

1 March 2023

Andrea Hilton

s7(2)(a)

Tēnā koe Andrea

**Request for Information pursuant to the Local Government Official Information and Meetings Act 1987 (LGOIMA)**

Thank you for your correspondence of 7 February 2023, in which you have requested information about land use resource consents issued for 2 Daysh Street / 870 High Street in Avalon.

I have attached information we hold in relation to consents for these addresses, as follows:

- 1976 – Refusal of planning consent under the Town Planning Act for a proposed warehouse and retail outlet
- 1986 – Dispensation for a workshop for IHC
- 1995-1998 – Resource consent and subsequent monitoring for a church
- 1999-2004 – Resource consent application and subsequent correspondence for a Kohanga Reo. This appears to have been determined to be a permitted activity subject to meeting vehicle parking standards.

Please note that some information has been withheld from these documents under section 7(2)(a) of the LGOIMA, to protect the privacy of individuals. This is predominantly names, email addresses and telephone numbers.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at [www.ombudsman.parliament.nz](http://www.ombudsman.parliament.nz) or freephone 0800 802 602.

Please note that this letter may be published on the Council's website.

Nāku noa, nā



Susan Sales  
**Senior Advisor, Official Information and Privacy**

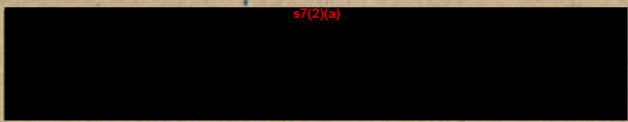
ARCH40909	[Agreement With Another Organisation. Agreement To Take Land.] [REDACTED] s7(2)(a) [REDACTED] and Lower Hutt City Council, Park Avenue, Daysh Street. 15-03-1965	Lot 67 DP 18397. CT 738-68 RAMM Description - DAYSH ST D05 L RAMM No. 408; PARK AVE P04 L RAMM No. 637. Agreement for Council to take land to be known as Lot 1 DP 13522 CT 527-66 and Lot 1 on DP 24851 and to prepare for subdivision and owner allowed to erect a building subject to conditions being set back from High Street frontage with access to adjoining building on Lot 3 DP 13510.
ARCH53615	[REDACTED] s7(2)(a) [REDACTED] Corner of Daysh Street and High Street - Warehouse and Ancillary Retail Outlet	1976
ARCH58428	Lot 1 DP 13522. Southeast corner of High Street and Daysh Street. Refers to BP 1306A.	1966-1967

Local

ent Official Informatio

AGREEMENT ~~W/~~ (TO TAKE LAND)

L97/2205



57(2)(a)

ent Official Informatio

Local

497/2205

THIS DEED made this 15<sup>th</sup> day of March 1965

BETWEEN [REDACTED] of the City of Lower Hutt,

Pharmacist (hereinafter with his executors administrators and assigns called "the Owner") of the one part AND THE

CORPORATION OF THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF

LOWER HUTT a body corporation under the provisions of the

Municipal Corporations Act, 1954 (hereinafter called "the

Council") of the other part WHEREAS the Owner is the registered

proprietor of all those pieces of land situate in the City of

Lower Hutt FIRST containing 6.65 perches more or less being part

of Section 49 Hutt District and being also Lot 67 on Deposited

Plan No. 18397 and being the whole of the land contained in

Certificate of Title Volume 738 Folio 68 Wellington Registry

(hereinafter called "the first described land") AND SECONDLY

containing 1 rood 5.98 perches more or less being part of

Section 49 Hutt District and being also Lot 1 on Deposited Plan

No. 13522 and being the whole of the land contained in Certificate

of Title Volume 527 Folio 66 Wellington Registry (hereinafter

called "the secondly described land") AND WHEREAS the Council

is desirous of acquiring from the Owner portion of the first

described land and has caused to be prepared a Plan of

Subdivision of part of the first described land and part of the

Certificate of Title Volume 586 Folio 192 owned by Her Majesty

the Queen which Plan has been deposited in the Land Transfer

Office at Wellington under No. 24851 AND WHEREAS that part of

the first described land so required by the Council is delineate

on the said Plan as Lot 1 thereon with an area of 2.41 perches

AND WHEREAS the Owner and the Council have agreed that the

compensation payable to the Owner in respect of the acquisition

by the Council of the said Lot 1 on Deposited Plan No. 24851

shall be the sum of Fiftyfive pounds (£55.) AND WHEREAS in the

course of the negotiations between the Owner and the Council

prior to the said compensation of £55. having been signed the

Council has agreed that the Owner shall be entitled to erect a

building on the secondly described land in excess of the

18-III-65 96455 \*\*\*1-0-0

Official Information

permitted coverage thereof subject however to such buildings being set back from High Street frontage only of the secondly described land to the extent of 15 feet and to the provision of an open space or area of 12 feet by 60 feet for access to the adjoining building on Lot 3 D.P. 13510 and for sewer, drainage and to permit the compliance with any health or other regulations applicable thereto NOW THIS DEED WITNESSETH as follows:-

1. THE Owner hereby covenants with the Council that he will transfer to the Council for an estate in fee simple all that piece of land having an area of 2.41 perches more or less being part of Section 49 Hutt District and being also Lot 1 on Deposited Plan No. 24851 and being part of the land contained in Certificate of Title Volume 738 Folio 68 Wellington Registry.
2. THE Owner will execute the Transfer in favour of the Council of the land referred to in Clause 1 hereof on the 30th day of March, 1967 or at such earlier date as may be mutually agreed upon PROVIDED HOWEVER that the Owner will not be required to execute the transfer in manner aforesaid until plans for the erection of a building on the secondly described land have been approved by the Council and a building permit issued therefor PROVIDED FURTHER that the Owner shall with all reasonable speed proceed with the preparation of the said building plans and submit the same to the Council for approval.
3. THE Owner acknowledges that the Council has erected a close boarded fence along the boundaries of the said Lot 1 where the same are contiguous with land owned by the Owner at no cost to the Owner and to the satisfaction of the Owner who accepts responsibility for contribution to the maintenance or repair of such fence.
4. THE Council will bear the costs of survey as delineated on Deposited Plan No. 24851 and will pay the Owner's reasonable legal costs in giving effect to this transaction including the Owner's costs of perusal and execution of this Deed.

the Council shall pay to the Owner the sum of £55. in respect of the acquisition of the said piece of land and payment of such sum and the erection by the Council of the fence referred to in Clause 3 hereof shall be accepted by the Owner in full and complete settlement of all claims which the Owner would otherwise have had as an Owner claiming compensation under the Public Works Act, 1928 in respect of the said land.

6. THE Council will not when approving the plans of the building referred to in Clause 3 nor at any time thereafter call upon the Owner to make provisions for off-street parking as required by Ordinance VI Clause 4 of the Code of Ordinances of the Council.

7. THE Council will permit the Owner to exceed the normal maximum site coverage for buildings and to build to the boundaries of the secondly described land subject to the building being set back 15 feet from the High Street frontage and to the provision of an open space and area 12 feet by 60 feet for access to the building on the adjoining Lot 3 on Deposited Plan No. 13510 and for sewer drainage and to permit compliance with any health regulations applicable thereto.

IN WITNESS WHEREOF these presents are executed the day and year first hereinbefore written.

SIGNED by the said  
in the presence of:-

[Redacted signature area]

*Solicitor Wellington*

THE COMMON SEAL OF THE MAYOR COUNCILLORS AND CITIZENS OF THE CITY OF LOWER HUTT was hereunto affixed pursuant to a Resolution of the Council in the presence of:-

*[Signature]*  
Mayor

*[Signature]*  
Town Clerk

DATED

1965

[REDACTED] 57(2)(a)  
with

LOWER HUTT CITY COUNCIL

DEED RE TAKING OF LAND

Hogg Gillespie Carter & Oakley,  
Solicitors,  
LOWER HUTT.

304-8-230

304

8

230

File No.

**SUBJECT:**

[REDACTED]

CORNER OF DAYSH & HIGH STREETS.

WAREHOUSE & ANCILLARY RETAIL OUTLET.

FILE NUMBER(S) OF  
PREVIOUS FILE(S) IF ANY:

REFERENCE TO OTHER  
RELATIVE FILES:

Local

ent Official Informatio



COUNCIL MEETING - 22 NOVEMBER, 1976(f) Town Planning Committee -(ii) Special Meeting - 28 October, 1976 -

Pages 1 - 13 (as circulated), excluding  
Items 5 and 6.

Item 6 - Application by Irvin and Stern Ltd for  
Consent to erect a warehouse and ancillary retail  
outlet on the corner of Daysh and High Streets  
in the Industrial B zone

Councillor Werry moved, seconded by Councillor  
Gibbs -

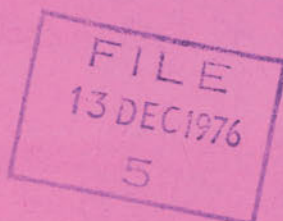
"That the report and recommendations be  
adopted."

An amendment was moved by Councillor Frost,  
seconded by Councillor Woodley in the following  
terms:-

"That the report be referred back to the  
Committee for further consideration in view of  
the existing retail operations in the area."

The amendment on being put to the meeting was lost,  
six Councillors voting in favour thereof and  
nine Councillors against.

The original motion moved by Councillor Werry was  
put to the meeting and carried on the voices.



LOWER HUTT CITY COUNCIL

Date: 9.11.76

Town Clerk's Department

Internal Memorandum to:

(FOR ACTION AS INDICATED  
BELOW)

Copies to: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Meeting of the SPECIAL MEETING - TOWN PLANNING Committee Date 28/10/76...

Confirmed by Council on: Date 22/11/76...  
OPEN MEETING ) Cross out as  
~~NON-PUBLIC BUSINESS~~ ) applicable

Application by Irvin and Stern Limited for consent to erect a warehouse and ancillary retail outlet on the corner of Daysh and High Streets in the Industrial B Zone (304/8/230):

<sup>s7(2)(a)</sup> [redacted] appeared as Solicitor for the applicant and, at the request of the Committee, the Senior Planning Officer, Mr. R.D. Hayles, was called. A copy of Mr. Hayles' statement is attached at pages T.P. 5064 to T.P. 5066. In answer to questions from the Committee, Mr. Hayles said the issue involved was whether industrially zoned land was suitable for the use proposed in terms of this application, particularly having regard to the retail aspects involved.

<sup>s7(2)(a)</sup> [redacted] then called <sup>s7(2)(a)</sup> [redacted] Consultant Planner, and a copy of <sup>s7(2)(a)</sup> [redacted] evidence is attached at pages T.P. 5067 to T.P. 5070. In answer to questions from the Committee, he said that in the furniture business a showroom tends to develop into a warehouse and a warehouse tends to develop into a showroom. The operation of ancillary retailing in terms of the application out of zone should have no serious effect, in his view, on the High Street commercial retail area.

FILE  
23 NOV 1976  
8

<sup>s7(2)(a)</sup> [redacted] then called <sup>s7(2)(a)</sup> [redacted] a Director of the Applicant Company, and a copy of <sup>s7(2)(a)</sup> [redacted] statement is attached at pages T.P. 5071 to T.P. 5073. In answer to a question from the Committee as to provision of a verandah, <sup>s7(2)(a)</sup> [redacted] said that greater yard space would provide more opportunity for landscaping although his personal preference was to see a verandah provided.

<sup>s7(2)(a)</sup> [redacted] then made submissions in writing, and a copy of these submissions is attached at pages T.P. 5074 and T.P. 5076. He said that retail activity would not become the main function at the premises as any retail sales proposed would be secondary to those conducted from the premises at 195 High Street. The Chairman noted the Company's voluntary undertaking in regard to the provision of landscaping.

Instructions: \_\_\_\_\_

Signed:

Committee Secretary

Date:

RESOLVED TO RECOMMEND:

"That in terms of Sections 30B and 35 of the Town and Country Planning Act 1953, the Lower Hutt City Council hereby resolves to refuse its consent to erect a warehouse and ancillary retail outlet on land zoned Industrial B at the corner of Daysh and High Streets being Lot 1, D.P. 13522 on the grounds that retail activities within the Industrial B zone would be contrary to the public interest, would have Town and Country Planning significance beyond the immediate vicinity of the land concerned, and the effect of granting a departure to permit such retail activity in terms of the present proposal would call into question the provisions of the District Planning Scheme prohibiting such activities in the Industrial B zone."

(This is not part of the recommendation but is intended to indicate its general effect.

The showroom and retail activities envisaged under this proposal ought, in the Committee's view, to be undertaken on suitable commercial land. It therefore recommends that Council decline the application.)

LOWER HUTT CITY CORPORATIONAPPLICATION FOR SPECIFIED DEPARTURE AND UNDER SECTION 30BIRVIN AND STERN LTD. - 824 HIGH STREET

s7(2)(a)

states:

1. I AM Senior Planning Officer for Lower Hutt City.

2. Proposal:

It is proposed to erect a warehouse and ancillary retail outlet on land at present used for storage and parking. No details of internal partitioning are shown and it would appear likely that retailing could become the main function of the building.

3. Zoning:

The site of the proposed development is zoned Industrial B under both the Operative District Scheme and the Draft Review. The site area is 1162 m<sup>2</sup> (45.98 perches).

4. Planning Considerations:

Warehouses are a predominant use in Industrial B zones, but there has been some confusion as to the relationship of warehousing to manufacturing and commercial activity. In order to clarify Council's intention in this regard, Code Amendments Nos. 13 and 14 and Code Variations No. 5 and 6 were publicly notified earlier this year. Objections closed on 21st June of this year and none were received.

5. Amendment No. 14 states "warehouse means and includes buildings used for the storage and despatch of goods but specifically excludes premises where goods are available for sale directly to the public at either retail or wholesale rates".

6. Council's concern to ensure that zones are maintained for their declared purpose is expressed in Code Variation No. 5 which prohibits the use of "any land or building, or part thereof, for retail sales in any Industrial Zone".

7. The application makes it clear that retailing is involved and although the retailing may originally be ancillary to the warehousing activities, in practice this would be difficult to control, and it is likely that in time the use may become a purely retail activity in an industrial zone.

FILE  
25 NOV 1976

The use is one which would be predominant in a Commercial B zone. It is recognised that there are other commercial activities within this block but, with the exception of the Kentucky Fried Chicken Bar, these have existing use rights and with the shortage of industrially zoned land these sites can be expected to be redeveloped for light industrial purposes.

8. SHOULD this application be approved, it is possible that other applications of a similar nature would be forthcoming, and in this regard the Town and Country Planning Appeal Board has stated:-

"If a departure application is not based upon exceptional or abnormal circumstances and the circumstances are no different from those applying to many other land owners, in the immediate vicinity and beyond, then the consequences of approving the application are great".  
(Highway Motors v. Mt. Wellington Borough Council).

9. Public Interest:

The Town and Country Planning Appeal Board has stated that:-

"The term 'public interest' is defined in the Act as including all matters which can in any circumstances be of public interest, and therefore it goes beyond purely town planning considerations. But the Board believes that in the great majority of departure applications, the relevant matter of public interest will be to see that the general provisions of the District Scheme are respected..... Any proposal for a departure which calls in question a general provision of the District Scheme is contrary to the public interest". (Highway Motors v. Mt. Wellington Borough Council).

As has already been stated, the approval of this application would call into question Code Amendments Numbers 13 and 14 and Code Variation Numbers 5 and 6.

10. IT is required of every applicant for a Specified Departure that he show cause why his application should be granted. "The very reason for that requirement is that the provisions of Section 33 of the Act oblige the Council to enforce the observance of its Operative District Scheme and the provisions of Section 36 of the Act make it an offence to use any land or building in a manner not in conformity with the scheme." (Davies Properties Ltd. v. Auckland City, 4 NZTPA, p.206).

11. Detrimental Effects:(a) Traffic and Parking:

Provision is made for 10 car parks off Daysh Street although it is doubtful whether these parking spaces would be used as the main orientation of the building is towards High Street, and it is likely that potential customers would park on street. This could create problems at the intersection as Daysh Street is a main route into Naenae.

(b) Pattern of Development:

The pattern of development set out within the District Scheme provides for concentration of commercial activities into clearly discernible areas based upon existing shopping centres and does not provide for major shops/warehouses to be located within industrial zones. A ribbon extension of commercial development following the main arterial route within the City is most undesirable from a Town Planning point of view. The Town and Country Planning Appeal Board has stated that the term 'significance beyond the immediate vicinity' should be considered not only in respect of the effect of the proposed use upon the immediate vicinity and beyond but also a use should be considered "in respect of its significance in relation to the pattern of development defined by the scheme itself." (Davies Properties v. Auckland City).

(c) Shortage of industrial land:

It would be unfortunate to commit an industrially zoned site to predominantly retail activities in view of the need both present and future for industrial sites.

12. Conclusion:

The proposed development of a large shop/warehouse within an Industrial B zone calls into question the provisions of the District Scheme both in terms of the pattern of development which the scheme seeks to ensure and specific provisions within the scheme. The proposal would be of more than little significance both within and beyond the immediate vicinity and is liable to give rise to a number of adverse effects. In my opinion this application should be declined.

28th October, 1976.

APPLICATION BY IRVIN AND STERN LIMITED FOR SPECIFIED DEPARTURE

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STATEMENT OF EVIDENCE OF [REDACTED] s7(2)(a)

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My name is [REDACTED] s7(2)(a) I am a partner in the firm of Gabites Alington & Edmondson, planning consultants, Wellington. I have had 5 years' experience as a planner with the Wellington City Council and 6 years as a consultant.

1. This is an application by Irvin & Stern Ltd to erect a furniture warehouse and ancillary retail outlet on the corner of Daysh and High Streets. The property has an area of 1 r. 5.98 p. and forms part of a small isolated pocket of land zoned Industrial B.
2. The reviewed district scheme permits "Warehouses for the storage or distribution of goods and showrooms associated therewith" as a predominant use. This proposal would naturally fit within this use category except that a recent change made to the Scheme specifically excludes retail outlets from the Industrial B zone. I understand that the change was made to prevent the proliferation of retail uses from jeopardising the proper development of localities specifically set aside for light industry, warehousing and service industry. I agree with this objective but believe that in this particular case it is not of relevance.
3. The zoning as Industrial B of this limited and isolated area is in my opinion incorrect. It has probably resulted from a situation which is often difficult to avoid, the legacy of a lack of planning in the past. I consider that the proper zoning for the whole of this block is residential and that the non-residential uses save perhaps for the service station should have been planned to be phased out eventually. However in the light of recent developments permitted under the existing zoning this would be impracticable. Nevertheless it would be undesirable for this area in the midst of a suburban neighbourhood to develop for purely industrial purposes.

IN THE MATTER of The Town and Country  
Planning Act 1953

AND

IN THE MATTER of an Application for  
Consent to Specified  
Departure and an  
Application for an Order  
pursuant to Section 30B  
of the Town and Country  
Planning Act 1953 by  
IRVIN & STERN LIMITED

EVIDENCE OF [REDACTED]

1. My full name is [REDACTED] I am a  
Director of Irvin and Stern Limited the applicant  
herein.
2. I have been involved in the retailing and  
distribution of furniture for the past thirty years  
having had my own firm of Eddy & Gray for some  
considerable time and then setting up Interiors 195 Ltd.  
in Lower Hutt which was subsequently taken over by  
Irvin and Stern Limited the present applicant.
3. This application is for consent to use a portion  
of a proposed warehouse showroom for the purpose of  
selling goods direct to the public.
4. We have found in the running of Interiors 195 Ltd.  
that a large storage area is essential because of the  
difficulties and delays involved when ordering goods from  
overseas. It is therefore essential to carry a very  
large stock on hand at all times and it is for this  
reason that we have decided to undertake the proposed  
venture.
5. The venture is based on the concept that goods will  
be stored throughout the building in such a way as to be  
viewed by interested persons, and facilities will then



4. The proposal does in the circumstances offer a good compromise. It is basically a single storeyed structure although it does have a mezzanine floor. It is of simple not unattractive design and the activity would have no potential for the generation of nuisance associated with industry. It is proposed to be set back 15 feet from the High Street frontage thus providing the opportunity for landscaping provision to help blend the development into the general residential environment of the neighbourhood. In this respect however the verandah would have to be deleted. Located on the High Street and with access to Daysh Street it would not generate significantly greater volumes of traffic or cause an increase in traffic conflicts. Ten off street parks are provided plus a loading dock, with access to the minor street. The site is therefore suitable for the use proposed.
5. The site is also suitable for a furniture store because of the store's special peculiarities. There has been a change in recent years in the approach to furniture sales. The change has been brought about mainly by high labour costs and the labour intensive nature of shifting bulky goods about. No longer are large furniture stocks stacked in warehouses or storerooms to be shifted into retail areas as the stock is turned over. Space has become too valuable and labour too costly, so that the total stock is now generally stored in one structure but arranged so that it can be viewed. The storage space becomes the retail space and vice versa. This change has resulted in large space requirements and the economics of the operation have given rise to the decentralisation of these activities. This has not been to the business's disadvantage as furniture and carpet sales are not reliant upon impulse buying but are generally the subject of a specially pre-conceived shopping trip.
6. The economics of the operations, the large space needs and hence the geographical locational requirements of this form of business are well illustrated by comparison with other store types. The following table gives a summary of the most recent census of distribution data:

Store Type	Sales per sq.ft of total floor space	Average total floor space per store
Food & drink (packaged) total	\$ 68	1,210
Apparel total	\$ 50	1,179
Furniture store	\$ 27	6,007
Household appliances	\$ 54	1,860
Hardware total	\$ 50	3,956
Chemist	\$ 80	1,008
General store	\$ 57	2,933
Department and variety	\$ 42	14,810
Seedsman & nurseryman	\$ 19	2,052
Timber yard	\$ 53	8,017
Tobacconist	\$157	325
Music record store	\$ 64	1,210
Offices supplies store	\$ 87	2,339
Sports goods dealer	\$ 43	1,567
Stock & station agent	\$ 44	8,351

Source: Census of Distribution 1972-73

It includes all of the major store type groupings and some of the specific types. From the table a comparison between the different types can be made. It is significant that except for the seedsman and nurseryman who are very often sited in suburban or rural locations, the furniture store has the lowest sales per square foot of floor space. Also of significance is the fact that the average furniture store is about six times as large as the normal type of store and is only smaller than the average department/variety store, timber yard and stock and station agent.

