unlikely to be forthcoming.

I apologise for any frustration this review may cause and suggest that you contact me on 801-3271 or Brendon Stone (a Team Co-ordinator in the Resource Consents team) on 801-3514, with a view to meeting in this matter as soon as possible to, amongst other things, go over the attached legal opinion. We would also be interested to learn more of the feedback your organisation has received in response to the letter and questionnaire that you had sent to local householders. Specifically, has a "firm" level of support been demonstrated via the recent consultation process, which was one of the other stated requirements for any support from your organisation ?

Ordinarily then, over and above such other requirements, the applicant would now need to prepare a resource consent application and accompanying Assessment of Environmental Effects, to be submitted to the Environmental Control Business Unit of this Council for processing, pursuant to the relevant District Plan and Resource Management Act provisions, as per the attached booklet, being "A guide to resource consents in Wellington City".

However, in a fundamental way, the change in determination on the District Plan status of the proposal is somewhat academic given the conditions (constraints) of the relevant committee decision at Greater Wellington and the separate land owner issue as already advised by the Wellington City Council.

On this basis, I raise the issue as to whether in fact it is worth this proposal proceeding any further. I await your response in this matter.

Yours sincerely



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Encl.