7. It is obvious simply from the point of view of the size of the operation and its economics that this type of store along with such as the nurseryman and the timber sales, is not properly located within the core of the central business district where space is at a premium and is priced accordingly. The truth of the matter is well illustrated in towns and cities throughout New Zealand where furniture

stores are typically found located on the periphery of the central business district in areas usually zoned "light industrial", or in the upper floors of commercial buildings.

8. Some local authorities which I advise have given this type of store special recognition, either by specifying trading warehouses as distinct from storage warehouses as predominant uses in the light industrial zones on the periphery of the retail area or by providing a special zone on the perimeter of the central business district especially to accommodate such uses.

### Conclusion

The zoning of this limited and isolated area as Industrial B is an unfortunate accident of history, but it would be unrealistic now to make any significant change in this respect. The proposed use is more desirable, having regard to the surrounding residential neighbourhood, than industrial uses that would be permitted, and it can satisfactorily operate from the site.

It would be desirable in granting the application however, that as a condition of approval the verandah be deleted and as a further condition, that the frontage be landscaped in accordance with an approved scheme.

be provided on the mezzanine floor for the sale of any goods chosen by such persons.

6. It will also be of assistance in the running of Interiors 195 in that there is insufficient space to display all the goods of a particular range which are for sale. An example of this could be seen from beds which are very bulky and take up a considerable amount of display space. It will be of great benefit to be able to direct members of the public to our warehouse to see the more comprehensive range there after they have initially become interested in one of our examples on display in Interiors 195.

7. It has become increasingly more common over recent years for the sale of furniture to take place in the manner envisaged in this application where for numerous economic reasons, and more important as far as Town Planning is concerned, practical reasons, to allow the public direct access to warehouses where they can purchase goods at Wholesale rates. *leisure* ✕

8. This application has been made because our Company is aware of the inevitable situation where, should the proposed building become an eventuality with its ancillary showroom, which as a mere showroom would comply with the provisions of the scheme and the review, it would only be a matter of time before the public gained access to the premises with the obvious result that sales directly to the public would take place. It is common knowledge that this type of activity is carried out in other Industrial B zones

and it is accepted that no matter how hard a firm may try to restrict its sales from such a showroom to its Trade customers only, sales to the public invariably occur.

9. A considerable portion of the proposed warehouse will be devoted to a carpet workroom which will occupy approximately 1,000 square feet of the building. In this area carpets will be planned, cut and joined. This activity will in all respects comply with the provisions of the scheme.

10. As far as this particular site is concerned, we feel that it is very suitable in that access can be gained from Daysh Street, thereby not interfering with the traffic flow along High Street. Ten car parks have been provided for and the other amenities immediately adjacent would in no way be affected adversely should our application be granted. In fact we feel that the site at the present time in its use as a yard for a cartage contracting firm is quite out of character with the adjacent properties, a number of which are residential and we feel that the proposed building attractively landscaped will be a considerable improvement on what is there at present.

Accordingly, I ask that the Committee recommend that this application be approved.

IN THE MATTER of The Town and Country  
Planning Act 1953

AND

IN THE MATTER of an Application for  
Consent to Specified  
Departure and an  
Application for an Order  
pursuant to Section 30B  
of The Town and Country  
Planning Act 1953 by  
IRVIN & STERN LIMITED.

SUBMISSIONS IN SUPPORT OF APPLICATION

1. This is an application for a Specified Departure and an order pursuant to Section 30B to enable the applicant to erect a warehouse and be permitted to grant access to members of the public for the purchase of goods stored in the warehouse.
2. The proposed building incorporating a warehouse and showroom is permitted as a predominant use under both the District Scheme and the review and it is only the fact that the public will have access to the building that necessitates this application being made.
3. It is appreciated that the Council has recently advertised a change to the proposed review excluding retail outlets in Industrial B zones. It is understood that such a change was to prevent retail outlets encroaching upon Industrial B areas. However it is submitted in this present application that the special circumstances surrounding the site in question and the proposed use are such that the provisions of the proposed review and, in particular, the recent change will not be undermined.
4. The site in question is the last remaining vacant piece of land in an isolated Industrial B zone. It has

the present time in use as a storage area for a carrying company and, as such, provides a fairly unattractive site whereas the proposed building is aesthetically pleasing and it is submitted that it fits in very well with the surrounding buildings.

5. The present uses in the Industrial B zone in question include a chemist shop, a dairy, a service station, Kentucky Fried Chicken retail outlet and a transport depot and it is submitted that should this application be granted the proposed venture would in no way detract from the aforementioned amenities and would, in fact, be in the public interest insofar as the type of venture proposed as mentioned in [REDACTED] <sup>57(2)(a)</sup> [REDACTED] evidence is becoming increasingly more common and desirable.
6. It is further submitted that this particular Departure would have little or no Town and Country Planning significance beyond the immediate vicinity by virtue of the unique situation of the site in that it has been zoned Industrial B, no doubt in the first instance for sound planning reasons. However, subsequent developments within the zone have tended to move away from industrial uses and it is particularly relevant to note that this site is immediately adjacent to a considerable residential area and it should be noted that many undesirable and comparatively noxious industrial uses could be carried out on this site as of right which in the circumstances and the immediate surroundings would be highly undesirable. On the other hand, the proposed use here would, it is submitted, fit in harmoniously with the surroundings. Accordingly, it is submitted that this application should be approved and the Departure granted on the grounds that the proposed

use is:

- a) In the public interest, and
- b) of little Town and Country Planning significance beyond the immediate vicinity.

Local

ent Official Informatio



TOWN PLANNING COMMITTEE

SPECIAL MEETING ..... ORDER PAPER ..... 28/10/76

2.30 p.m. Application by Irvin and Stern Limited for consent to erect a warehouse and ancillary retail outlet on the corner of Daysh and High Streets in the Industrial B zone (304/8/230):

CORAM: HCU (C-MAN) GBS GCB LAC

ALSO:

IN ATT: AO TP SPD PO

APPL: HCU EAD TLE TRP JR.

FILE  
25 NOV 1976

*atkinson*  
*atkinson to atkinson*

Clayton makes statement

1

~~scribbles~~

x d GCB - in public interest

looking -

x d GBB - concerned that retail activity continues - ? is  
permitted going most suitable -

x d HCU

x d GBB - re similar nature of retailing operations -

Brownlie says [redacted] reads statement 2

x d GBB - in furniture business - showroom becomes  
not via phone

x d HCU - with location of such use out of your lane  
serious about a large RT commercial retail area

says [redacted] reads statement 3

\* para 7. rewrite "retail" into "wholesale into" insert "business" <sup>back</sup>

x d GCB re incorporation of [redacted] - by setting back  
will provide more scope for bookkeeping -

G - personal preference for [redacted]

[redacted] makes submission 4

retailing will not become main function -  
retail sales envisaged as secondary to  
sales at 145 High St -

say x d HCU - voluntarily offering bookkeeping -

Spence -

bookkeeping on both High + High St. premises

✓  
All done ✓

IN THE MATTER of The Town and Country  
Planning Act 1953

AND

IN THE MATTER of an Application for  
Consent to Specified  
Departure and an  
Application for an Order  
pursuant to Section 30B  
of the Town and Country  
Planning Act 1953 by  
IRVIN & STERN LIMITED

EVIDENCE OF [REDACTED] [REDACTED]

1. My full name is [REDACTED] I am a  
Director of Irvin and Stern Limited the applicant  
herein.

2. I have been involved in the retailing and  
distribution of furniture for the past thirty years  
having had my own firm of Eddy & Gray for some  
considerable time and then setting up Interiors 195 Ltd.  
in Lower Hutt which was subsequently taken over by  
Irvin and Stern Limited the present applicant.

3. This application is for consent to use a portion  
of a proposed warehouse showroom for the purpose of  
selling goods direct to the public.

4. We have found in the running of Interiors 195 Ltd.  
that a large storage area is essential because of the  
difficulties and delays involved when ordering goods from  
overseas. It is therefore essential to carry a very  
large stock on hand at all times and it is for this  
reason that we have decided to undertake the proposed  
venture.

5. The venture is based on the concept that goods will  
be stored throughout the building in such a way as to be  
viewed by interested persons, and facilities will then

be provided on the mezzanine floor for the sale of any goods chosen by such persons.

6. It will also be of assistance in the running of Interiors 195 in that there is insufficient space to display all the goods of a particular range which are for sale. An example of this could be seen from beds which are very bulky and take up a considerable amount of display space. It will be of great benefit to be able to direct members of the public to our warehouse to see the more comprehensive range there after they have initially become interested in one of our examples on display in Interiors 195.

7. It has become increasingly more common over recent years for the sale of furniture to take place in the manner envisaged in this application where for numerous economic reasons, and more important as far as Town Planning is concerned, practical reasons, to allow the public direct access to warehouses where they can purchase goods at <sup>retail</sup> ~~wholesale~~ rates.

8. This application has been made because our Company is aware of the inevitable situation where, should the proposed building become an eventuality with its ancillary showroom, which as a mere showroom would comply with the provisions of the scheme and the review, it would only be a matter of time before the public gained access to the premises with the obvious result that sales directly to the public would take place. It is common knowledge that this type of activity is carried out in other Industrial B zones

and it is accepted that no matter how hard a firm may try to restrict its sales from such a showroom to its Trade customers only, sales to the public invariably occur.

9. A considerable portion of the proposed warehouse will be devoted to a carpet workroom which will occupy approximately 1,000 square feet of the building. In this area carpets will be planned, cut and joined. This activity will in all respects comply with the provisions of the scheme.

10. As far as this particular site is concerned, we feel that it is very suitable in that access can be gained from Daysh Street, thereby not interfering with the traffic flow along High Street. Ten car parks have been provided for and the other amenities immediately adjacent would in no way be affected adversely should our application be granted. In fact we feel that the site at the present time in its use as a yard for a cartage contracting firm is quite out of character with the adjacent properties, a number of which are residential and we feel that the proposed building attractively landscaped will be a considerable improvement on what is there at present.

Accordingly, I ask that the Committee recommend that this application be approved.

FILE NO: 304/8/230

IN THE MATTER of the Town and  
Country Planning Act  
1953, and the  
Regulations made  
thereunder

- and -

IN THE MATTER of applications under  
Sections 28C, 30B  
and 35 of the Town  
and Country Planning  
Act 1953, for consents  
to a Conditional Use,  
to works contrary to  
the publicly notified  
Review of the  
Operative District  
Scheme, and for the  
grant of exceptions  
to the Scheme by  
consents to Specified  
Departures.



NOTICE OF HEARING

In terms of Regulations 21 and 32 of the Town and Country Planning Regulations 1960 (S.R. 1960/109) NOTICE is hereby given that the proceedings set forth in the Schedule hereto have been set down for public hearing in the City Council Chambers, Laings Road, Lower Hutt, commencing on Thursday 28th October, 1976, at 8.45 a.m.

Access to the Council Chambers may be gained through the Civic Entrance, Administration Building, and thence by lift to the Second Floor.

If any party does not appear in person or is not represented by his Solicitor or otherwise, the proceedings may be determined in his absence when the matters he may have raised in writing will be taken into account in deciding on the applications and any objections thereto.

Twelve copies of a party's submissions and of the evidence of any witness whom he proposes to call should be made available no later than immediately before the hearing commences. Such copies are for the exclusive use of Council. This does not apply to any correspondence already received by my Office.

DATED at Lower Hutt this 14th day of October, 1976.

E.C. Perry,  
TOWN CLERK

(Any enquiries on these matters should be made to Mr. I.J.M. Dunn telephone 666-959 Extension 805).

THE SCHEDULE

1. 8.45 a.m. Objection to the application by the Housing Corporation of New Zealand for consent to a Conditional Use in terms of Ordinance II, Clause 6(3)(d) to erect 4 terrace houses at 12 and 14 York Street in the Residential Redevelopment zone.
2. 9.30 a.m. Objection to the application by Curran Construction Limited for consent to a Conditional Use in terms of Ordinance II, Clause 1 (3)(c) to erect a double storey showroom and office building at 20 Raroa Road in that part of the Commercial B2 zone where development has been deferred until 1980.
3. 10.15 a.m. Objections to the application by the 1st N.Z.R.D.C. for consent to a Specified Departure and an Order under Section 30B of the Act to subdivide land zoned Rural B at Horokiwi Road into 8 lots and to erect dwellings on 6 of these lots.
4. 11.15 a.m. Objection to the application by the Falcon Investment Corporation for consent to a Specified Departure and an Order under Section 30B of the Act to erect 18 dwelling units at 31 and 37 Pharazyn Street in the Residential Redevelopment zone.
5. 12 noon. Objection to the application by Mr. R.E. Webby for consent to a Specified Departure and an Order under Section 30B of the Act to erect a factory and office building at 407 Cuba Street and 10 Victoria Street in the Residential Redevelopment zone.
6. 2.30 p.m. Application by Irvin and Stern Limited for consent to a Specified Departure and an Order under Section 30B of the Act to erect a warehouse and ancillary retail outlet on the corner of Daysh and High Streets in the Industrial B zone.
7. 3 p.m. Application by [REDACTED] <sup>s7(2)(a)</sup> for consent to a Conditional Use, Specified Departure and an Order under the provisions of Section 30B of the Act for consent to use land at 575 High Street for the purpose of an office and display premises for the sale of swimming pool accessories. The land is zoned Commercial A under the Operative District Scheme and Residential Central in terms of the publicly notified Review thereof.
8. 3.30 p.m. Application by [REDACTED] <sup>s7(2)(a)</sup> for consent to a Specified Departure and an Order under Section 30B of the Act to erect a Chiropody Surgery at 367 Stokes Valley Road in the Residential General zone.

1. Applicant: The Branch Manager,  
Housing Corporation of New Zealand,  
P.O. Box 5009,  
WELLINGTON (Your Ref: H.C. 6/71/31B )
- Objector: [REDACTED] s7(2)(a)  
LOWER HUTT
2. Applicant: Curran Construction Limited,  
P.O. Box 27396,  
WELLINGTON
- Objector: [REDACTED] s7(2)(a)  
LOWER HUTT
3. Applicant: Messrs. Findlay, Hoggard, Richmond & Co.,  
Barristers & Solicitors,  
P.O. Box 2694,  
WELLINGTON (Re 1st NZRDC - Attention [REDACTED] s7(2)(a) )
- Objectors: [REDACTED] s7(2)(a)  
PETONE.
- [REDACTED] s7(2)(a)  
PETONE.
- [REDACTED] s7(2)(a)  
PETONE.
4. Applicant: Messrs. Stacey, Smith, Gibson & Holmes,  
Barristers & Solicitors,  
P.O. Box 859,  
WELLINGTON (Re: Falcon Investment Corporation  
Attention: [REDACTED] s7(2)(a) )
- Objector: Messrs. Agar, Keesing, McLeod & Co.,  
Barristers & Solicitors,  
P.O. Box 30342,  
LOWER HUTT (Re: Estate of [REDACTED] s7(2)(a) -  
Attention: [REDACTED] s7(2)(a) )
5. Applicant: [REDACTED] s7(2)(a)  
PETONE
- Objector: Messrs. Rainey, Collins, Armour & Boock,  
Barristers & Solicitors,  
P.O. Box 689,  
WELLINGTON (Re: [REDACTED] s7(2)(a)  
Attention: [REDACTED] s7(2)(a) )
6. Applicant: Messrs. Phillips, Shayle-George & Co.,  
Barristers & Solicitors,  
P.O. Box 38015,  
PETONE: (Re: Irvin & Stern Limited -  
Attention: [REDACTED] s7(2)(a) ).



7. Applicant: Messrs. Phillips, Shayle-George & Co.,  
Barristers & Solicitors,  
G.P.O. Box 2791,  
WELLINGTON (Re: [REDACTED] s7(2)(a) -  
Attention: [REDACTED] s7(2)(a))

8. Applicant: Messrs. Hill Group Consultants,  
P.O. Box 2466,  
WELLINGTON (Re: [REDACTED] s7(2)(a)  
Attention: [REDACTED] s7(2)(a))

ALSO TO THE FOLLOWING:

The Chairman and Members, Town Planning Committee, Lower Hutt City Council.

Councillors G.E. Clayton, E.L. Gibbs, D. Lee, K.M.H. Mildenhall, J.B. Seddon and H.B. Turbott.

The Town Clerk,	Lower Hutt City Council
The Town Clerk Designate	" " " "
The Administration Officer	" " " "
The City Engineer	" " " "
The Town Planner	" " " "
The Staff Surveyor	" " " "
The Senior Planning Officer	" " " "
The Planning Officer	" " " "
The Traffic & Planning Engineer	" " " "
The City Valuer & Property Officer	" " " "
The City Solicitor	" " " "
Secretarial Assistant	" " " "
The Cafeteria	" " " "
The Mayor's Secretary	" " " "
The Telephone Operator	" " " "

The Evening Post	P.O. Box 31044, Lower Hutt
The Dominion	P.O. Box 30458, Lower Hutt
The Hutt News	P.O. Box 30029, Lower Hutt
Capital City Radio Limited	P.O. Box 558, Wellington
Radio New Zealand	90 Queens Drive, Lower Hutt
Mr. K. Isherwood	T.V.1, P.O. Box 30-355, Lower Hutt

Information Desks (2)

<u>File Nos.</u>	304/4/76
	304/5/338
	304/5/339
	304/8/228
	304/8/229
	304/8/230
	333/3/297
	333/3/311

GEORGE COLEMAN PHILLIPS  
COMMISSIONER FOR AFFIDAVITS  
FOR ALL AUSTRALIAN STATES  
STEPHEN JOHN SHAYLE-GEORGE, LL.B.  
PETER BURROWS, LL.B.  
TERRY VINCENT COLES, LL.B.  
PATRICK JAMES DOWNEY, M.A., LL.B.  
DENIS GRENVILLE THOM, LL.B.  
WILLIAM ROSS MULHOLLAND, LL.B.  
MICHAEL ROBERT CAMP, LL.B.  
MURRAY GEORGE HOPKINSON, LL.B.  
JOHN RUSSELL STRAHL, LL.B.

**PHILLIPS SHAYLE-GEORGE & CO.**

BARRISTERS AND SOLICITORS

Telephone 688-124

P.O. Box 38-015

CORNER JACKSON & BUICK STREETS  
PETONE, N.Z.

ALSO AT WELLINGTON IN  
GOVERNMENT LIFE INSURANCE BUILDING

OUR REFERENCE ...CPB:CLB...

IF CALLING, PLEASE ASK FOR

s7(2)(a)

MR. [REDACTED]

29th September 1976

The Town Clerk,  
Lower Hutt City Council,  
Private Bag,  
LOWER HUTT.

Dear Sir,

RE: IRVIN & STERN - TOWN AND COUNTRY PLANNING APPLICATION

Please find enclosed Declaration of Compliance in the above matter.

FILE  
25 NOV 1976  
8

Yours faithfully  
PHILLIPS SHAYLE-GEORGE & CO.

Per: [Signature]

s7(2)(a)

encl:

C.T.		
C.E.		
D.P.R.		
T.P.		
C.V.		
AO	✓	
Act	✓	30/9

THE TOWN AND COUNTRY PLANNING ACT 1953

LOWER HUTT CITY COUNCIL

IN THE MATTER of an Application  
for Consent pursuant  
to Section 30B and  
Section 35 of the  
Town and Country  
Planning Act 1953  
IRVIN & STERN LIMITED

I, s7(2)(a) of Petone, Solicitor, do solemnly and  
sincerely declare:

1. The provisions of sub-clause 2 of the Town and Country  
Planning Regulations have been complied with in respect of this  
Application.

2. That public notification of the said Application have  
been made by advertisement in the Evening Post on the 14th of  
September 1976 and the 22nd of September 1976, a copy of each  
advertisement is annexed hereto.

3. That by registered letters posted at Petone on the 17th  
day of September 1976, copies of the said Application and Notice  
were sent to those persons set out in the letter of the Lower  
Hutt City Council of the 2nd of September 1976.

AND I MAKE this solemn declaration conscientiously believing the  
same to be true and by virtue of the Oaths and Declarations Act  
1957.

DECLARED at Petone this )  
29<sup>th</sup> day of September )  
1976 before me: )

s7(2)(a)

A Solicitor of the Supreme Court of New Zealand

# WELLINGTON POST CLASSIFIED

## PUBLIC NOTICES

IN THE MATTER OF THE Motor Vehicle Dealers Act 1975, take notice that Avery Motors Ltd, Toranaki St, Wellington, has applied through the Magistrate's Court of Wellington for Raewyn Diane Tarse, of 32 Halifax St, Kingston, Wellington and James Maskell, of 54 Ira St, Miramar, Wellington, to be approved salesmen, under Section 81 of the Motor Vehicle Dealers Act 1975, and the Application will be heard by that Court after one month from the 14th day of Sept, 1976, being the date of the first publication of this notice. Signed Avery Motors Ltd. TX550

## HUTT COUNTY COUNCIL

**NOTICE OF PROPOSAL TO ADJUST THE BOUNDARIES BETWEEN NGATURI PARK AND ADJOINING LAND OWNED BY THE HUTT COUNTY AT COAST RD, WAINUIOMATA, AND BETWEEN THE SCOUT DEN AT PEEL PLACE, WAINUIOMATA AND THE ADJOINING RECREATION RESERVE**

Notice is hereby given that Council proposes to adjust the boundaries—

(a) between Ngaturi Park and adjoining land owned by the Hutt County by deleting approximately 1800 sq metres from the north-eastern corner of Ngaturi Park (Lot 2 DP 26945) and utilising this land for staff-housing and adding approximately 2700 sq metres of Hutt County land (Lot 20 DP 26945) to the south-western corner of the park as shown on HCC Plan M357, and

(b) Adjust the boundaries between the Scout Den at Peel Place (Lot 55 DP 13028) and the adjoining Recreation Reserve (Lot 86 DP 13028) as shown on HCC Plan M347.

Copies of the plans are open for inspection at the Hutt County Council Office, Queen St, Wainuiomata and at the office of the Commissioner of Crown Lands, State Fire Building, Stout St, Wellington during normal working hours.

Persons wishing to object to the proposals are to lodge their objections in writing with the County Clerk, Hutt County Council, PO Box 43041 Wainuiomata on or before the 18th day of Oct, 1976.

B J POHLEN,  
County Clerk.  
AX321

## THE TOWN AND COUNTRY PLANNING ACT 1953

### APPLICATION FOR CONSENT TO SPECIFIED DEPARTURE

### APPLICATION FOR CONSENT TO CHANGE OF USE

### APPLICATION FOR CONSENT TO CONDITIONAL USE

## THE PROPERTY IS SITUATED AT 575 HIGH ST, LOWER HUTT

NOTICE is hereby given that application has been made by KEVIN GERARD TULLY and GERARD CHRISTOPHER TULLY for Consent to a Specified Departure and Change of Use and Conditional Use to allow them to convert part of the property from the use of a dairy/grocery business to the use of office premises for the business of office and display premises for the business of the sale of swimming pool accessories. Consent to a Specified Departure and Change of Use and Conditional Use is sought because the land is zoned Commercial A and office use is a conditional use under the Operative District Scheme. The legal description is All that parcel of land containing 20.5 perches more or less being Lot 17 on Deposited Plan 1757 being part Section 35 Hutt District and being all the land in Certificate of Title 162/118 (Wellington Registry) subject to Fencing Covenant in Transfer 62370.

The Application may be examined at the office of the Lower Hutt City Council, City Council Offices, Laines Rd, Lower Hutt, during normal office hours and any person or body affected may object to the Application by notice in writing delivered to the Town Clerk, Lower Hutt City

## PUBLIC NOTICES

### MOTOR VEHICLE DEALERS ACT 1975

### PUBLIC NOTICE OF APPLICATION FOR APPROVAL AS A SALESMAN

Take notice that Ian Taylor, trading as Ian Taylor Motors, Kenepuru Drive, Porirua, has applied to the Magistrate's Court, Wellington, for Ian Roy Taylor, of 7 Leaward Drive, Paremata, to be an approved salesman under section 81 of the Motor Vehicle Dealers Act 1975, and that the application will be heard by the Court after 1 month from the 14th day of September, 1976, being the date of the first publication of this notice.

TM

### SPECIAL MEETING

A Special Meeting of members of the New Zealand Engineering, Coachbuilding, Motor, Aircraft and Related Trades Industrial Union of Workers District Executive is called pursuant to Rule 43 of the Union's Registered Rules, for 7.15 pm, on Wednesday, October 6, 1976, at the office of the Union, FOL Building, Lukes Lane, Wellington, to fill a vacancy in the "Local Bodies Section" on the District Executive. Nominations having been duly called, two valid nominations were received:

JONES A E  
WILLS A J

Any financial member of the Union in the Wellington-Taranaki district may apply to the undersigned up to 5pm on Wednesday, September 29, 1976, to obtain a ballot paper to enable the applicant to record their vote by post.

B J LANDERS,  
District Secretary.

## THE TOWN AND COUNTRY PLANNING ACT 1953

### NOTICE OF APPLICATION FOR CONSENT TO CONDITIONAL USE

NOTICE is hereby given that application has been made by Ronald George Chandler and Julene Mary Chandler of Lower Hutt for consent to application for conditional use to erect four town your own flats.

The property is situated at No 126 Martin St, Upper Hutt and is located in the residential "B" zone.

The legal description of the land is 1 Rod more or less situate in the Borough of Upper Hutt being part Section 125 of the Hutt District and being Lot 43 on Deposited Plan 1495 and being all the land comprised and described in Certificate of Title Volume 572 Folio 65 (Wellington Registry).

The application may be examined at the office of the Upper Hutt City Council, Ferguson Dve, Upper Hutt during normal office hours and any person or body affected may object to the application by notice in writing delivered to the Town Clerk, Upper Hutt City Council, Private Bag, Upper Hutt, not later than 4pm on the 15th day of Oct, 1976.

Every objector shall state the grounds of the objection and whether the objector wishes to be heard by the Council in support of his objection.

R G AND J M CHANDLER by their Solicitor.

Dated: Sept 9, 1976.

This is the first publication of this notice.

The applicant address for service is at the offices of Messrs Gibson, Sheat and Elliott, PO Box 30010, Lower Hutt. AX409

## THE TOWN AND COUNTRY PLANNING ACT 1953

### APPLICATION FOR CONSENT TO SPECIFIED DEPARTURE

THE PROPERTY IS SITUATED AT 575 HIGH ST, LOWER HUTT. NOTICE is hereby given that application has been made by KEVIN GERARD TULLY and GERARD CHRISTOPHER TULLY for Consent to a Specified Departure to allow them to convert part of the property from the use of a dairy/grocery business to the use of office premises for the business of office and display premises for the business of the sale of swimming pool accessories. Consent to a Specified Departure and Change of Use and Conditional Use is sought because the land is zoned Commercial A and office use is a conditional use under the Operative District Scheme. The legal description is All that parcel of land containing 20.5 perches more or less being Lot 17 on Deposited Plan 1757 being part Section 35 Hutt District and being all the land in Certificate of Title 162/118 (Wellington Registry) subject to Fencing Covenant in Transfer 62370.

## PUBLIC NOTICES

### HUTT COUNTY COUNCIL

### NOTICE OF INTENTION TO REVOKE RESERVATION OVER A RESERVE BETWEEN WOOD ST AND PEEL PLACE AT WAINUIOMATA AND DISPOSE OF THE AREA

Notice is hereby given that Council intends to request the Minister of Lands to revoke the reserve designation over Lot 8 DP 16231 containing 1724 sq metres so that Council may dispose of the area. The land is a rear lot with accesses between Nos 35 and 39 Wood St and Nos 46 and 50 Peel Place. HCC Plan M358 shows the lot and its location.

Copies of the plan are available for inspection at the Hutt County Council Office, Queen St, Wainuiomata and at the office of the Commissioner of Crown Lands, State Fire Building, Stout St, Wellington during normal office hours.

Persons wishing to object to the proposal are to lodge their objection, in writing, with the County Clerk, Hutt County Council, PO Box 43041 Wainuiomata on or before the 18th day of Oct, 1976.

B J POHLEN,  
County Clerk.

AX320

## WELLINGTON CITY COUNCIL

### IN THE MATTER OF THE RESERVES & DOMAINS ACT, 1953.

### NOTICE OF INTENTION TO DECLARE LAND AS SERVICE LANE

NOTICE IS HEREBY GIVEN that the Wellington City Council under the provisions of the Reserves and Domains Act, 1953, proposes to request the Minister of Lands to authorise the dedication of the land described in the schedule hereto as a service lane AND NOTICE IS HEREBY FURTHER GIVEN that a plan of the land to be dedicated is deposited in the office of the City Solicitor of the said Council in the Municipal Offices Building, Mercer Street, in the said City and is there open for inspection by all persons during ordinary office hours and that any person affected by the declaration of the service lane should if he has any objection to this dedication send his written objection within one calendar month from the first publication of this notice to the Wellington City Council addressed to the Town Clerk at his office in the said Municipal Offices Building.

### SCHEDULE

ALL THAT AREA of land in the Wellington Land District containing firstly seven and seventy-four one-hundredths perches a little more or less and secondly six and three one-hundredths of a perch more or less both being situate in the City of Wellington being part Town Belt of Wellington and being part of the land contained in DP 8519 and being also part of the land comprised and described in Certificate of Title Volume 478 Folio 237 Wellington Land Registry.

NOTE: This particular area of land is part of the Wellington Town Belt and is required for a service lane off Taurima Street.

DATED at Wellington this 6th day of September, 1976.

I A McCUTCHEON,  
Town Clerk.

This is the second publication of this notice. The first publication was on the 6th day of September, 1976. AX331

## KAPITI BOROUGH COUNCIL

### TOWN AND COUNTRY PLANNING ACT 1953

### PROPOSED CHANGE No 9 TO THE APPROVED KAPITI BOROUGH DISTRICT SCHEME

PUBLIC NOTICE is hereby given that pursuant to the resolution of the Council made on August 24th, 1976, the Council has resolved to recommend that the Operative District Scheme be

## PUBLIC NOTICES

### MOTOR VEHICLE DEALERS ACT, 1975

### PUBLIC NOTICE OF APPLICATION FOR APPROVAL AS A SALESMAN

In the matter of the Motor Vehicle Dealers Act 1975.

Take notice that F A B Neuhaus Limited, corner of Cuba St and Abel Smith Street, Wellington, trading as F A B Neuhaus Ltd, has applied to the Magistrate's Court of Wellington, for Ferdinandus Adrianus Bastianus Neuhaus, of 93 Rakau Road, Wellington, to be an approved salesman under Section 81 of the Motor Vehicle Dealers Act 1975, and that the application will be heard by that Court after one month from the 14th day of September 1976, being the date of the first publication of this notice.

F A B NEUHAUS LTD.  
AX430

## THE TOWN AND COUNTRY PLANNING ACT 1953

### LOWER HUTT CITY COUNCIL

### NOTICE OF APPLICATION FOR CONSENT PURSUANT TO SECTION 30B AND SECTION 35 OF THE TOWN AND COUNTRY PLANNING ACT 1953

NOTICE IS HEREBY GIVEN that Application has been made by IRVIN AND STERN LIMITED, for Consent pursuant to Sections 30B and 35 of the Town and Country Planning Act 1953 to erect a Warehouse and Ancillary Retail Outlet.

The property is situated on the corner of Davsh and High Streets, Lower Hutt and is located in an Industrial A Zone (Zone Industrial B on the proposed review).

The Legal Description of the land is: All that parcel of land containing 17,590 more or less situate in the City of Lower Hutt being part Section 49 of the Hutt District and being also Lot 1 on Deposited Plan 13322 in all that land more or less comprised in Certificate of Title Volume 327 Folio 66 (Wellington Registry).

The Application may be examined at the office of the Town Clerk, Laines Road, Lower Hutt during normal office hours and any person or body affected may object to the application by notice in writing delivered to the Town Clerk, Lower Hutt City Council, Private Bag, Lower Hutt, not later than 4pm on the 14th day of October 1976. Every objector shall state the grounds of the objection and whether the objector wishes to be heard by the Council in support of this objection and shall serve on the Applicant a copy of the objection.

DATED at Petone this 7th day of September, 1976.

IRVIN & STERN LIMITED by their solicitors and duly authorised agents, Philipps Shoyke-George & Co.

This is the first publication of this Notice. AX382

## Musical Instruments

HERE'S a hot item, Bob. A Fender Jazz bass for sale, \$300 Sound good—let's give him a ring, 764-609. TW  
JANSEN 75 amp, Shure mike & stand Tel 883-886.  
PIANO Tuning and Repairs. Prompt attention. Qualified technician and reasonable rates: \$12-\$18. Suzanne and Anthony J. Michell. Tel 881-784 any time. S-W

## MISCELLANEOUS

REGULAR advertising pays in the "Evening Post" because only the "Evening Post" provides saturation coverage of 80% of people in the Wellington, Hutt Valley and Porirua urban areas

## FOR AND TO HIRE

McGOWAN & MAGEE LTD

Container cartage specialists, storage and distributors. Road transport. Forklifts for hire.

## WILKINS AND D WELLINGTON META

Competent welders erection and welding of metal handrail

Documents available phone 728-08

## TENDERS!

### CARPENTER wants 1 Kosi-Mana area. Tel

HOLDEN Monaco, R. Tenders are invited. chase of the above-mentioned vehicle which is a Tom Russell Motors, St. Lower Hutt, Tel. Sunday, September 19, est or any tender not accepted.

LABOUR only carpenter to complete 2 brick in Korori, framing \$3500. Must be imm. Adjacent site is 6 x 38000. Tel 692-993

## PLANS & SPECIF

Prepared for all buildings, houses, additional industrial.

TEL PRO 7

## SUB-CONTRACTOR SUPPLIER

Interested in printunity Shop for Practical Services Assn. Creek, please submit later than Sept 16 to

## DURNEY CONSTRUCTION LTD.

PO Box 50206, P. Tel 74-444 1

## Tenderers, B

## BUILDER

Let us quote your frames. TELEPHONE 697-01

## COMPRESSORS

Lowest rates, b Telephone Hans,

## WELLINGTON MUSICAL SUPPLIES

46a Riddiford St. Hospital entrance Tel 898- Saw sharpening Tool hiring. Building contract. Excellent service prices.

## RYA CARRIER

TOPSO SUPPLIES & I

PRE-MIX, STE

BASECOU

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Rod- Ernie at Nich- via and of South doubles o mini tourna- mbia. Colom- ur de- idez of

cham- g has in the Inter- nament

Wade of los- e back of Hol- nals of Associ- 's in- the two ed up es title and

TELEPHONE TAWA 6174 AFTER 3pm DAILY. S-W

**LOST**

**BLACK** male cat, lost in Mtairi Rd. Petone area, Wednesday. Tel 61-567.  
**BLACK** pouch of tools, in Lower Hill, Knights Road area, of Alicetown. Phone 721-569 ext 726 day.  
**BLACK** female cat, without toll, from Hutt Hospital vicinity. Tel 651-257.  
**BLACK** and white male cat, name Seeker, lost Bidwill St/ Polytect area. Please phone 847-581 evenings, 845-727 day. WH  
**BOX**, mechocany, 4in x 4in x 16 in, with flex and plug, Wgtn City, Friday, Reward, Phone 83-252 New Plymouth, Whirect. TW

**CULTURED** large pearl earring, screw fitting, vicinity Hutt or Petone shopping areas. Reward. Reply to Eskay NZ Ltd, 26a Fitzherbert St, Petone. Tel 688-139.

**FAWN** Afghan hound, 2 years old, Karori area. Phone 766-173.

**LADY'S** gold Edox watch, Willis St. Sept 14. Tel 826-566.

**LOST** small smokey grey 2 year old cat, in Euston Road, Winton area, answers to Tigger. Reward. Tel 729-451, after 5.30pm.

**MAN'S** watch, Selko, stainless steel, lost Sept 15 (Wed), vicinity 1860 Hotel and Kibirnle, between 5.30pm to 10.30pm, or Section No 3 bus. Sentimental value. Reward. Tel 873-562. TW

**MAZDA** Kubota, Boxhill, Cockayne Rd, Mon night. Tel 796-47.

**MARCASITE** watch, minus safety chain, lost between Courtenay Place and Lambton Quay, July/August. Reward, sentimental value. Tel 881-748.

**PEN**, black and gold ballpoint, initials JWP, of Hutt Park Raceway, Sept 14. 55 reward. Tel 893-112.

**SILVER** and pearl bracelet, in Cuba St area, on Monday, Sept 20. Please Tel 697-480, reward. STAFFORDSHIRE bull terrier, red colouring, lost Saturday, Petone area. Tel 662-778. TW

**TABBY** and white pregnant cat, Sept 20, Berhampore area, used to farm life so may have wand- ered afar. Reward. Days Earn- 3pm, 894-916. WHS

**THREE** dogs, golden lab staff terrier and blue marl, who wan- dered while owner was cutting firewood in Linden area. Tel 6382 Tawa.

**FOUND**

**LARGE** lab; large collie, male, unregistered. Impounded, Petone Borough Council Yard. Tel 688-340 (evgs).

**YOUNG** male cat, tortoiseshell, Parkvale Road, Karori, Monday night. Tel after 6pm 767-330.

**MISCELLANEOUS**

"**EVENING Post**" photographs can be ordered from any branch office provided they were taken by a "Post" photographer. Prices are 6 x 4 \$1.25, 8 x 6 \$1.50, 10 x 8 \$2, postage and packing 30c; 15 x 12 \$4, postage and packing 35c; 20 x 16 3/4 for the first print, 57 for additional prints. Matt finish photographs an extra 20c.

**TOURS AND TRAVEL**

**SOUTH American** All Black tours escorted, Oct 15, \$2995. Details from Rex Tours Ltd, 862-953. D

**TOURS AND TRAVEL**

Queens Dve, Lower Hutt, trading as New Zealand Motor Corporation Limited has applied to the Magistrate's Court at Lower Hutt for Kevin Gerard Tully, 10a Malene Rd, Lower Hutt, to be an approv- ed salesman under section 81 of the Motor Vehicle Dealers Act 1975, and that the application will be heard by that Court after one month from the 22nd day of Sept, 1976, being the date of the first publication of this notice.

**NEW ZEALAND MOTOR CORPORATION LTD** WF

**PATIENTS ASSOCIATION**

Those Interested are invited to a meeting tonight at 7.30pm, Marion St, for the formation of a Patients' Association.

**WELLINGTON REGION HEALTH ACTION GROUP.**

**THE TOWN AND COUNTRY PLANNING ACT 1953**

**LOWER HUTT CITY COUNCIL**

**NOTICE OF APPLICATION FOR CONSENT PURSUANT TO SECTION 30B AND SECTION 35 OF THE TOWN AND COUNTRY PLANNING ACT 1953**

**NOTICE IS HEREBY GIVEN** that Application has been made by IRVIN AND STERN LIMITED, for Consent pursuant to Sections 30B and 35 of the Town and Country Planning Act 1953 to erect a Warehouse and Ancillary Retail Outlet.

The property is situated on the corner of Davsh and High Streets, Lower Hutt and is located in an Industrial A Zone (Zone Industrial B on the proposed revision).

The Legal Description of the land is: All that parcel of land containing 1r.598r more or less situate in the City of Lower Hutt being part Section 49 of the Hutt District and being also Lot 1 on Deposited Plan 13522 in all that land more or less comprised in Certificate of Title Volume 527 Folio 66 (Wellington Registry).

The Application may be exam- ined at the office of the Town Clerk, Lainas Road, Lower Hutt during normal office hours and any person or body affected may object to the application by notice in writing delivered to the Town Clerk, Lower Hutt City Council, Private Bag, Lower Hutt, not later than 4pm on the 14th day of October 1976. Every objector shall state the grounds of the objection and whether the objector wishes to be heard by the Council in support of this objection and shall serve on the Applicant a copy of the objection.

DATED at Petone this 7th day of September, 1976.

**IRVIN & STERN LIMITED** by their solicitors and duly authorised agents, Phillips Shawie-George & Co.

This is the second publication of this notice. The first publica- tion was made on the 14th day of September 1976.

AX387

F C SULLY, Secretary. WH

**THE TOWN AND COUNTRY PLANNING ACT 1953**

**NOTICE OF APPLICATION FOR CONSENT TO CONDITIONAL USE**

**NOTICE** is hereby given that application has been made by Ronald George Chandler and Julene Mary Chandler of Lower Hutt for consent to application for conditional use to erect four own your own flats.

The property is situated at No 126 Martin St, Upper Hutt and is located in the residential "B" zone.

The legal description of the land is 1 Road more or less sit- uate in the Borough of Upper Hutt being part Section 125 of the Hutt District and being Lot 43 on Deposited Plan 1495 and being all the land comprised and described in Certificate of Title Volume 572 Folio 65 (Wellington Registry).

The application may be exam- ined at the office of the Upper Hutt City Council, Fergusson Dve, Upper Hutt during normal office hours and any person or body affected may object to the applica- tion by notice in writing deliv- ered to the Town Clerk, Upper Hutt City Council, Private Bag, Upper Hutt, not later than 4pm on the 15th day of Oct, 1976.

Every objector shall state the grounds of the objection and whether the objector wishes to be heard by the Council in support of his objection.

R G AND J M CHANDLER by their Solicitor.

Dated: Sept 9, 1976.

This is the second publication of this notice. The first publica- tion was made on the 14th day of September 1976.

The applicant address for serv- ice is at the offices of Messrs Gibson, Sheat and Elliott, PO Box 30010, Lower Hutt. AX409

**IN THE SUPREME COURT OF NEW ZEALAND**

**WELLINGTON REGISTRY**  
 No M 367/76.

**IN THE MATTER of the Compan- ies Act 1955**

and

**IN THE MATTER of SOLAR INTERNATIONAL (NEW ZEALAND) LIMITED**

**NOTICE** is hereby given that a petition for the winding up of the abovementioned company by the Supreme Court was on the 15th day of Sept 1976 presented to the said Court by WAIKANA E SERVICE STATION (1975) LIM- ITED a duly incorporated com- pany having its registered office at Waikanae AND that the said petition is directed to be heard before the Court sitting at Wel- lington on the 20th day of Oct 1976 at 10 o'clock in the fore- noon; any and creditor or con- tributory of the said company desirous to support or oppose the making of an order on the said petition may appear at the time of hearing in person or by his counsel for that purpose; and a copy of the petition will be furnished by the undersigned to any creditor or contributory of the said company on payment of the regulated charge for the same.

R CHAPMAN, Solicitor for the Petitioner.

Address for Service: The offices of Roache, Cain and Chapman, Solicitors, Euroa House, 117 Featherston St, Wellington.

**NOTE:** Any person who intends to appear on the hearing of the said petition must serve an or- der send by post, to the abovement- ured, notice in writing of his intention so to do. The notice must state the name, address and description of the person, or, if a firm, the name, address and description of the firm, and an address for serv- ice within three miles of the Supreme Court of Wellington, and must be signed by the person or firm, or his or their solicitor (if any), and must be served, or, if posted, must be sent by post in sufficient time to reach the above- named petitioner's address for service not later than 4 o'clock in the afternoon of the 19th day of October 1976.

day, Sept 26. Be with us there 1.00pm.

**COACHING**

**SCIENCE** tutor required school cert level. Telephone 836-360. TW

**AGENCIES**

**AGENT** required for Wgtn Province. Gifts and souvenirs. Write giving phone No for interview to PO Box 6021, Auckland 1. MW

**AGENT REQUIRED**

**FOR WELLINGTON PROVINCE**  
 Gifts and souvenirs.  
 Write giving phone number for interview to PO Box 6021, Auck- land 1. SMW

**FOR AND TO HIRE**

**ELECTRIC** torklifts with low pro- file mats for use in contain- ers and low headroom areas, 3000-7000lb capacity, short or long term hire available, a repair and maintenance service is also offer- ed. For quotes and prices, con- tact Cargo Equipment Service Ltd, Box 1499 Wellington. Tel 739-088. TX509

**Cameras, Photography**

**BOX** cameras to sell. Tel 792-674. TW

**CAMERA**, 35mm Reflex, Konica auto Reflex T with 28, 57, 135, 400 lenses. One to offers. Tel 832-595 for details. SW

**ZOOM** telephoto lens, Soligor F99-230mm, 4.5 with Canon bayonet attachment plus pistol grip, \$180. Tel 882-883.

**RAFFLE RESULTS**

**LIONS Club Eastern Suburbs** (250 club raffle), Sept 20 draw: 1st prize \$120, No 116; 2nd \$70, No 331; 3rd \$60, No 176; 4th \$30, No 113; 5th \$20, No 307.

**FERGUSON Intermediate Home and School Ass 199 Club**, Sixth draw: 1st \$50, 2nd 2nd, 3rd 4.

**H.S.C.T.F.** due to late return of bulbs todays draw will now be held on 6th October. Thanks, ST Peter's and Paul Home & School Assoc., 100 Snowballi

raffle. Results of 2nd draw, 1st \$75 2272, 2nd \$25 2120, 3rd \$10 3329, Ten at \$2: 2045 2645 2542 3400 4050 2529 3221 2128 3481 4116. For prizes, Tel 670-892.

**WELLINGTON Paraplegic and Physically Disabled Assoc:** 1st prize, 1514; 2nd prize, 1826; 3rd prize, 1591. Organiser, G Stokes.

**VIARD COLLEGE RAFFLE RESULT**

First 4502, second 4205, third 3057. All prize winners informed.

**HV MARIST OLD BOYS**

**QUICKFIRE RAFFLE** No 382  
 Drawn 20/9/76.

1st \$100, \$139, Bruce L, care Kings Cross Hotel.  
 2nd \$30, No 2309, Jim C, care L Young.  
 3rd \$20, No 5409, Mike, care Empire Hotel.  
 4th \$10, No 3958, Mid Boys, care Empire Hotel.  
 Plus 20 prizes of \$2 each: Nos 1116, 1145, 1931, 1974, 2187, 3211, 3294, 3614, 3750, 3787, 4504, 4787, 5004, 5235, 5277, 5455, 5561, 5626, 5674, 5804.

**RAFFLE RESULTS**

**24-HOUR LYON ESCORT RAFFLE**

**WINNING TICKET** No. 264  
 J STEEDMAN, HELENSVILLE  
 Drawn under police supervist  
 H A

October

Registra- submitte

BR

T

**LABOUR** ad for flat- good rates. **LABOUR** laying o- perenced for immediate offer 5pm. **PLUMBER** 3 days o- Labour only. **START** T night PKT 6

**CONTRACT** TION RENI 27. PALM 6 GISS

Tenders a- construction; renewal of across the approximate Woodville.

The work- struction of diameter p- phes. The b- structed on 1- line railway tion about 4- existing bridge

Tender do- able from the Office, Room Station, with close at 4:15 October 20, 1

Lowest or- arily accept



**New Ele**

**CONTR**

**110 KV CIRCU ASSOCIATED FORMERS: SI LAND, MANG**

Tenders for- above equipm- Secretary, T- New Zealand ment, PO Box North, at Apr 1976.

Plans and a- display of New Department, A- and Christchu- land Govern- bourne, Sydney- ington, Paris, Moscow.

Applications- ments must b- zeland, Elect- Wellington.

P

**Travelling to Europe for Christmas?**

YOU SHOULD BE BOOKING NOW!  
**PLEASE ASK ME**  
 About the Excursion Fare to GENEVA, ZURICH, PARIS AND LONDON.  
 Remember, I specialise in overseas travel.  
 John Jerome,  
 AIR INTERNATIONAL TRAVEL,  
 PO Box 27-106,  
 FERRETTS CORNER, MANNERS ST, WELLINGTON.  
 Telephone 856-302.

PS.—Don't Forget to Book for The Mikado.

S-W

LOWER HUTT CITY COUNCIL

IN THE MATTER of an Application for  
Consent pursuant to  
Section 30B and Section  
35 of the Town and  
Country Planning Act  
1953 IRVIN & STERN  
LIMITED

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DECLARATION OF COMPLIANCE

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PHILLIPS SHAYLE-GEORGE & CO.,  
SOLICITORS,  
PETONE.

Town Clerk's Department

CT		
CE	✓	
D.P.A.		
TP		
C.V.		
Ad	✓	

Officer's Comments

FILE  
25 NOV 1976  
8

Local

Official Information

GEORGE COLEMAN PHILLIPS  
COMMISSIONER FOR AFFIDAVITS  
FOR ALL AUSTRALIAN STATES  
STEPHEN JOHN SHAYLE-GEORGE, LL.B.  
PETER JOHN BURROWS, LL.B.  
TERRY LAWRENCE COLES, LL.B.  
PATRICK JAMES DOWNEY, M.A., LL.B.  
DENIS GRENVILLE THOM, LL.B.  
WILLIAM ROSS MULHOLLAND, LL.B.  
MICHAEL ROBERT CAMP, LL.B.  
MURRAY GEORGE HOPKINSON, LL.B.  
JOHN RUSSELL STRAHL, LL.B.

**PHILLIPS SHAYLE-GEORGE & CO.**

BARRISTERS AND SOLICITORS

Telephone 688-124

P.O. Box 38-015

CORNER JACKSON & BUICK STREETS  
PETONE, N.Z.

ALSO AT WELLINGTON IN  
GOVERNMENT LIFE INSURANCE BUILDING

OUR REFERENCE .....CPB:CLB.

IF CALLING, PLEASE ASK FOR

MR. [REDACTED] s7(2)(a)

10th September 1976

The Town Clerk,  
Lower Hutt City Corporation,  
Private Bag,  
LOWER HUTT.

Dear Sir,

RE: CONSENT TO SECTION 30B & SECTION 35  
- IRVIN & STERN LIMITED

Please find enclosed a copy of the Public Notice which  
is to be published in the Evening Post on the 14th and  
22nd of September 1976.

Yours faithfully  
PHILLIPS SHAYLE-GEORGE & CO.

Per: [Signature] s7(2)(a)

encl:



THE TOWN AND COUNTRY PLANNING ACT 1953

LOWER HUTT CITY COUNCIL

NOTICE OF APPLICATION FOR CONSENT PURSUANT TO  
SECTION 30B AND SECTION 35 OF THE  
TOWN AND COUNTRY PLANNING ACT 1953

NOTICE IS HEREBY GIVEN that Application has been made by IRVIN AND STERN LIMITED for Consent pursuant to Section 30B and 35 of The Town and Country Planning Act 1953 to erect a Warehouse and Ancilliary Retail Outlet.

The Property is situated on the Corner of Daysh and High Streets, Lower Hutt and is located in an Industrial A Zone (Zone Industrial B on the proposed review).

The Legal Description of the land is: All that parcel of land containing 1r.598p more or less situated in the City of Lower Hutt being part Section 49 of the Hutt District and being also Lot 1 on Deposited Plan 13522 in all that land more or less comprised and described in Certificate of Title Volume 527 Folio 66 (Wellington Registry).

The Application may be examined at the Office of the Town Clerk, Laings Road, Lower Hutt during normal office hours and any person or body effected may object to the application by notice in writing delivered to the Town Clerk, Lower Hutt City Council, Private Bag, Lower Hutt, not later than 4.00p.m. on the 14th day of October 1976.

Every objector shall state the grounds of the objection and whether the objector wishes to be heard by the Council in support of his objection and shall serve on the Applicant a copy of the objection.

DATED at Petone this                      day of                      1976.

IRVIN & STERN LIMITED by  
their Solicitors and duly authorised  
agents

This is the first publication of this notice.

c.c. File.   
c.c. City Engineer.  
c.c. Town Planner.

Mr Dunn.

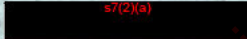
304.8.230.  
IJD:JCC

2nd September, 1976.

Messrs Phillips, Shayle-George & Co.,  
Barristers and Solicitors,  
P.O. Box 38015,  
PETONE.

Dear Sirs,

IRVIN & STERN

I wish to acknowledge your  letter dated 19th August 1976 enclosing an application for consent to erect a warehouse and ancillary retail outlet on land zoned Industrial B at the corner of High and Daysh Streets. In terms of Regulation 32 (2) of the Town and Country Planning Regulations 1960 you should serve copies of the application and public notice on the following persons:-

Mr M.J. Mason and Others,  
c/o Morrison, King & Co.,  
P.O. Box 2399,  
WELLINGTON.


The Branch Manager,  
Housing Corporation of N.Z.,  
P.O. Box 5009,  
Lambton Quay,  
WELLINGTON.

Such services are in addition to those on this Council, the Commissioner of Works, the District Commissioner of Works and the Wellington Regional Planning Authority.

Any unexpended portion of the deposit you have paid will be refunded when the application is finalised.



Yours faithfully,

  
E.C. Perry,  
TOWN CLERK.

Application for Consent To Specified Departure

IRVIN & STERN LTD. — Cnr. High & Daysh Streets

Adjoining Owners

LOT 1 DP 13522

High Street  
LOT 3 DP 13510

Mr. M. J. Mason & Others  
c/o MORRISON, KING & CO.  
P.O. Box 2399  
WELLINGTON

12 Daysh Street  
PT LOT 68

The Branch Manager  
Housing Corporation of N.Z.  
P.O. Box 5009  
LAMBTON QUAY  
WELLINGTON



GEORGE COLEMAN PHILLIPS  
 COMMISSIONER FOR AFFIDAVITS  
 FOR ALL AUSTRALIAN STATES  
 STEPHEN JOHN SHAYLE-GEORGE, LL.B.  
 PETER JOHN BURROWS, LL.B.  
 TERENCE LAWRENCE COLES, LL.B.  
 PATRICK JAMES DOWNEY, M.A., LL.B.  
 DENIS GRENVILLE THOM, LL.B.  
 WILLIAM ROSS MULHOLLAND, LL.B.  
 MICHAEL ROBERT CAMP, LL.B.  
 MURRAY GEORGE HOPKINSON, LL.B.  
 JOHN RUSSELL STRAHL, LL.B.

**PHILLIPS SHAYLE-GEORGE & CO.**

BARRISTERS AND SOLICITORS

Telephone 688-124

P.O. Box 38-015

CORNER JACKSON & BUICK STREETS  
PETONE, N.Z.

ALSO AT WELLINGTON IN  
GOVERNMENT LIFE INSURANCE BUILDING

OUR REFERENCE ..... **CPB:CLB**

IF CALLING, PLEASE ASK FOR

s7(2)(a)

MR. [REDACTED]

19th August 1976


The Town Clerk,  
 Lower Hutt City Council,  
 Private Bag,  
LOWER HUTT.

Dear Sir,

RE: IRVIN & STERN

Please find enclosed Application pursuant to Section 35 and 30B of the Town and Country Planning Act 1953 in respect of the property situated on the Corner of Daysh and High Streets, Lower Hutt. Also please find enclosed our Trust Account cheque for \$40.00 being \$10.00 Application fee and \$30.00 deposit.

Yours faithfully  
PHILLIPS SHAYLE-GEORGE & CO.

Per: 

[REDACTED]

FILE  
 25 NOV 1976  
 8

RECEIPT No. 80077  
 ISSUED FOR \$40.00  
 DATE 25/8/76

encl:

C.T.	
C.E.	
R.P.B.	
I.P.	✓
C.V.	
AO	✓
ACK	✓ 26/8

*copy sent 26/8/76*

THE TOWN AND COUNTRY PLANNING ACT 1953  
APPLICATION PURSUANT TO SECTION 30B  
AND APPLICATION FOR SPECIFIED DEPARTURE

TO: The Town Clerk,  
Lower Hutt City Council,  
LOWER HUTT.

This Application is made under Sections 35 and 30B of the Town And Country Planning Act 1953.

IRVIN AND STERN LIMITED HEREBY APPLY for consent to erect a Warehouse and ancillary retail outlet in accordance with the plans lodged with the Council. The property in respect of which this Application is made is situated on the Corner of Daysh and High Streets, Lower Hutt.

The Legal Description is: All that parcel of land containing One Rood Five and Ninety Eight One Hundreth Perches more or less situate in the City of Lower Hutt being part Section 49 of the Hutt District and being also Lot 2 on Deposited Plan 13522 and being all that land more or less comprised in Certificate of Title Volume 527 Folio 66 (Wellington Registry).

The Applicant is the conditional purchaser of the property. No special conditions restrictions or provisions are proposed.

NAME OF OWNER:

Bulk Haulage Holdings Limited

ADDRESS OF OWNER:

824 High Street, Lower Hutt.

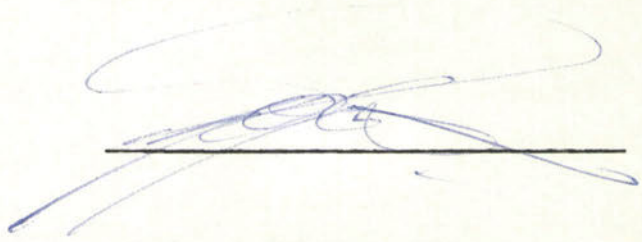
NAME OF OCCUPIER:

Bulk Haulage Holdings Limited

NO PERSONS ARE PARTICULARLY AFFECTED

DATED at Petone this 24<sup>th</sup> day of August, 1976.

IRVIN AND STERN LIMITED by its duly authorised agents and  
Solicitors PHILLIPS SHAYLE-GEORGE & CO.



FULL NAME OF APPLICANT:

Whose address for services is at the offices of Messrs.  
Phillips Shayle-George & Co, Corner Jackson and Buick Streets,  
PETONE.

Local

ent Official Informatio

333-3-65

333

3

65

File No.

**SUBJECT:**

[REDACTED] <sup>97(2)(a)</sup>

Building -

Cnr. High & Daysh Sts.

FILE NUMBER(S) OF  
PREVIOUS FILE(S) IF ANY:

REFERENCES TO OTHER  
RELATIVE FILES:

c.c. City Engineer

Town Planner

July 6th 1967

333/3/65

J.N.Pearce

s7(2)(a)  
LOWER HUTT.

Dear Sir,

Your further letter of the 26th June, 1967, was duly received and if you finally decide that you wish to proceed on the basis of the amended plan, no doubt you will let me know so that the matter can be placed before the Town Planning Committee.

Yours faithfully,

*E. C. Perry*

*E*  
E.C. Perry,  
TOWN CLERK.

FILE  
- 5 JUL 1967

3



1758

Ref 333/3/65

[Redacted]

LOWER HUTT CITY COUNCIL  
RECEIVED  
21 JUN 1967  
ACK.....ANSD.....

[Redacted]

26/6/67

333

3/65

The Town Clerk  
L. Hutt.

Dear Sir,

Your letter 333/3/65 22-6-67 to hand; it is being demonstrated in no uncertain terms that space for customers and allied vehicles is any accommodation is a major requirement - hence to "diminish the yard space" as you term it - is the last of our wishes.

After much consideration our plan of 6/4/67 was evaluated and is still considered the most efficient and convenient; - the floor area is the same - represents 60% or less as a building coverage and has the added advantage that vehicular egress is now at the maximum distance from the corner. - other wise it is the same as plan H/CC 333/3/65 letter 31/3/67

We would prefer to place this plan before the Commission and may yet be able to do so;

Thanking you

[Redacted]

[Redacted]

C.T.		
C.E.	✓	
D.P.R.		
T.P.	✓	
C.V.		
LSP	✓	

10/11

8

Full 29/6

c.c. City Engineer  
Town Planner

June 22nd 1967

333/3/65

J.N.Pearce

57(2)(a)

LOWER HUTT.

Dear Sir,

Proposed building - Southerly corner of  
Daysh Street and High Street.

I refer to your letter of the 27th April, 1967.

If the proposed building is re-designed so as to occupy a portion of the space mentioned in your letter, the requirement as to yard space would be diminished accordingly.

Yours faithfully,

*E. C. Perry*

E.C.Perry,  
TOWN CLERK.



TOWN PLANNING COMMITTEE

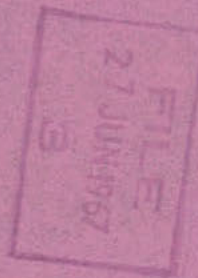
20TH JUNE, 1967

s7(2)(a) re proposed wholesale liquor store at southerly corner of Daysh Street and High Street (333/3/65): Letter dated 27th April, 1967, in regard to proposed diminishing of yard space.

RESOLVED: (Councillor Werry)

"That the applicant be advised that if the plan is re-designed so that the proposed building will occupy a portion of the space previously shown as uncommitted, the Council's requirement as to yard space would be diminished accordingly."

Local



1743

LOWER HULL CITY COUNCIL  
RECEIVED  
28 APR 1967

57(2)(a)

27/4/67.

333  
3/65

22 JUN 1967  
3

The Town Clerk  
h. Hull.

Dear Sir,

We thank you for your letter of 26/4/67 333/3/65

It is extremely unfortunate that the word "yard" appears in L.H.C.C. correspondence - "yard" we may assume to be an open space used for storing goods or equipment. I have checked over correspondence to L.H.C.C. and failed to find any reference to "yard" or mention of any such possibility.

The firm requires a building and a space for motor vehicles - they definitely do not require a "yard" - our application of 6/4/67 makes the possibility of a yard stocked with crates - one of the fourth dimension.

I did accept and do accept the conditions mentioned by L.H.C.C. letter of 31/3/67 but elaborated at length on 6/4/67 on the advantages of a 45' x 85' vehicle areas at the extreme distance from Highst corner and an 90' x 85' building on one floor. Former correspondence showed an area 45' x 85' - the use of which was not specified; this was not required by the firm and remained under my control - and at the time considered as a possible site for a future building.

I assume the firm applying for the license will wish

To present to the commission a clear picture of vehicle and accomodation probabilities - in the present nascent state a very difficult problem; should this matter be decided now - the intervening time can be used to produce a ~~new~~ new plan and to complete preliminaries and I now hand over to you.  
Thanking you

s7(2)(a)  
[Redacted]

693-997

ent Official Informa

Local

CT.		
- C.E.	✓	<i>PPH</i>
D.P.R.		<i>D</i>
T.P.	✓	<i>PPH</i>
C.V.		
CSD	✓	<i>[Signature]</i>

s7(2)(a)  
[Redacted]

c.c. City Engineer  
Town Planner

333/3/65

J.N.Pearce

April 26th 1967

57(2)(a)  
LOWER HUTT.

Dear Sir,

Proposed Liquor Store

I acknowledge receipt of your letter of the 6th April 1967, in which you submitted an amended proposal in regard to the proposed building by reducing to single storey, still with the same total floor space, but consequentially reducing the area of yard space.

I also note from your letter that you accept the conditions already laid down by Council.

It is not considered that the variation is such that it should be placed before the Town Planning Committee at this stage. The matter can be raised if and when you have been granted a liquor licence.

Yours faithfully,

*E. C. Perry*

E.C. Perry,  
TOWN CLERK.

FILE  
27 APR 1967

3

LOWER HUTT CITY COUNCIL  
RECEIVED  
- 6 APR 1967  
ACK.....ANSD.....

6/4/67

333  
3  
65

The Town Clerk  
L. Hutt

Dear Sir,

We thank you for your letter 333/3/65 31/3/67 and agree to comply with the conditions there-in.

We now submit a new site plan and proposal which if acceptable will be much more suitable and convenient for a licensed liquor store.

- ① A new plan will be submitted for a building permit - building will be of some floor area but single storey.
  - ② The conditions of your letter 31/3/67 will be complied with.
  - ③ The area for motor vehicles will be same as before.
  - ④ Site plan of original and also of the new proposal are enclosed - in a convenient form for comparison.
  - ⑤ The vehicular entry will now be some 45'0" further a way from the High St Corner.
  - ⑥ The new structural plans for permit will possibly incorporate vehicular entry to building with floor to suit and possibly a higher stud height <sup>approached</sup>.
- In view of the fact that we first L.H.C.C. on the above matter in Dec 1966 a reply as soon as possible would be appreciated.

693/997

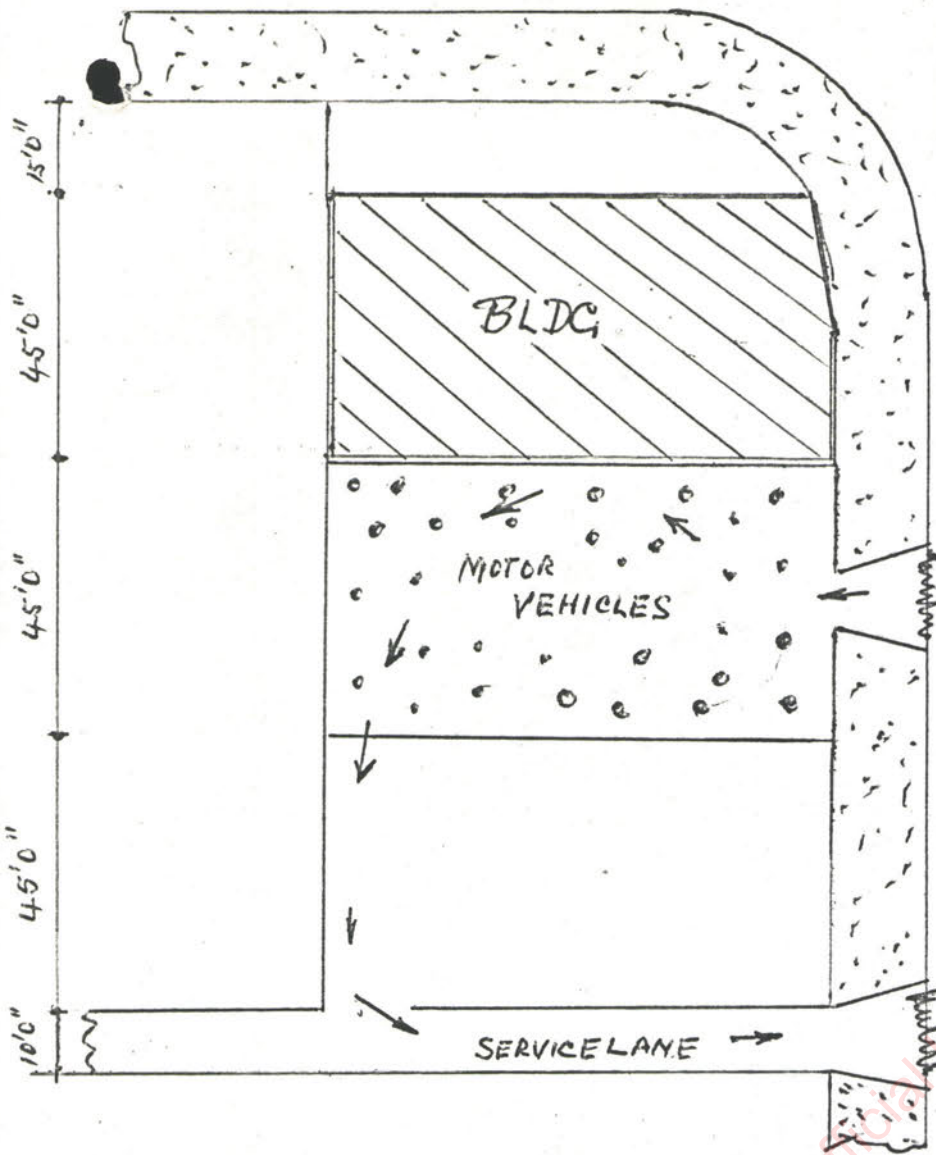
TC ✓

C.T.	✓
C.E.	✓
D.P.R.	
T.P.	✓
C.V.	
M/P	✓

J-ht

FILE  
27 APR 1967

SECTION Lot DP13522

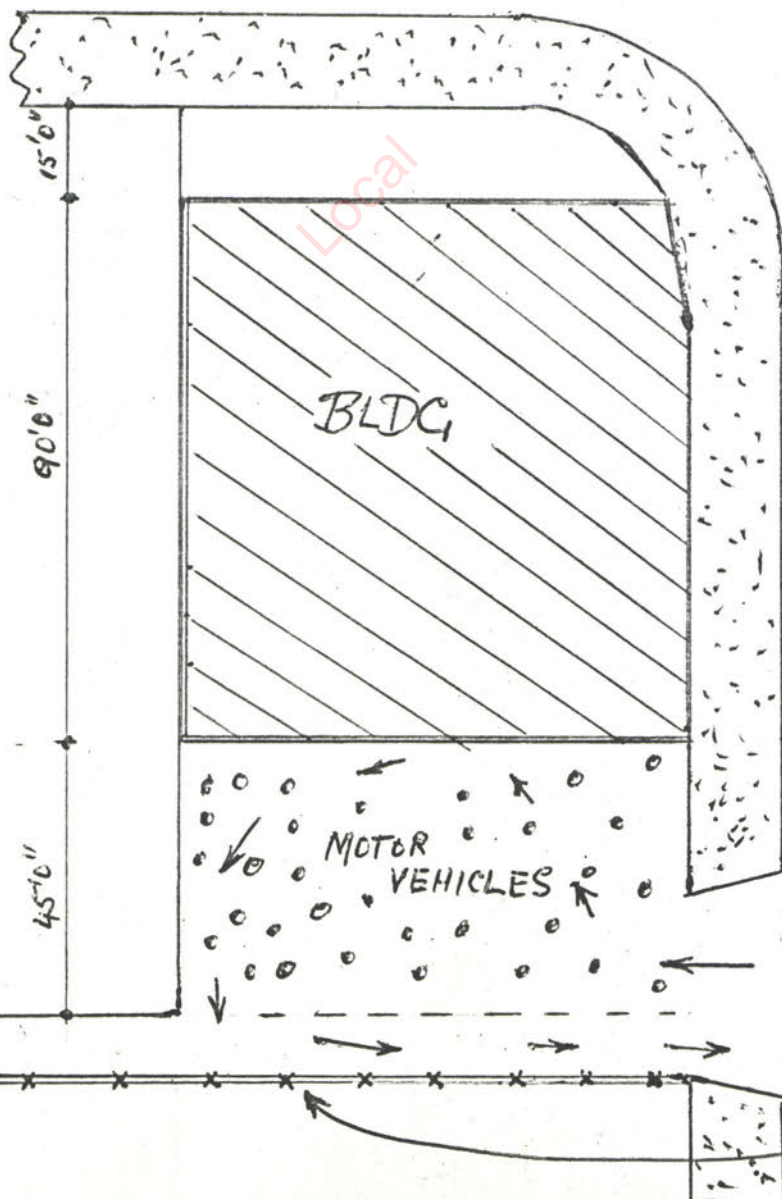


Reference 333/3/65  
 Copy of plan approved by  
 L.H.C.C. 29/3/67

Building 45'0" x 84'9"  
 DOUBLE STOREY

DAYSH ST

HIGH ST



6/4/67 NEW PROPOSAL

SINGLE STOREY  
 90'0" x 84'9"

VEHICLE AREA  
 45'0" x 84'9" SAME AS  
 IN FORMER PLAN

DAYSH ST

32'0" APPROX

FENCE 6'0" HIGH  
 BASE WILL BE CONCRETE



(h)

s7(2)(a)

re Proposed liquor store (333/3/65):

Letter dated 6 April 1962 submitting proposal amended in regard to the proposed building by reducing to single storey, still with the same total floor space; also accepting the conditions already laid down by Council.

The committee has  
to a point to give  
department's funds  
but it should  
be taken to the  
store.  
be revised  
to  
plans

LOWER HUTT CITY COUNCIL

333/3/65

g/mw

MEMO:

CHAIRMAN & MEMBERS,  
TOWN PLANNING COMMITTEE:

TOWN CLERK'S OFFICE

3rd April, 1967.

c.c. C.S. Pearce


<sup>b7(c)(a)</sup> re land at southern  
corner of Daysh and High Streets  
(Item 2(c) - Page T.P./R.2)

This will place on record that the Council, at its meeting held on 29th March, 1967, adopted an amendment to the recommendation to the above item contained in your Committee's report of 21st March, 1967.

This recommendation will now read -

"That the applicant be advised that the foregoing decision does not commit the Council to preferment of this location relative to other possible locations for a wholesale liquor store."

You will note that the words "in the Taita area" have been deleted from the recommendation.

  
TOWN CLERK



CHAIRMAN & MEMBERS,  
TOWN PLANNING COMMITTEE:

3rd April, 1967.

c.c. C.S. Pearce

s7(2)(a) re land at southern  
corner of Daysh and High Streets  
(Item 2(c) - Page T.P./R. 2)



This will place on record that the Council, at its meeting held on 29th March, 1967, adopted an amendment to the recommendation to the above item contained in your Committee's report of 21st March, 1967.

This recommendation will now read -

"That the applicant be advised that the foregoing decision does not commit the Council to preferment of this location relative to other possible locations for a wholesale liquor store."

You will note that the words "in the Taita area" have been deleted from the recommendation.

TOWN CLERK

c.c. City Engineer  
Town Planner

333/3/65

J.N.Pearce

March 31st 1967

Messrs. O'Flynn & Christie,  
Barristers & Solicitors,  
P.O.Box 2250,  
WELLINGTON.

Dear Sirs,

Land at southerly corner of  
Daysh and High Streets  
Lot 1, D.P.13522

This is further to my letter to you of 2nd March, 1967,  
answering yours of 3rd and 15th February, 1967.

My Council, at its meeting on 29th March, 1967, considered  
the proposal that the use of Lot 1, D.P.13522 for the purpose  
of a wholesale liquor store be a predominant use in the Industrial  
A zone in which it is located.

The Council resolved as follows:

That for the purposes of sub-clause (1)(b) of  
Clause 7 of Ordinance II of the Code of Ordinances  
relative to uses in Industrial A Zones the Council  
be of the opinion that the use of this site for the  
purposes of a wholesale liquor store will not inter-  
fere with the trades and industries described in  
sub-clause (1)(a) of the said Clause 7 or with the  
amenities of the adjacent residential zones provided  
that the following precedent conditions are complied  
with:

- (1) The open space with frontage to Daysh  
Street at the rear of the proposed building  
shall be sealed to the satisfaction of the  
Council and shall be at all times reserved  
for the loading and unloading of trade  
vehicles and the servicing of customers.
- (2) All vehicular ingress and egress to and from  
the premises shall be otherwise than to or  
from High Street and shall be at points  
approved by the Council.

Continued . . . . .

To: Messrs. O'Flynn & Christie, Barristers & Solicitors, Wellington.

- (3) Any neon or other illuminated signs shall be to the approval of the Council.
- (4) The rear yard shall be screened from the view of the neighbouring residential areas to the satisfaction of the Council.
- (5) All work required to ensure compliance with the foregoing conditions shall be completed to the satisfaction of the Council prior to the proposed store being opened for business.

The Council further resolved:

That the applicant be advised that the foregoing decision does not commit the Council to preferment of this location relative to other possible locations for a wholesale liquor store.

I attach an extra copy of this letter for your forwarding to Mr. Welsford, if you wish.

Yours faithfully,

E.C. Perry,  
TOWN CLERK.

Att:

N.B. In the event of this application proceeding, steps may have to be taken to protect Council's future interests which could involve execution of a legal Agreement caveated against the title.

TOWN PLANNING COMMITTEE

21/3/67

COUNCIL: 29/3/67

57(2)(a) re land at southerly corner of  
Daysh Street and High Street (333/3/65):  
Proposed use for the purposes of a wholesale  
liquor store. Further consideration as requested  
by Council.

RESOLVED TO RECOMMEND:

"That for the purposes of sub-clause (1)(b)  
of Clause 7 of Ordinance II of the Code of Ordinances  
relative to uses in Industrial A Zones the Council  
be of the opinion that the use of this site for the  
purposes of a wholesale liquor store will not inter-  
fere with the trades and industries described in  
sub-clause (1)(a) of the said Clause 7 or with the  
amenities of the adjacent residential zones provided  
that the following precedent conditions are complied  
with:

- (1) The open space with frontage to Daysh Street  
at the rear of the proposed building shall be  
sealed to the satisfaction of the Council and  
shall be at all times reserved for the loading  
and unloading of trade vehicles and the servicing  
of customers.
- (2) All vehicular ingress and egress to and from  
the premises shall be otherwise than to or  
from High Street and shall be at points  
approved by the Council.
- (3) Any neon or other illuminated signs shall  
be to the approval of the Council.
- (4) The rear yard shall be screened from the  
view of the neighbouring residential areas  
to the satisfaction of the Council.
- (5) All work required to ensure compliance with  
the foregoing conditions shall be completed  
to the satisfaction of the Council prior to  
the proposed store being opened for business."

FURTHER RESOLVED TO RECOMMEND:

"That the applicant be advised that the foregoing  
decision does not commit the Council to preferment of  
this location relative to other possible locations for  
a wholesale liquor store in the Taita area."



# Lower Hutt City Corporation

NEILL THOMAS GILLESPIE  
LL.B., L.M.T.P.I. (LOND.)  
CITY SOLICITOR  
TELEPHONE 60-174  
P. O. BOX 63



*City Solicitor's Office  
Lower Hutt*

333  
3 65

13th March, 1967.

The Town Clerk,  
LOWER HUTT.

Dear Sir,

[REDACTED]

Your file 333/3/65

I acknowledge your letter of 2nd March 1967.

1. The facts which I consider relevant to a consideration of the matters raised in your letter are as follows:
  - (a) The land in question is part of a small Industrial "A" zone in the City and erected on the land forming part of the zone are a clothing manufacturing business, a petrol service station, a spray painting business, and a small commercial block containing some shops.
  - (b) A piece of land at the corner of Park Avenue and High Street, immediately in front of the clothing factory, is vacant and the land at the corner of Daysh Street and High Street which is the subject of this present application is also vacant.
  - (c) The owner has applied for and been granted a building permit for the erection of a two-storey building on the quarter-acre block in question.
  - (d) Accompanying the letter of the Solicitors, Messrs. O'Flynn & Christie, dated 15th February 1967, is a plan, which I have not yet seen, showing the proposed size of the building, its general location and provision for parking on the balance of the land.
  - (e) The Licensing Control Commission has authorised the grant of a Wholesale Licence in a position not more than 150 feet on either side of High Street between Stellin Street and Tocker Street.
  - (f) The use proposed by the applicant is a predominant use in a Commercial "B" zone and there are two sites within the area spanned by the Commission's decision on which a wholesale liquor store could be erected as of right.
  - (g) If the present application is granted, following upon a resolution of the Council that it is of opinion that the proposed commercial use will not interfere with the efficient location and operation of trades and industries described in Clause 7(1)(a) of Ordinance II

FILE  
27 APR 1967

of the Code and there will be no interference with the amenities of the adjacent Residential zones, the effect will be that approximately half the Industrial "A" zones under consideration will be in commercial use and half in Industrial "A" use.

2. I have recorded the facts, though, as will be seen later in this opinion they do not necessarily affect the opinion which I have been asked to form.
3. The questions which I am asked to answer are as follows:
  - (a) Do the words "interfere with the efficient location and operation of the trades and industries described in Clause 7(1)(a)" mean "interfere with undertakings already existing in this particular area" or do they include "interfere with undertakings not yet established in the area but capable of being established as predominant uses".
  - (b) May the Council reach a decision, i.e. form an opinion in terms of the clause cited, without ascertaining the views of adjacent residential zones as to amenities.
  - (c) If the Council passes a resolution simpliciter to the effect that it is of opinion that there will be no interference as is contemplated by Clause 7(1)(b) would there be from such a resolution an inference that a wholesale liquor store would be a predominant use in any Industrial "A" zone.
  - (d) Is the Council entitled to distinguish between one Industrial "A" site and another Industrial "A" site in forming an opinion under Clause 7(1)(b).
  - (e) In forming an opinion under Clause 7(1)(b) must the Council express an unqualified opinion or may it indicate that it is of the opinion so formed subject to conditions which must be met and maintained.
4. I am of the opinion that any opinion formed by the Council in respect of this site does not, if the resolution is properly worded, operate as an expression of opinion on the same topic in any other Industrial "A" zone nor do I think that the expression of an opinion favourable to the applicant automatically involves the Council by way of precedent in coming to a similar opinion for commercial uses in other Industrial "A" zones. Each case must be considered on its own merits and there must be applied to each application the appropriate principles of planning and I emphasise this point, principles of planning alone.
5. That expression of view appears to cover questions (c) and (d) above and I now turn to the remaining



questions:

- (i) Question (a) above present problems of interpretation the first being whether the word "location" used in Clause 7(1)(b) is intended to be used in the same sense as it is used in Clause 7(3) or whether it is used in the generalised sense of location, i.e. the general placement of Industrial "A" uses in Industrial "A" zones. The question is difficult and is not simplified by the use of different words probably intended to have the same effect and meaning, in Clause 7(2)(c), where reference is made to non-interference "with the efficient development of a zone for industrial purposes". The selection of the two words may have been deliberate in which case there would be support for the view that the word "location" in Clause 7(1)(b) is to be interpreted in the specialised sense. I have indicated that I find the question extremely difficult but I tend to the view that the word "location" is here used in the specialised sense and if I am right on that view the words "location and operation" must apply to existing uses within the zone and not to uses which might come to the zone under Clause 7(1)(a). In any event, the Council would be placed in a difficult position if it has to speculate on the type of industry which will ultimately be developed on the land under Clause 7(1)(a). The Council might well be of the view indeed that some of the trades and industries which are enumerated in Clause 7(1)(a) would be undesirable on this quarter-acre block but it cannot prevent their establishment. The Council may properly think that a commercial use would be a more desirable use from the point of view of good planning in respect of a small Industrial "A" zone than some of the uses which, as I have said, can be created as of right.

I therefore answer question (a) by saying that the words cited in my opinion refer to existing uses in the zone and to their location and operation.

- (ii) As to question (b), I do not think the Council is required to take active steps to ascertain the views of persons living in the adjacent Residential zones as to the possible effect on the amenities of those zones. The matter is one of planning principles and in considering their application the Council will no doubt be assisted by the views of its Town Planning Officer and by the definition of the word "amenities" contained in Section 2 of the Act, i.e. "those qualities and conditions in a neighbourhood which contribute to the pleasantness, harmony, and coherence of the environment and to its better enjoyment for any permitted use". On that definition I comment that the proposed use is a permitted use within the definition contained on page 4 of the Code and that in determining the question, from the point of view of amenities, the Council should not consider the

specific proposal for its use as a wholesale liquor store except insofar as that use may produce traffic problems not associated with any other commercial use. I have perused the two plans on your file, the first submitted by [REDACTED] <sup>s7(2)(a)</sup> and the latter by his Solicitors. The principal difference is that the first plan provides for "in" and "out" traffic to operate at the same point (about 45 feet wide) on Daysh Street about 60 feet from High Street and the second for traffic to enter at approximately that point but a narrower entrance and leave via the service lane. The Council should consider these respective traffic movements in relation to their possible effect on the amenities. My only comment on this question of fact is that the second proposal would appear to have fewer disadvantages than the first plan though entry by the service lane and exit from the parking area seems a more satisfactory type of traffic movement and less likely to affect the amenities. This particular use will be the subject of further comment in this opinion but we are here primarily concerned with the erection of a building which will be in the form of a shop with store rooms at the back and the planning principle to be applied is whether the erection of such a shop, bearing in mind the existence of shops nearby, can be said to be of such a nature that it will not contribute to the pleasantness, harmony or coherence of the environment and to its better enjoyment for a permitted use. On that topic I draw attention to the judgment of [REDACTED] <sup>s7(2)(a)</sup> in *Straven Services Limited v. Waimaire County & Another* where it was held that in considering the definition of amenities the words "pleasantness", "harmony" "coherence" and "better enjoyment" are to be read and construed disjunctively and if the proposal from the point of view of the application of planning principles would offend any one of those attributes that is sufficient to enable the Council to declare that there would be a detraction from amenities.

In its consideration of this matter the Council must address its mind to matters of principle only, that is to say, matters of planning principle and determine whether the construction of the proposed building and the provision of parking will raise difficulties of planning from the point of view, not of the particular use to which the premises are to be put, but to matters relating to traffic hazards, increase of traffic at a corner and the desirability to have a further commercial use in this Industrial "A" zone but not losing sight of the fact that there is already a commercial use on part of it.

If the Council properly and upon adequate advice and consideration come to the view that there can be traffic problems created or that additional commercial use in the area would be contrary to planning principles

it is entitled to say so and to pass a resolution that, in its opinion, the proposed use will interfere with the efficient location and operation of trades and industries or with the amenities of the adjacent residential zones, but it should, in its resolution, express the grounds for an opinion contrary to the application of [REDACTED] s(2)(a)

In so doing I repeat that I do not think that the Council is obliged to consult local residents, it is the arbiter in this matter and should act upon the professional advice available to it and upon its own knowledge of the area not losing sight again of the fact that the Licensing Committee will finally have the determination (if the Council indicates that this site would be available for a commercial use) of determining whether this is the site where a wholesale liquor store is to be or whether it is to be elsewhere. In so doing the Licensing Committee will no doubt follow the view of the Licensing Control Commission that a wholesale liquor store within the area is desirable and the rights of residents can be protected at the time of the application to the Licensing Committee. All that the Council has to do is to determine whether this piece of land, zoned for an Industrial "A" purpose, may, by the exercise of the Council's discretion, be used for a commercial purpose. If it comes to that opinion, the matter is concluded until it reaches the Licensing Committee. If the Council is of a contrary opinion, it should state its reasons so that these will become available, not only to the applicant but to the Appeal Board if the applicant should proceed by an application for a specified departure, or indeed by some Writ in the Supreme Court requiring the Council to come to a different view.

(iii) If the Council expresses the opinion that the land in question may be used for commercial purposes and that within those purposes there is included a wholesale liquor store this resolution would not act as a precedent and make the establishment of liquor stores predominant uses in any Industrial "A" zone. In any event the grant of Wholesale Licences is firmly in the control of the Licensing Control Commission and the question so far as the Council is concerned would have to be raised on each occasion for individual consideration.

(iv) I am of opinion that it is competent for the Council to distinguish between one Industrial "A" site and another Industrial "A" site in forming its opinion under Clause 7(1)(b) and this for the reasons that sites will differ, widths of streets will differ, the existence or non-existence of corner sites will be of importance, the location of existing Industrial uses in the Industrial "A" zone will become of importance and the Council is firmly entitled to make its own decision on each application and to distinguish between an Industrial "A" zone for instance in Rutherford

Street and the one now under consideration.

- (v) Lastly I am of opinion that the Council may reach a qualified opinion, that is to say, that it is of opinion that provided certain things are done and safeguards provided there will be no interference with location and operation nor with the amenities of the adjoining residential zones. The type of conditions which might be applicable would be the erection, for example, of a close boarded fence 6 feet high on the Residential boundary, the paving of the parking area, the absence of any point of entry into the store visible from the residential area, i.e. the entry should be at the rear of the building, control of advertising signs, siting of street crossings and the like. Broadly I am of the view that the Council may grant its consent, or more correctly, be of opinion sought by the applicant subject to conditions outlined by it. These conditions could relate to points of entry and exit for traffic, the use of the service lane, the number of car parks, fencing, advertising signs and screening of the car park. The Council could be of the opinion sought by the applicant if these or other conditions were fulfilled.

Since writing the above opinion I have been informed that the strip of land shown as service lane on the plan submitted by [redacted] Solicitors is not in law a service lane. Apparently at one stage it was a drainage reserve but even that restriction appears to have been removed and as far as can be ascertained the piece of land is in the Title of [redacted] two properties. If that is the case [redacted] could conform to conditions in regard to the entry and exit of vehicles to and from the land and also to and from the land adjoining upon which the shops are erected to ensure a free and efficient movement of traffic on the land itself. This is another type of condition which the Council might consider. I gave some thought to the question as to whether [redacted] might be called upon to dedicate a piece of land sufficiently wide to be accepted as a service lane but I have doubt as to whether the Council could impose that type of condition in an application such as the one before it. The same effect will be produced if [redacted] is told by way of conditions to any consent granted that he must utilise the land to the best advantage of the public from the point of view of traffic conditions and that would enable the Council to fix the points of entry and exit to the satisfaction of the City Engineer and the Superintendent of Traffic.

Yours faithfully,

*[Signature]*  
 City Solicitor

C.T.	
C.E.	✓
D.P.R.	
CP	✓
E.V.	
CSP	✓

NTG:EIT

*I defined myself  
 ask for brevity  
 of terms - the effect  
 of this is still to be as  
 it is conveyed by  
 sheet vestacity 2/11/64*

??

work be  
~~part~~ completed  
prior to  
commencement  
of business

Local

ent Official Information

c.c. City Engineer  
Town Planner

333/3/65

J.N.Pearce

March 2nd 1967

The City Solicitor,  
LOWER HUTT.

Dear Sir,

[REDACTED] s7(2)(a)  
Land at southerly corner of  
Daysh and High Streets

[REDACTED] s7(2)(a) is the owner of the above site which is zoned Industrial A and has up-lifted a building permit for the erection of a building which according to his application is for industrial purposes.

It would seem that [REDACTED] s7(2)(a) may have changed his mind as to the intended purpose as correspondence has been received from his solicitors seeking a declaration by the Council under Clause 7 (1)(b) of Ordinance II that a wholesale liquor store would be a predominant use. A photostat copy of the latest letter from the solicitors, Messrs. O'Flynn & Christie, dated 15th February 1967 is attached.

This matter was before the Town Planning Committee on the 16th February 1967. On the 27th February the Council considered the recommendation of the Committee that the Council be not of the opinion sought, and that the proposed use of the site be not approved. The Council decided to refer the matter back to the Committee for further consideration. An indication was given that the Council desired more information as to the industrial capabilities of the site.

The matter was before the Town Planning Committee on the 1st March 1967 when the Committee held a special meeting primarily to consider other matters. At the previous meeting of the Town Planning Committee on the 16th February 1967, Council Officers had pointed out to the Committee that the site is the last unoccupied industrial section in that particular area. At a further meeting held on the 1st March, Council's Officers submitted a list of possible industries which in theory could be located on the site. The Committee was informed that from time to time inquiries were received for such industrial sites, but that [REDACTED] s7(2)(a) had apparently held on to the land for a considerable period of time for reasons which are not known to us.

At the special meeting on 1st March members of the Committee were divided as to whether or not to recommend Council to be of the opinion desired by [REDACTED] s7(2)(a) Council and Committee are

are aware that the Licensing Control Commission has indicated its willingness to grant a wholesale licence within 150' of either side of High Street between Stellan Street and Tocker Street. Council's Officers are of the opinion that the proposed use is a commercial use and is one of the predominant uses in Commercial B Zones. The Council and the Committee are aware that sites zoned Commercial B are available for use as a wholesale liquor store within the area defined by the Licensing Control Commission.

At the meeting of the Town Planning Committee on the 1st March 1967 some councillors were of the opinion that the Council is not, in all the circumstances, competent to form the opinion under Clause 7 (1)(b) of Ordinance II as sought by the solicitors to make a wholesale liquor store a predominant use in the zone, and that, consequentially, the proper course is for [REDACTED] to seek a Specified Departure if he wishes to pursue the matter. In elaboration of this viewpoint, it was claimed that should Council resolve to be of the opinion sought, then a similar opinion would be automatic for almost all, if not all, other commercial uses; and that the Industrial A Zones in such cases might as well be regarded as a "write off".

Amongst other questions which entered into the debate were:-

- (a) Whether "interfere with the efficient location . . . ." means interfere with undertakings already existing in the area, or includes interference with undertakings not established as yet in the area, but capable of being established there as predominant uses under the Code.
- (b) Whether the Council could, without taking steps to ascertain the views of adjacent residential zones as to amenities (as could be done for example on a Specified Departure application) properly be of the opinion sought.

The Committee, therefore, on the 1st March 1967 resolved that your written opinion be obtained as to whether in order to establish a wholesale liquor store as a predominant use, the Council can, in the present circumstances, follow the procedure in Clause 7 (1)(b) by a simple resolution (i.e. without taking any other steps).

For the purposes of further clarity, I should like also to have your opinion as to whether a simple resolution as sought would mean that a wholesale liquor store (any wholesale liquor store) would be a predominant use in any industrial zone, and not just the corner of Daysh & High Streets; also whether it is competent for the Council to distinguish between one Industrial A site and another Industrial A site in forming an opinion under Clause 7 (1)(b); also as to whether in forming an opinion under Clause 7 (1)(b), the Council must be of an unqualified opinion or could for example be of the opinion that a wholesale liquor store would not interfere subject to certain conditions being first met (or at all times maintained).

Yours faithfully,

E.C.Perry,  
TOWN CLERK.

INDUSTRIAL A ZONES - POSSIBLE USES

Auto Electricians

Builders

Bricklayers

Blocklayers

Boot & Shoe Repairs

Dry Cleaners

Electricians

Floor Sanders

French Polishers

Garages

Hire Pool for Machinery

Joiners

Lawnmower Servicing

Laundries

Plasterers

Plumber/Drainlayers

Printers

Radio Repairs

Service Stations

Smallgoods Manufacture

Stone masons

Tilers

Tyre Retreading

Upholsterers

Welders

Wood and Coal Yards

ent Official Informatio

Local



INDUSTRIAL A ZONE - POSSIBLE USES

Auto Electricians

Builders

Bricklayers

Blocklayers

Boat & Shoe Repairs

Dry Cleaners

Electricians

Floor Sanders

French Polishers

Garages

Hire Pool for Machinery

Joiners

Lawnmower Servicing

Laundries

Plasterers

Plumber/Drainlayers

Printers

Radio Repairs

Service Stations

Smallgoods Manufacture

Stone masons

Tilers

Tyre Retreading

Upholsterers

Welders

Wood and Coal Yards

ent Official Informatio

Local

c.c. City Engineer  
Town Planner

333/3/65

J.N.Pearce

March 2nd 1967

Messrs. O'Flynn & Christie,  
Barristers & Solicitors,  
P.O.Box 2250,  
WELLINGTON.

Dear Sirs,

Land at southerly corner of  
Dayson and High Streets

I refer to your letters of the 3rd and 15th February  
1967.

The Council has given some consideration to this  
matter and it is now expected that a final decision by the  
Council will be made on the 29th March, 1967.

I shall write to you again as soon as possible.

Yours faithfully,

E.C.Perry,  
TOWN CLERK.

TOWN PLANNING COMMITTEE

SPECIAL MEETING

1/3/67

<sup>s7(2)(a)</sup> [REDACTED] re land at southerly corner of Daysh and High Streets (335/3/65): proposed wholesale liquor store in Industrial A zone. Referred back by Council 27th February, 1967, for further consideration.

RESOLVED: (Councillor Lee)

"That subject to the receipt of a written opinion from the City Solicitor that an affirmative answer is within the powers of the Council, the Committee's recommendation to Council be that the use of this site for the purposes of a wholesale liquor store will not, in the opinion of the Council, interfere with the efficient location of the trades and industries described in Clause 7 (1)(a) of Ordinance II or with the amenities of the adjacent residential zones."

# LOWER HUTT CITY COUNCIL

333/3/65

g/mw

MEMO:

CHAIRMAN & MEMBERS,  
TOWN PLANNING COMMITTEE:

TOWN CLERK'S OFFICE

1st March, 1967


c.c. City Engineer  
Town Planner  
S.C.S. Pearce

57(2)(a)

re land at southerly corner  
of Daysh and High Streets

This will place on record that at the meeting of Council held on 27th February, 1967, the Committee's recommendation in regard to the above item was not adopted and instead this matter has been referred back for further consideration.

Some Councillors were concerned that some more information pertaining to the industrial capabilities of the particular section should be obtained before this matter is re-considered.

  
TOWN CLERK

333/3/65-

COUNCIL MEETING

27TH FEBRUARY, 1967

OPEN SECTION

FILE  
30 MAR 1967  
5

(e) Town Planning Committee - 16th February, 1967  
pages 1 - 14, as circulated.

Councillor Young moved, seconded by Councillor  
Campbell -

"That the Report and recommendations be  
adopted."

Item 7 (b) on page 7 - <sup>s7(2)(a)</sup> [redacted] re land at  
southerly corner of Daysh and High Streets (333/3/65)

Councillor Seddon moved as an amendment, seconded by  
Councillor Lee -

"That the Committee's recommendation be not  
adopted and this item be referred back for further  
consideration."

On being put to the meeting the Amendment was  
carried unanimously.

TOWN PLANNING COMMITTEE

16TH FEBRUARY, 1967

Council: 27th February, 1967

57(2)(a)  
[REDACTED] re land at southerly corner of Daysh and High Streets (333/3/65) - proposed wholesale liquor store in Industrial A Zone. Letters dated 3rd and 15th February, 1967 from O'Flynn & Christie, Solicitors, seeking approval (copies attached Pages T.P.222 and T.P.224).

The applicant refers to Ordinance II Clauses 7 (1)(a) and 7 (1)(b) of the Code of Ordinances which read as follows:

Clause 7 - Industrial A Zones

(1) Predominant Uses. The following shall be predominant uses in Industrial A zones:

- (a) All trades and industries such as laundries, bakeries, milk distribution, garages, service stations, tradesmen's workshops, warehouses, stores and storage yards which serve the day to day needs of the district.
- (b) Any industrial or commercial use which, in the opinion of the Council, will not interfere with the efficient location and operation of the trades and industries described in (a) above or with the amenities of the adjacent residential zones.

The Committee noted that the Licensing Control Commission had indicated its willingness to grant a Wholesale Liquor Licence within 150 ft. of either side of High Street between Stellin Street and Tocker Street.

TOWN PLANNING COMMITTEE

16TH FEBRUARY, 1967

Council: 27th February, 1967

The Committee also noted that the applicant's land is zoned for service industrial purposes, that it is the only remaining industrial site in the area, and that the applicant has recently been granted a building permit to erect an industrial building thereon; also that another site, possibly more suitable for a wholesale liquor licence, is located in the Tocker Street Commercial Centre.

RESOLVED TO RECOMMEND:

"That Council be not of the opinion described in Clause 7 (1)(b) and that the proposed use of this particular site be not approved."

(NOTE: Councillors Kennedy-Good and Lee recorded their votes against this resolution.)

Wed. 15.2.67  
9:20 am

Mr. Pearce.

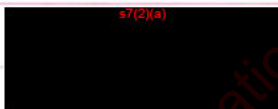
effects

(? Newark)



- H3940 phoned

with regard to



Daysh & High St. Property.

could you phone him urgently  
please.

A.

Ray has been 10 am not in  
later: told him the position



O'Flynn & Christie

FRANCIS DUNCAN O'FLYNN, B.A., LL.M.  
DONALD ARTHUR CHRISTIE, LL.B.

LOWER HUTT CITY COUNCIL  
RECEIVED  
16 FEB 1967  
ACK.....ANSD.....

BARRISTERS & SOLICITORS  
WELLINGTON, N.Z.

GUARDIAN ASSURANCE BUILDING  
18 BRANDON STREET,  
WELLINGTON, C.1.

15 February 1967

All Solicitors are contributors to the  
Solicitors' Fidelity Guarantee Fund

The Town Clerk,  
Lower Hutt City Council,  
LOWER HUTT.

Dear Sir,

[REDACTED] - Cnr. Daysh St.  
and Hight St.

We refer to our letter of the 3rd instant.

We understand that the Committee does not desire to hear oral representations at this stage but will consider written submissions.

In our submission no general principle is involved. Our client's concern is with the present application, which in our view falls squarely within Ord. II cl. 7 (1) (b) of the Code of Ordinances and should therefore be allowed to proceed unless the Council can produce clear evidence of the possible detriments referred to in subparagraph (b).

The site in question is of adequate size to provide not only for the proposed building but parking and circulation of motor vehicles, which should prevent any possibility of a traffic hazard arising on this score. The proposal complies with the bulk and location requirements for an Industrial A site.

Vehicular access will be onto and from Daysh Street (and not High Street) and complies with Ord. VI, cl.2.

The site is within the area recently defined by the Licensing Control Commission for the provision of a wholesale liquor licence and is conveniently accessible from all parts of the city.

In our submission there would be no interference with the efficient location and operation of the trades and industries described in cl.7 (1) (a). The proposed use is much less likely to be a detriment to the amenities of any residential zone adjacent to it, than would some of the uses which could be established as of right, and without reference to the Council, under cl. 7 (1) (a). The hours of business are strictly controlled under the Sale of Liquor Act. It is not a business which generates any degree of noise or offensive smell, nor does it create peaks of traffic.

As mentioned in our letter, the matter is of some urgency, and we should therefore be obliged if it could receive the Committee's prompt and favourable attention.

Yours faithfully,  
O'FLYNN & CHRISTIE

Per:

*[Signature]*

# O'Flynn & Christie

FRANK DUNCAN O'FLYNN, B.A., LL.M.  
DONALD ARTHUR CHRISTIE, LL.B.



GUARDIAN ASSURANCE BUILDING,  
18 BRANDON STREET,  
WELLINGTON, C.1.

3 February 1967

All Solicitors are contributors to the Solicitors' Fidelity Guarantee Fund

DAC:MHS

The Town Clerk,  
Lower Hutt City Council,  
Private Bag,  
LOWER HUTT.

Dear Sir,

We act for [redacted] s7(2)(a) the owner of the land on the southerly corner of Daysh Street and High Street, Lower Hutt.

[redacted] s7(2)(a) is the holder of a building permit for a building which would comply with the Council's requirements for an Industrial A Zone. He desires, however, to erect on the land a building which will be used as premises for a wholesale liquor store.

It appears to us that this would come within Clause 7 (1)(b) of the Council's Code of Ordinances, and would therefore be a predominant use, provided the Council is satisfied of the matters referred to in paragraph (b).

We understand that there will be a meeting of the Council's Town Planning Committee on the 21st instant, and it is desired that the matter should be brought before that meeting of the Committee.

We enclose a plan of what is proposed. It may be that the Council will require further information and we shall, of course, be happy to provide this, either in writing or by appearing before the Committee at the meeting referred to above.

We are instructed that there is some urgency in this matter and we should therefore be obliged if every effort could be made to have it dealt with at the Committee meeting on the 21st instant.

C.T.		
C.E.	✓	AS
D.P.R.		
T.P.	✓	PA
C.V.		
CSP	✓	

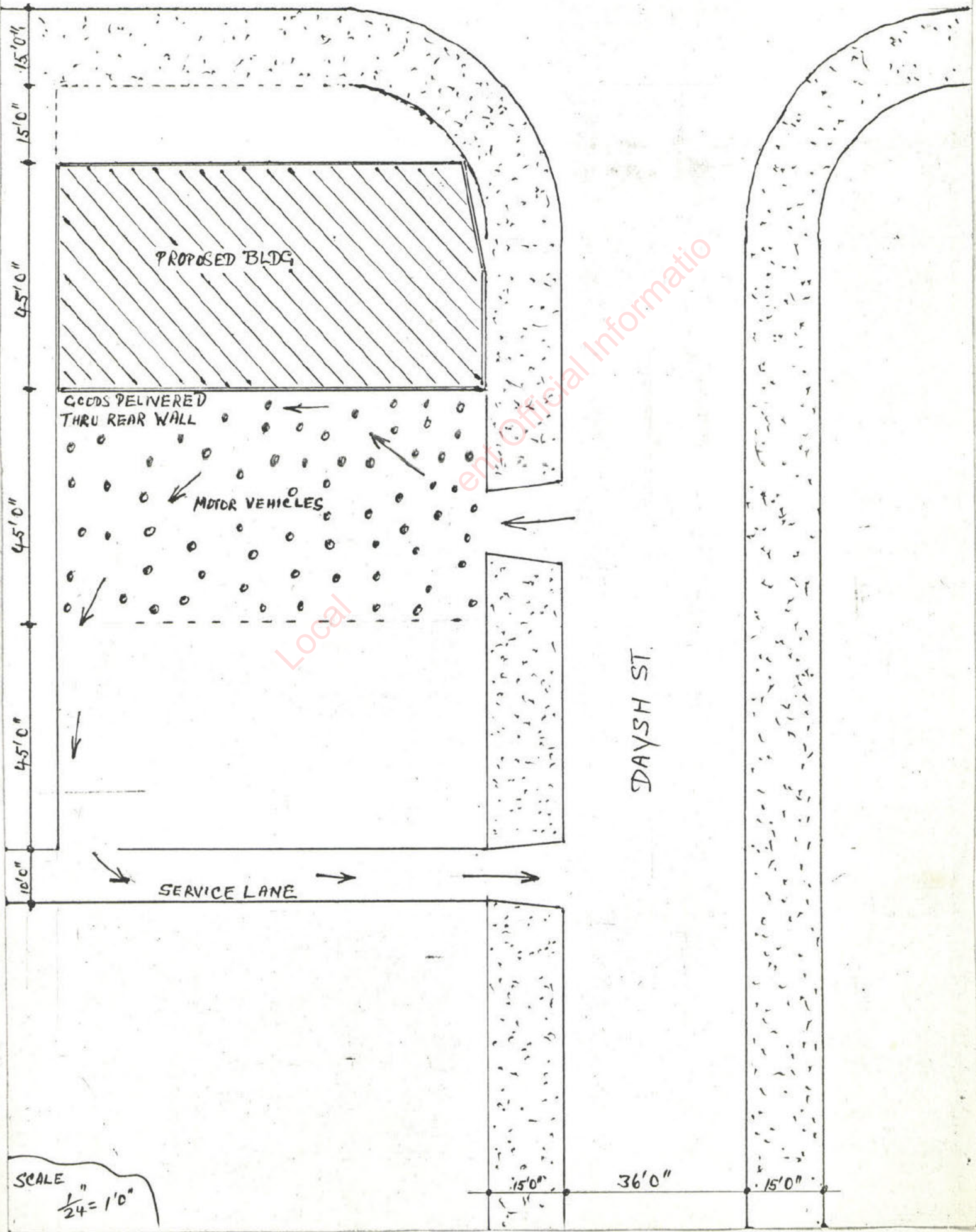
*Own copy without plan.*

Yours faithfully,  
O'FLYNN & CHRISTIE,

Per: *[Signature]*



HIGH ST.



SCALE 1/24" = 1'0"

Official Information

c.c. City Engineer  
Town Planner

333/3/65

J.N.Pearce

December 16th 1966

57(2)(a)  
LOWER HUTT.

Dear Sir,

I am replying to your letter of 10th December, 1966. An inquiry about the proposed use of the property at the southern corner of High Street and Daysh Street for a wholesale liquor store was also received from Messrs. Young, Bennett, Edgley & Co., Solicitors.

I attach a copy of the reply which was sent to the solicitors on 14th December, 1966 from which you will see the position.

Yours faithfully,

*E. C. Perry*  
E.C.Perry,  
TOWN CLERK.

Att:



14th December, 1966

51/4  
6/2/2 RMH/jvm:

Holmes

Messrs Young, Bennett, Edgley & Co.,  
Barristers and Solicitors.,  
P.O. Box 499,  
WELLINGTON

Dear Sirs,

I refer to your letter of 25th November, addressed to the Town Planning Office, concerning the proposed use of the property at the southern corner of High Street and Daysh Street for a wholesale liquor store.

The land is zoned Industrial A under the Council's Operative District Scheme and a building permit has been issued for the erection of a building on this site for use for industrial purposes. A wholesale liquor store, of course, is not an industrial use and would not normally be permitted in this zone.

The proposed use would also tend to attract a considerable amount of traffic and as the site is located on a busy intersection it could not be regarded as suitable for a wholesale liquor store.

Yours faithfully,

*A. N. G.*

CITY ENGINEER

Per : .....  
*RM*



333  
3 65-

LOWER HUTT CITY COUNCIL  
RECEIVED  
15 DEC 1966  
.....  
ACK.....ANSD.....

G.C. TOWN CLERK ←

G.C. TOWN PLANNER

14th December, 1966

51/4  
6/2/2 RHH/jvm:

Holmes

Messrs Young, Bennett, Rigley & Co.,  
Barristers and Solicitors,  
P.O. Box 499,  
WELLINGTON

Dear Sirs,

I refer to your letter of 25th November, addressed to the Town Planning Office, concerning the proposed use of the property at the southern corner of High Street and Daysh Street for a wholesale liquor store.

The land is zoned Industrial A under the Council's Operative District Scheme and a building permit has been issued for the erection of a building on this site for use for industrial purposes. A wholesale liquor store, of course, is not an industrial use and would not normally be permitted in this zone.

The proposed use would also tend to attract a considerable amount of traffic and as the site is located on a busy intersection it could not be regarded as suitable for a wholesale liquor store.

Yours faithfully,

*A. N. G.*

CITY ENGINEER

Per: .....  
*RM*

C.T.		
C.E.		
D.P.R.		
T.P.		
C.V.		
CSP	✓	<i>[Signature]</i>

FILE  
15 DEC 1966  
3

333  
3 / 65-

LOWER HUTT CITY COUNCIL  
RECEIVED  
12 DEC 1966  
ACK 12-12-66... ANSD.

C.T.	884	Hutt
C.E.		
D.P.R.		10/12/66
T.P.	✓	
C.V.		
CSP	✓	-1st
ACK	✓	OK

The Town Clerk  
L. Hutt,

Dear Sir,

The possibility is not remote that a licensed wine and spirit merchant will lease for an extended period the building to be erected on permit N<sup>o</sup> 1306A; subletting may occur - Surgery being a very likely subtenant

As the <sup>PLAN</sup> shows the middle third of the section is being made available for customers parking and if the service lane at rear is not used - for stocks and deliveries also.

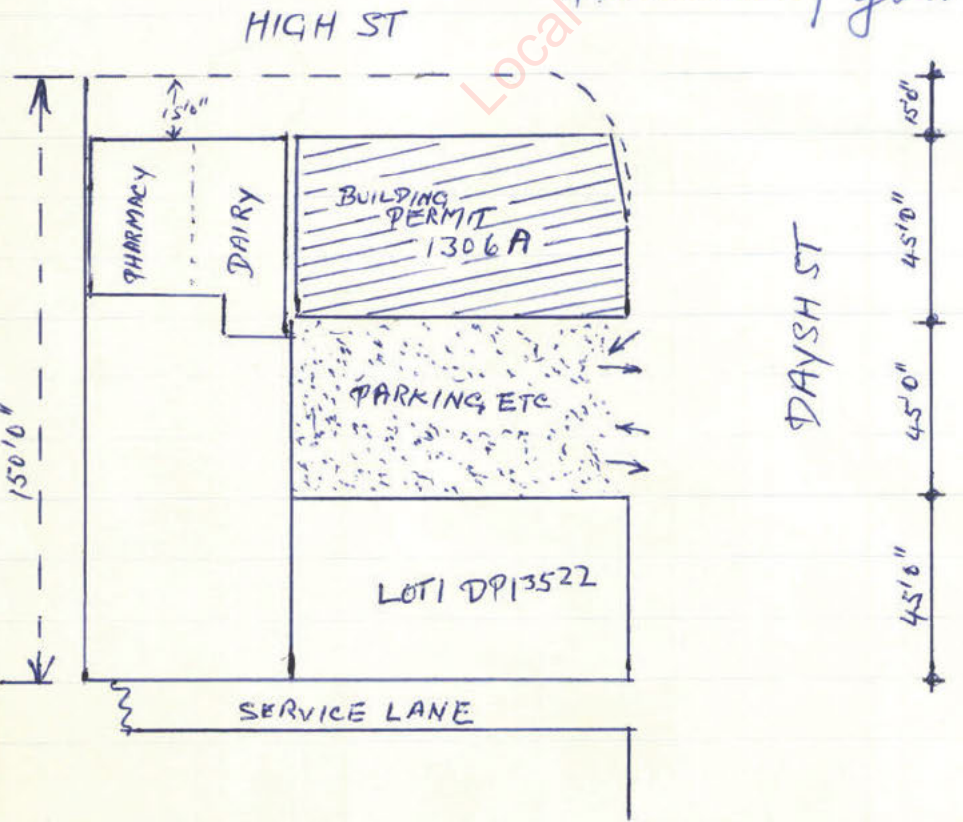
The adjoining commercial building contains a pharmacy and a dairy; the section under consideration is listed as industrial A - hence a decision by L.H.C.C. will be necessary.

Please submit this to L. Hutt C.C. at your earliest convenience

Thanking you



(693 994)



FILE  
15 DEC 1966  
3

c.c.

City Engineer

Town Planner

City Treasurer

(Please action refund (\$15) and transfer the balance (\$15) to Miscellaneous Town Planning Receipts. Receipt No. 80077 of 25 August, 1976, refers:)

304/8/230

Mr. Dunn  
IJMD:LMS

23rd November, 1976

Messrs. Phillips, Shayle-George & Co.,  
Barristers & Solicitors,  
P.O. Box 38015,  
PETONE

Dear Sirs,

RE: APPLICATION BY IRVIN AND STERN  
LIMITED.

I refer to the appearance of your [REDACTED] at a Special Meeting of Council's Town Planning Committee on 28th October, 1976, in connection with an application to erect a warehouse and ancillary retail outlet on the corner of Daysh and High Streets in the Industrial B zone.

At its meeting on 22nd November, 1976, my Council resolved in terms of Sections 30B and 35 of the Town and Country Planning Act 1953 to refuse its consent to erect a warehouse and ancillary retail outlet on land zoned Industrial B at the corner of Daysh and High Streets being Lot 1, D.P. 13522 on the grounds that retail activities within the Industrial B zone would be contrary to the public interest, would have Town and Country Planning significance beyond the immediate vicinity of the land concerned, and the effect of granting a departure to permit such retail activity in terms of the present proposal would call into question the provisions of the District Scheme prohibiting such activities in the Industrial B zone.

Additional expenses in administrating this matter amounted to \$15 and accordingly the City Treasurer will refund the balance (\$15) in due course.

Yours faithfully,

*E. C. Perry*

E.C. Perry,  
TOWN CLERK



LOWER HUTT CITY CORPORATION

Proposed Code Amendments 13 and 14 to Operative  
District Scheme

Proposed Code Variations 5 and 6 to Publicly  
Notified Review

SCHEME STATEMENT

The alterations proposed relate to:-

- (a) Establishment of unauthorised uses within residential, rural and industrial zones: To maintain these zones for their declared purpose, it is proposed to introduce general clauses prohibiting industrial or retail activity in residential and rural zones, and retail activity in industrial zones.
- (i) Warehousing: Some confusion as to the relationship of warehousing to manufacturing and commercial activity has become apparent. In order to clarify this matter, and to prevent unauthorised retail sales from such premises it is proposed to define "warehouse" in terms of Code Amendment 14 and Code Variation 6.

LOWER HUTT.  
11th April, 1976

E.C. Perry,  
TOWN CLERK.

Proposed Code Amendment 13 and 14 to the Operative District Scheme:

Proposed Code Variations 5 and 6 to the Publicly Notified Review:

1. Code Amendment No. 13 to the Operative District Scheme:

- (a) Amend Ordinance II, Clause 1(4) by the insertion after paragraph (e) on page 11, of the following:

"(e.e.) Uses Expressly Prohibited in Rural and Residential Zones:

Subject to the provisions of this Code of Ordinances, no person shall use, or permit to be used, any land or building or part thereof in any Residential or Rural Zone for any retail purpose, or wholesale sales or commercial storage or for manufacturing or assembly or for any other industrial purpose."

- (b) Amend Ordinance II, Clause 1(4) by the insertion after paragraph (f) on page 11, of the following:

"(g.) Uses Expressly Prohibited in Industrial Zones:

Subject to the provisions of this Code of Ordinances no person shall use, or permit to be used, any land or building or part thereof, for retail sales, in any Industrial Zone."

2. Code Amendment No. 14 to the Operative District Scheme:

Amend Ordinance I, Clause 3 - "Interpretation" - by inserting after the definition for "Terrace house" on Page 6 a definition for "warehouse" in the following terms:

" 'Warehouse' means and includes any building or part of a building used for the storage and despatch of goods but specifically excludes premises where goods are available for sale directly to the public at either retail or wholesale rates."

3. Code Variation No. 5 to the Publicly Notified Review:

- (a) Amend Ordinance II, Clause 1 (3) by the insertion, after paragraph (d) on page 10, of the following:

"(d.d.) Uses Expressly Prohibited in Residential and Rural Zones:

Subject to the provisions of this Code of Ordinances, no person shall use, or permit to be used, any land or building, or any part thereof in any Residential or Rural zone for any retail purpose, or wholesale sales or commercial storage or for manufacturing or assembly or for any other industrial purpose."

- (b) Amend Ordinance II, Clause 1(3) by the insertion, after paragraph (e) on page 11, of the following:

"(f.) Uses Expressly Prohibited in Industrial Zones:

Subject to the provisions of this Code of Ordinances, no person shall use, or permit to be used, any land or building or part thereof, for retail sales, in any Industrial Zone."

4. Code Variation No. 6 to Publicly Notified Review:

Amend Ordinance I, Clause 3 - "Interpretation" - by inserting after the definition for "Terrace house" on page 7 a definition for "warehouse" in the following terms:

" 'Warehouse' means and includes any building or part of a building used for the storage and despatch of goods but specifically excludes premises where goods are available for sale directly to the public at either retail or wholesale rates."

LOWER HUTT CITY COUNCIL

TOWN AND COUNTRY PLANNING ACT 1953.

PROPOSED CHANGES TO THE OPERATIVE DISTRICT PLANNING SCHEME

AND

PROPOSED VARIATIONS TO THE PUBLICLY NOTIFIED REVIEW THEREOF.

Public notice is hereby given that, pursuant to a resolution of the Council carried on the 22nd day of March 1976, the Council has resolved in terms of Sections 29 and 22A(1a) of the Town and Country Planning Act 1953, to recommend that the Operative District Scheme be changed and the proposed Review thereof be varied in respect of the matters listed in the Schedule hereto.

The Changes of the District Scheme and Variations of the Review, as now recommended by the Council, together with the Scheme Statement in relation thereto, have been deposited in the Council Offices, Laings Road, Lower Hutt, and are there available for inspection by all persons interested therein without fee at any time when the offices are open to the public.

Objections to the proposed Changes and Variations may be made by way of written notice in Form E prescribed in the First Schedule of the Town and Country Planning Regulations 1960, or to the like effect marked "Objection to Scheme Change and Variation", and lodged with the Town Clerk at any time not later than 4.00 p.m. on Monday, 21st June 1976. An appropriate form for the use of objectors is available from the Council offices.

At a later date every objection will be open for public inspection and any person who is entitled to support or oppose any objection in terms of Sections 23 and 24 of the Town and Country Planning Act 1953, and wishes to do so, may then be heard at the hearing of objections if he notifies the Town Clerk in writing within a period of which public notice will be given. If the Council wholly or partly disallows any objection made under Sections 23 or 24 of the Act, or any separate part of any such objection, the objector may, within two (2) months after being notified of such disallowance, appeal against the disallowance to the Town and Country Planning Appeal Board in the manner prescribed under the Town and Country Planning Regulations 1960.

THE SCHEDULE

1. Alterations to the Operative District Scheme and the Publicly Notified Review thereof by prohibiting industrial and retail activities in residential and rural zones, and retail activity in industrial zones.
2. Alteration of the Operative District Scheme and the Publicly Notified Review thereof by inserting a definition of the term "warehouse" so as to specifically exclude from that term premises where goods are available for sale directly to the public at either retail or wholesale rates.

Dated at Lower Hutt this 14th day of April, 1976.

E.C. Perry,  
TOWN CLERK.

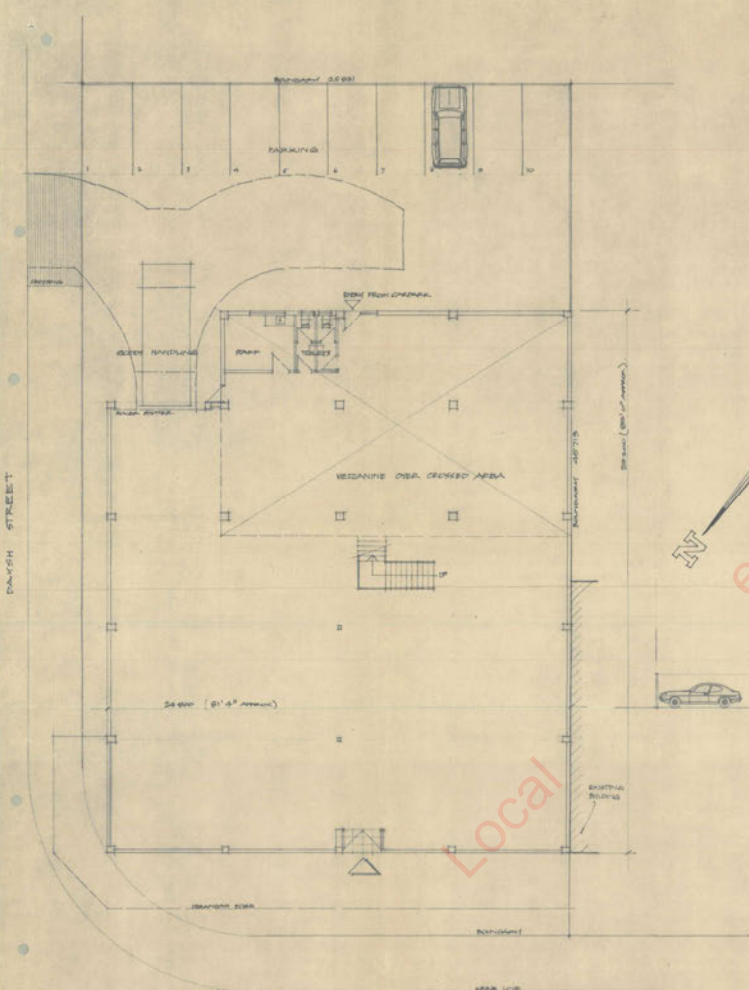
"Evening Post"      Saturday 17th April, 1976  
                                Saturday 24th April, 1976

"Hutt News"            Wednesday 21st April, 1976

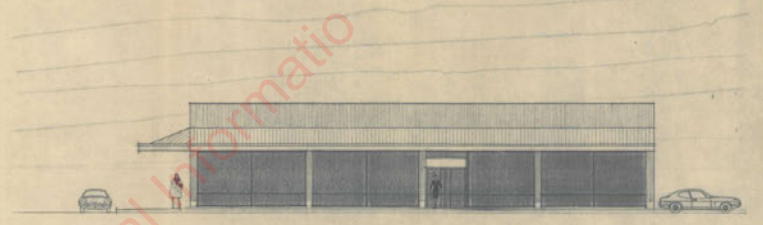




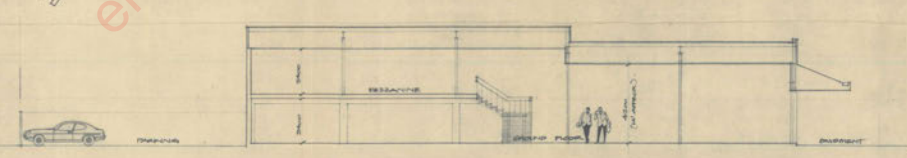




**PLAN**  
 SCALE 1/16" = 1'-0"  
 DATE 07/19/55  
 DRAWN BY J. H. H. / 1 1/2" x 11" / 100  
 CHECKED BY J. H. H. / 1 1/2" x 11" / 100  
 TOTAL 1 1/2" x 11" / 100



ELEVATION TO HIGH STREET



LONGITUDINAL SECTION

PROJECT AT HIGH STREET LOWER HUTT

DURNEY GROUP SERVICES

c.c. City Engineer  
Town Planner

651200

Mr Dunn

304/8

4 February 1986

s7(2)(a)  
WELLINGTON

Dear Sirs,

Re Proposed Workshop - Corner Daysh and High Street 870 High St.

I refer to the application on behalf of the N.Z. Society for the Intellectually Handicapped (Inc) to erect a workshop building on land zoned Industrial Local.

Acting pursuant to a delegation from the Council, the Dispensations Sub-Committee has resolved as follows:

"(a) That in terms of Ordinance II Clause 10 (4) of the Proposed 2nd Review, consent be granted for the erection of the building as proposed by Fiona Christeller, Architects, Job No. 8586 as a discretionary use.

(b) That in terms of Ordinance VII Clause 6(1) of the Proposed 2nd Review dispensation be granted to permit 9 car parks instead of the 12 normally required. The layout of the carparks to be as proposed by Fiona Christeller, Architects, - Parking layout."

Yours faithfully,

R.J. Vine  
TOWN CLERK/CHIEF EXECUTIVE

per :





FILE COPY

Paul Duffin  
City Environment  
04-570-6966  
04-566-7098  
duffin@huttcity.govt.nz  
RM20-04 H40-870

17 April, 1998

Mr M Brewer  
28 Natusch Road  
LOWER HUTT



Dear Mr Brewer

**ASSEMBLY OF GOD CHURCH : 870 HIGH STREET**

In 1995 you applied on behalf of the church to operate from the above premises. The resource consent that was granted had several conditions attached to it, one of these being that 'the driveway on Daysh Street shall be closed for vehicular access'.

During a recent visit to the area it was observed that this condition has not been complied with.

Can you contact me and advise when the driveway will be closed, as required.

Yours faithfully

A handwritten signature in black ink, appearing to be 'P. Duffin'.

Paul Duffin  
PLANNING INSPECTOR

Message left 20-5-98 on [redacted] to call me. 25/5. Mr Brewer called by phone. He will follow up by letter.

Submission received  
- registered  
settle

### Notified Resource Consents

Register Number: [ ] File Number: RM 20 04 - H40 - 870

Application Name: M BREWER

Street Number: 870

Street Address: HIGH STREET, LONGER HUTT

Key Words: CHURCH IN INDUSTRIAL LOCAL ZONE

Date Received: 9.5.95

Date Names Supplied: 12.5.95

Advertising Date: 16.5.95

Zone: INDUSTRIAL LOCAL

Closing Date: 15.6.95

Fastrack Date: 17.7.95

Hearing Date: [ ]

Submitters: M K V - AD MCKAY 888 Highst.

Decision date: 19/7/95

Decision: Approved   
Declined  
Withdrawn  
Abandoned

Referred to:  
Building:   
Plumbing Drainage:   
Traffic:   
EnvHealth:

Leisure Services:   
Roading:   
Special Projects:   
Other:

Date Referred: 24.7.95

Conditions: Yes   
No

Appeals: Yes  
No

Forwarded to Enforcement Officer

Yes Date Forwarded: 24.7.95

Forwarded by: C. Harris

**ACTION SHEET FOR NOTIFIED RESOURCE CONSENT APPLICATIONS UNDER THE RESOURCE MANAGEMENT ACT 1991**

<u>Type of Activity</u>	<u>Relevant Section(s) of Act</u>
Controlled Activity	ss. 105(1)-(3), 108(3)-(5)
Discretionary Activity	ss. 104, 105
Non-complying Activity	s. 105 (2) (b)
Change or Cancellation of Consent Condition	s. 127
Subdivision Consent (If notified under s. 93)	Part X, s. 220

1. Applicant: M. BRENEN

2. Address of Property: 870 HIGH STREET

3. Date Received: \_\_\_\_\_  
*(NOTE: This is not the date of acknowledgement. Time prescriptions run from that date)*

4. Fees/Deposits Paid? Yes/~~No~~ Receipt No. 301063

5. Copy Forwarded to Planning Division .....9/5/1995

6. Further Information Required (s. 92) ~~Yes~~/No

7. Further Information Requested by Written Notice (s. 92) ...../...../199 N.A.

8. Date of Acknowledgement (s. 95 - public notification required within 10 working days) ...12/5/1995

9. Date of Service (s. 93 (1) (a)-(f)) ...12/5/1995

10. Date of Public Notification (s. 93(1) (g)) ...16/5/1995

- 11. Date Submissions Close ...15/...6/1995  
(s. 97 - 20 working days after notification)
  
- 12. Submissions Received Yes/No  
(If NO refer to item 18 below)
  
- 13. Advice of Submissions Provided to Applicant ...../...../199  
(s. 98)
  
- 14. Pre-hearing Meetings \_\_\_\_\_  
\_\_\_\_\_ /  
(s. 99)
  
- 15. Hearing Required Yes/No  
(s. 100)
  
- 16. If hearing required, scheduled for Hearings Committee ...../...../199  
(s. 101(2) - date of hearing not more than 25 working days from date  
submissions close - refer item 11 above)
  
- 17. Notice of Hearing Issued ...../...../199  
(s. 101 (3) - At least 10 working days prior to hearing)
  
- 18. If Hearing NOT required refer to appropriate Subcommittee ...19/...7/1995
  
- 19. Committee/Subcommittee Decision GRANT  
\_\_\_\_\_  
(ss. 104, 105)
  
- 20. Conditions Imposed Yes/No/N.A.  
(s. 108)
  
- 21. Decision Notified ...24/...7/1995  
(ss. 114, 115)  
If hearing - no later than 15 working days after hearing,  
viz. .... / ..... / 199  
(s. 115 (1) (a))  
  
If no hearing - no later than 20 working days after closing date for  
submissions,  
viz. 12/...7/1995  
(s. 115 (1) (6) (ii))
  
- 22. Section 35 Register Noted \_\_\_\_\_
  
- 23. File \_\_\_\_\_

Copy: Principal Statutory Planner  
Valuation NZ  
WRC  
AD & KV McKay, 886 High Street

Ian Dunn  
City Secretariat  
RM20 04-H40-870

24 July 1995

Mr M Brewer  
28 Natusch Road  
LOWER HUTT.

Dear Mr Brewer,

**Notified Resource Consent Application - 870 High Street**

I refer to the application for consent to a non-complying activity to establish and operate a church on land zoned Industrial Local. Objections in this matter closed on 15 June 1995, when one submission was received from Mr & Mrs McKay, 886 High Street. Their concern was directed at the question of traffic lights and traffic safety considerations.

Having regard to the concerns raised by Mr & Mrs McKay the matter was referred to Council's Traffic Policy Division. The phasing of the traffic lights will be altered and, subject to the imposition of suitable conditions, the Traffic Policy Division was satisfied with the applicant's proposals. It is considered that the traffic and parking restrictions which apply will accommodate traffic flows generated by weddings and funerals.

In exercise of the powers delegated to it by Council pursuant to the provisions of section 34 of the Resource Management Act 1991, the Consents Subcommittee has resolved pursuant to sections 104 and 105 of the Resource Management Act to grant consent to the application to use existing buildings on land zoned Industrial Local at 870 High Street, being Lot 1, DP 13522, for the establishment and operation of a church with associated facilities in terms of the application, and for the purposes of section 108 of the Act the subcommittee resolved that this consent shall include the following conditions:

1. The westernmost driveway of Daysh Street shall be closed for vehicular access.

SN 16.4.98.

NO. 1 NOT COMPLETED WITH A 

2. Unsafe or illegal parking behaviour shall be discouraged actively through the use of advance publicity, signs or marshals as necessary.
3. Advance notice of all funerals and weddings shall be given to the Traffic Assets office, Hutt City Council, as required by that office.
4. The final proposals for to be substantially the same as that submitted in the application.

The subcommittee further resolved, in terms of section 113(a) of the Resource Management Act 1991, to advise you that consent was granted for the following reasons. The activity includes the operation for an office for clerical work from 8.30am to 5pm on weekdays, the use of the building for Wednesday evening prayer meetings, Saturday night youth meetings in addition to Sunday services. Other activities associated with the use as a church will include services for wedding and funerals. It is acknowledged that the site is located on a difficult intersection with no available on-street parking in the vicinity. The subcommittee gave careful consideration to the matter particularly having regard to Mr & Mrs McKay's submissions but was satisfied, in view of the Traffic Policy Division's comments, that subject to the imposition of suitable conditions any adverse effect on the environment would be minor. The activity does put to useful purposes a building which otherwise would remain vacant. Accordingly consent was granted on the foregoing basis:

For the purposes of section 116 of the Resource Management Act 1991 this resource consent shall commence on the date of receipt by you of this notification, unless an appeal is lodged in which case the consent shall commence when all appeals have been determined or withdrawn.

#### **INFORMATION AS TO RIGHTS OF APPEAL**

1. You may appeal against the decision of the Council by lodging a Notice of Appeal in the required form with the Registrar of the Planning Tribunal and with the Council within 15 working days of the receipt by you, or the person who filed the application/submission on your behalf, of the Council's decision. The address of the Planning Tribunal is P O Box 5027, Lambton Quay, Wellington.
2. The appeal must be in the form specified in the Resource Management (Forms) Regulations 1991 or to like effect. Those regulations may be purchased from the GP Print Ltd. The form is identified as form 7 in those regulations.

3. The appeal must be accompanied by a filing fee of \$55.
4. Section 121(2) of the Resource Management Act 1991 and regulation 11 of the Resource Management (Forms) Regulations 1991 set out important information as to the persons upon whom copies of the appeal must be sent and the time when that must take place. It is essential that these provisions be adhered to. Failure to do so may result in your appeal being struck out, that is dismissed without any opportunity to present your case.
5. If you are in any doubt as to the procedures to be followed it is recommended that you consult a lawyer.

Yours faithfully,

I J M Dunn  
**JUDICIAL ADVISER**  
for **CHIEF EXECUTIVE**

Released under the Local Government Official Information and Meetings Act

HUTT CITY COUNCIL

REPORT TO PLANNING APPLICATIONS SUBCOMMITTEE

**File No:** RM20 04-H40-870

**Author:** Carol Harris

**Date of Writing:** 17.7.95.

**Notification:** 16 May 1995

**Closed:** 15 June 1995

**Applicants Name:** M Brewer for Assembly of God Church

**Address:** 870 High Street

**Address for Service:** 28 Natusch Road

**Zoning:** Industrial Local

**Proposal:** To use the existing buildings to establish and operate a church with associated facilities. The proposal is to run an office for clerical work 8.30am to 5pm weekdays, and use the building for Wednesday evening prayer meetings, Saturday night youth meetings as well as Sunday services. Other activities associated with church use such as weddings, funerals etc

**Section(s) of Act:** 104 & 105

**Code Requirements:** -

**Comments:** The site is located on a difficult intersection with no available on-street parking in the vicinity. One submission was received in regard to the traffic lights and traffic. The matter has been referred to Traffic Policy and the phasing of the lights is to be altered. Traffic Policy is satisfied with the arrangements subject to suitable conditions. Traffic procedures for weddings and funerals will probably be streamlined as the applicant gains more experience with the traffic and parking restrictions. As long as the traffic effects are controlled the proposal is unlikely to have any adverse effect beyond this site and makes good use of a purpose designed ( IHC use) building in an industrial zone..



**Possible Conditions:**

1. The westernmost driveway on Daysh Street shall be closed for vehicular access.
2. Unsafe or illegal parking behaviour shall be actively discouraged through the use of advance publicity, signs or marshals as necessary.
3. Advance notice of all funerals and weddings shall be given to the Traffic Asstes office, Hutt City Council, of as required by that office.
4. The final proposals for to be substantially the same as that submitted in this application.

**Signed by:**

*Margaret Glenn*

**Date:**

*19-7-1995*

Released under the Local Government Official Information and Meetings Act

F / T

886 High St.,  
Lower Hutt.  
June 3rd 1995

Mr I. J. M. Dunn,  
Planning Division,  
Hutt City Council,

HCC - 7 JUN 9 5 AM  
R1120  
04-H40-870



Dear Sir, We the undersigned wish to object to the granting of a resource consent to the Assembly of God for the use of the building at 870 High St.

While the building would be eminently suitable for the use the applicants - The almost complete lack of parking space in the vicinity of the building will create a very hazardous condition to others using this area.

870 High St is situated at the lights on the corner of Daysh St, High St & Fairway Drive to the Kennedy Good Bridge & has been in the past an extremely bad corner for accidents. It is an extremely busy corner with a thorough fair in four directions. All of these four streets have "no parking" areas on both sides of all roads.

The whole area also is used by very many commercial vehicles with a very high percentage also of huge articulated trucks with trailers with as many as 40 wheels - this corner must be one of the most dangerous in Lower Hutt. The huge trucks come from Nae Nae & Wingate.

The lights are not properly phased for pedestrians crossing as they change to "wait" sign when one is only halfway across the road. I have watched Nae Nae College Students suddenly have to run & so have we at times, so the danger is there for pedestrians also. The Nae Nae College & the Primary School are situated at Walter St which is the next corner past the lights.

Our property 886 High St, 886 A High St, 884 on the corner & 888 are hazardous enough now to gain entry & exit because of the heavy traffic flow. Saturday & Sunday shopping has increased so it is still extremely busy on these days & does not decrease much from week days.

We point out also that the Mormon Church a few hundred yards down Daysh St & a lot of street parking on Sundays stems from there.

Also on looking at the grounds of the building the Assembly of God wishes to use we think they could not have 20 parking spaces & feel that 20 is excessive.

We wish to assure the people of the Assembly of God

that the objection we make is not due to the fact that we object to their Church in this area s7(2)(a)

s7(2)(a) but simply the danger of more cars parking in the streets in this area. For instance there are only 2 parking places for the chemist in High St & there are cars going into & coming from the Service Station next to the chemist — another danger for pedestrians. One takes ones life in ones hands trying to cross at this corner & to get to the Park Avenue shops.

Signed *K. M. McKay*  
K. M. McKay

Released under the Local Government Official Information and Meetings Act 2012

ROBERT HAYLES

**BUILDING INSPECTOR**

**PLUMBING AND DRAINAGE INSPECTOR**

**TRAFFIC POLICY - BILL BARCLAY**

**ENVIRONMENTAL HEALTH**

**LEISURE SERVICES**

**ROADING**

**SPECIAL PROJECTS**

**APPLICATION FOR PLANNING CONSENT -**

For a church at 870 High St, Lower Hutt

The attached application for planning consent has been received by this office. Could you indicate below any comments or conditions related to any matter which you think should be included in the Planning Officer's report. Please initial and circulate this form and plan and return to the Statutory Planning Division ASAP.

Please note - we need your comments by 23 May, 1995 for inclusion in the Planner's report.

**Thank You**

**Robert Hayles  
PRINCIPAL PLANNER STATUTORY PLANNING**

PROPOSAL IS A CHANGE OF USE UNDER THE BUILDING ACT. CHURCH SHOULD REDESIGNATE THE USE OF ROOMS/AREAS FROM THAT WHICH IHC HAVE STATED ON ORIGINAL PLANS EXISTING WORKSHOP HAS A ROLLER DOOR WHICH MAY NOT COMPLY WITH THE NZBC IF AREA WAS TO BE USED AS AN ASSEMBLY AREA.

ER Willhanson 15/5/95

# Internal Memo



THE HUTT  
CITY COUNCIL

Date 21 June 1995 FILE CODE Am2  
04-1140-870  
To: Bill Barclay <sup>21-6</sup> Division: Traffic Policy  
From: Carol Harris Division: Stat. Planning  
Subject: Brewer (Assembly of God Church) 870 High St

## Hutt City - a step ahead

The above application will be set down for a hearing by Jan. (date to be confirmed)  
The only matters of concern ~~is~~ <sup>are</sup> ~~the~~ traffic + parking related.

Can you please prepare a written statement for the hearing and forward a copy to both the applicant and the commissioners so that they receive it no less than 2 working days before the hearing.

phoned Bill pm  
28/6/95  
all OK.

Signature .....

This memo is handwritten in the interest of promptness over formality

SENDER SENDS PART 1

## THE HUTT CITY COUNCIL

Transport Policy Division

File WS75-09

### APPLICATION FOR PLANNING CONSENT:

#### ASSEMBLY OF GOD CHURCH AT 870 HIGH STREET AVALON

##### Comments:

##### 1. Situation

870 High Street is located at the intersection of Fairway Drive, High and Daysh Streets. This is one of the busiest intersections in this part of the Hutt Valley and the Daysh Street approach is subject to queuing at certain times of the day. Nor are Sunday traffic flows significantly lighter than during the week, along the Daysh Street frontage midday flows between 800 and 1200 vehicles per hour can be expected on any day of the week.

It has a high accident rate with 38 recorded for the most recent five-year period. These included one fatal, two serious injury, twelve minor injury and 23 non-injury. Most of these relate to traffic signal conflicts but two non-injury accidents may be associated with the driveways at 870 High Street. The reporting rate for this type of accident is low and I would expect a significant number of unrecorded accidents also to have occurred.

The site is extremely sensitive for driveway and parking conflicts and the Council must be satisfied that problems have been addressed in a thorough manner.

##### 2. Access

The site is served by three driveways, two on Daysh Street and one on High Street. When originally constructed, the driveway layout was suitable for one way egress from the westernmost Daysh vehicle crossing. I am not aware of problems associated with this exit, and I have no objection to it being retained provided it is part of a one-way route. The carparks shown on this route should be deleted from the plan.

##### 3. Carparking

The applicant has supplied a carpark layout showing 19 spaces. A large number of these are substandard in terms of the Building Code and for purposes of assessment the spaces labelled as 11, 12, 13, 16, 17 and 19 should be ignored.

Based on a maximum attendance of 100, the District Plan requires 10 spaces. Although the 13 provided complies, this requirement is minimal and at times I would expect an overflow onto surrounding streets. If the church was in a residential area or retail area outside trading hours this would not pose a problem. In this case however no parking is allowed on either frontage and two other churches, a garden centre, bridge club and sports ground are also active at weekends.

The church will need to actively discourage illegal or unsafe parking practices. I would not expect this to be a serious problem for regular Sunday services where the congregation will be familiar with parking arrangements, but for weddings, funerals and other special events active management will be required. This might involve signs and cones, or personnel acting as traffic marshals. A condition should be attached allowing this to be overseen by the Council. I would expect that after liaison with Council traffic engineers for the first few events, blanket approval for long periods should be possible.

4. Conclusion

If granted the consent should be subject to the following conditions:

- a) The carparking layout shall comply with the New Zealand Building Code or Australian Standard AS2890.
- b) The westernmost driveway on Daysh Street shall only be used as part of a one-way circulation route.
- c) Unsafe or illegal parking behaviour shall be actively discouraged through the use of advance publicity, signs or marshals as necessary.
- d) Advance notice of all funerals and weddings shall be given to the Traffic Assets office, Hutt City Council, or as required by that office.



**Bill Barclay**  
**TRAFFIC PLANNING ENGINEER**

**27 June, 1995**

h:\archive\doc\app199.doc

**BUILDING INSPECTOR**

**PLUMBING AND DRAINAGE INSPECTOR**

**TRAFFIC POLICY : BILL BARCLAY**

**ENVIRONMENTAL HEALTH**

**LEISURE SERVICES**

**ROADING**

**SPECIAL PROJECTS**

**APPLICATION FOR PLANNING CONSENT -**

*For a notified non-complying activity to establish a church at 870 High St, Lower Hutt*

**The attached application for planning consent has been received by this office. Could you indicate below any comments or conditions related to any matter which you think should be included in the Planning Officer's report. Please initial and circulate this form and plan and return to the Statutory Planning Division ASAP.**

**Please note - we need your comments by 23 May, 1995 for inclusion in the Planner's report.**

**Thank You**

**Robert Hayles  
PRINCIPAL PLANNER STATUTORY PLANNING**

Released under the Local Government Official Information and Meetings Act



Planning Division  
RM20 04-H40-870

12 May 1995

### Notice of Application for Resource Consent

The Hutt City Council, Private Bag 31912, Lower Hutt has received an application for a resource consent from M Brewer for a non-complying activity to establish and operate a church on land zoned Industrial Local at 870 High Street, Lower Hutt.

If you wish to make a submission on this application you may do so by sending a written submission to the consent authority. Section 97 of the Resource Management Act 1991 (taken in conjunction with the definition of working day in section 2 of the Act) provides that the closing date for serving submissions on Council be no later than Thursday 15 June 1995. The submission must be dated, signed by you and include the following information:-

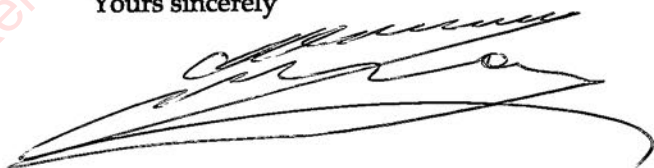
1. Your name and postal address and telephone number and a fax number (if applicable);
2. Details of the application in respect of which you are making the submission, including location;
3. Whether you support or oppose the application;
4. Your submission, with reasons;
5. The decision you wish the consent authority to make; and
6. Whether you wish to be heard in support of your submission.

The application can be viewed at the Planning Division located on the Ground Floor of the Civic Administration Building, 30 Laings Road, Lower Hutt, during normal office hours, namely, Mondays to Fridays, 8.00 a.m. to 5.00 p.m.

A copy of your submission must be served as soon as reasonably practicable on the applicant whose address for service is 28 Natusch Road, Lower Hutt.

Signed by IJM Dunn  
Pursuant to a delegation given  
to me by The Hutt City Council

Yours sincerely



I J M Dunn  
JUDICIAL ADVISER  
for CHIEF EXECUTIVE

Principal Statutory Planner  
Divisional Manager Leisure Services

Ian Dunn  
City Secretariat  
RM20 04-H40-870

12 May 1995

M Brewer  
28 Natusch Road  
LOWER HUTT

Dear Addressee

**RESOURCE CONSENT APPLICATION**

I refer to the application you lodged for a non-complying activity to establish and operate a church on land zoned Industrial Local.

In terms of section 93(1) (g) of the Resource Management Act 1991, the application will be publicly notified in the Hutt News on Tuesday, 16 May 1995 and section 97 of the Resource Management Act 1991 (taken in conjunction with the definition of working day in section 2 of the Act) provides that the closing date for serving submissions on Council will close on Thursday 15 June 1995.

In terms of section 93 (1) (e) of the Resource Management Act 1991, service of the application will be effected upon the following:-

See attached list.

Service will also be effected upon the Wellington Regional Council, Wellington Technical and Consultancy Services and the Health Development Unit, Lower Hutt.

Yours faithfully,



I J M Dunn  
**JUDICIAL ADVISER**  
for **CHIEF EXECUTIVE**

Copy: Principal Statutory Planner  
Planning Notices File - RM20-03-1  
Records Photocopier Operator  
P. Benseman - Charge to SPL SPL 500

Ian Dunn  
City Secretariat  
RM20 04-H40-870

10 May 1995

The Classified Advertising Section  
'Hutt News'

Dear Sir

**Classified Advertising**

I would appreciate it if the following advertisement could be inserted, single column, in the public notices section of the 'HUTT NEWS' ON TUESDAY 16 MAY 1995.

"RESOURCE MANAGEMENT ACT 1991  
THE HUTT CITY COUNCIL  
LOWER HUTT CITY DISTRICT PLAN REVIEW NO. 2  
PUBLIC NOTIFICATION OF APPLICATION FOR RESOURCE CONSENT

Details of the application for resource consent listed below may be examined in the offices of The Hutt City Council, Administration Building, 30 Laings Road, Lower Hutt during normal office hours.

Submissions may be made in writing stating:

- (a) The reasons for making the submission and the decision that the person wishes the consent authority to make, if known by the person making the submission, and the general nature of any conditions sought; and
- (b) Whether or not the person making the submission wishes to be heard in respect of the submission.

Section 97 of the Resource Management Act 1991 provides that the closing date for serving submissions on Council shall be by 4.00 pm Thursday 15 June 1995 having regard to the definition of working day in section 2 of the Resource Management Act 1991. Any submissions should be addressed to the Chief Executive, The Hutt City Council, Private Bag 31912, Lower Hutt.

A copy of any submission must also be sent to the applicant as soon as possible at the address for service shown below.

**LOWER HUTT CITY DISTRICT PLAN REVIEW NO. 2**

Address of Property to which  
the Application Relates:

870 High Street

Nature of Application:

A non-complying activity to establish and  
operate a church on land zoned Industrial  
Local.

Applicant:

M Brewer  
28 Natusch Road  
Lower Hutt

Dated at Lower Hutt this 10th day of May 1995.

Yours sincerely



IJM Dunn  
JUDICIAL ADVISER

for CHIEF EXECUTIVE

Released under the Local Government Official Information and Meetings Act

# AVALON ASSEMBLY OF GOD

In the Hutt Bridge Club, Park Avenue, Lower Hutt  
Correspondence to: 28 Natusch Road, Belmont, Lower Hutt



10th May 95

## **Hutt City Council.**

Re: Resource consent application 870 High St Lower Hutt  
Your Ref RM 20-04-H40-870

## **Avalon Assembly of God.**

### **Proposed hours of operation.**

Normal office hours for Church and Charities clerical/admin work.  
8.30am-5.00pm weekdays.

Womens meeting once per week, probably thursday, 9.00am-12.00

Evening prayer meeting Wednesdays, 7.00pm-9.30pm.

Youth meeting Saturdays, 7.30pm-10pm.

Sunday services, 9.00am- 12.00 and 6.00-9.00pm.

Other occasional meetings as required, eg funerals, weddings etc.

At present no other meetings are held or planned.

Mark Brewer  
Pastor.

# Haines Recruitment Advertising

AUCKLAND ■ WELLINGTON ■ CHRISTCHURCH

## Facsimile

To respond to this message:

From within New Zealand fax 0 - 4 - 801 7890 ■ From overseas fax 0064 - 4 - 801 7890

Date: 10 May 1995  
To: Hutt City Council  
Attention: Ian Dunn  
From: s7(2)(a)  
Fax Number: 569 4290  
Total No. Pages: 2  
(Including this page)

Hi Ian,

Please find following a copy of your <sup>part of the</sup> advertisement for viewing and approval.

It would be appreciated if you could confirm urgently by 1.00 pm.

Kind Regards,  
s7(2)(a)

...sent to Joe Newell, Traffic Assets Manager, Hutt City Council, Private Bag 31912, Lower Hutt and received by 4.00pm on Tuesday 30 May 1995.

**Resource Management Act 1991  
The Hutt City Council  
Lower Hutt City District Plan  
Review No. 2  
Public Notification of Application  
for Resource Consent**

Details of the application for resource consent listed below may be examined in the offices of the Hutt City Council, Administration Building, 30 Lains Road, Lower Hutt during normal office hours

Submissions may be made in writing stating:

- (a) The reasons for making the submission and the decision that the person wishes the consent authority to make, if known by the person making the submission, and the general nature of any conditions sought; and
- (b) Whether or not the person making the submission wishes to be heard in respect of the submission.

Section 97 of the Resource Management Act 1991 provides that the closing date for serving submissions on Council shall be by 4.00 pm Thursday 18 June 1995 having regard to the definition of working day in Section 2 of the Resource Management Act 1991. Any submissions should be addressed to the Chief Executive, Hutt City Council, Private Bag 31912, Lower Hutt.

A copy of any submission must also be sent to the applicant as soon as possible at the address for service shown below.

**Lower Hutt City District Plan Review No.2**

**Address of Property to which the Application Relates:** 870 High Street.

**Nature of Application:** A non-complying activity to establish and operate a church on land zoned Industrial Local.

**Applicant:** M Brewer, 28 Namsch Road, Lower Hutt.  
**Dated at Lower Hutt this 10th day of May 1995.**

R. Kerr-Newell  
Chief Executive



**HUTT CITY  
COUNCIL**

TP/GILL 3479.95



THE HUTT  
CITY COUNCIL

PRIVATE BAG 31912  
LOWER HUTT  
PH: 570 6666

OFFICIAL RECEIPT

CRRECT00882509MAY95 9505

TAX INVOICE RECEIPT

RECEIVED FROM : AVALON ASSEMBLY OF GOD  
ADDRESS:

THE SUM OF \$1552.50

BEING MISCELLANEOUS  
COMMENTS: 870 HIGH ST  
REFERENCE HCCSPLSPL 838

DATE: 09MAY95

AMOUNT OF GST INCLUDED IN ABOVE \$172.50

OPERATOR/LOCATION  
3/01  
GST NUMBER 52-097-053

TRAN NUMBER  
063/0

Released under the Local Government Official Information and Meetings Act



# FORM 5

## APPLICATION FOR RESOURCE CONSENT UNDER SECTION 88 OF THE RESOURCE MANAGEMENT ACT 1991

To: The Chief Executive Officer, The Hutt City Council.

We Avalon Assembly of God  
apply for the resource consent(s) described below:

- The names and addresses of the owner and occupier (other than the applicant) of any land to which the application relates are as follows:  
New Zealand Society for the Intellectually Handicapped (Inc)  
.....  
.....
- The location to which this application relates is: (for example Street address and Lot and Deposited Plan number)  
CNR DAYSH + 870 HIGH ST LOWER HUTT.  
Being  
Lot 1 on Deposited Plan 13522  
Title certificate 527 / 66
- The type of resource consent sought is: Land use consent.  
.....  
[For any activity in the coastal marine area, specify coastal permit. Otherwise specify one of the following: land use consent, subdivision consent, water permit, or discharge permit].
- A description of the activity to which the application relates is: Our application relates to our interest in the property for use as a Church in Church Activities.  
.....  
.....  
.....
- The following additional resource consents are required in relation to this proposal and have been applied for: .....  
.....  
.....  
have not been applied for: .....

RECEIPT No.	<u>321063</u>
ISSUED FOR	<u>\$1552.55</u>
DATE	<u>9/5/95</u>

6. I attach an assessment of any effects that the proposed activity may have on the environment in accordance with section 88 of, and the Fourth Schedule to, the Act.  
*[In the case of a controlled activity, such an assessment is not required unless specified in the relevant plan].*
7. I attach other information (if any), required to be included in the application by the district or regional plan or regulations.

MC Snower. (Pastor Avalon Assembly of God).

*[Signature of applicant or person authorised to sign on behalf of applicant]*

30/3/95.  
[Date]

**Address for service of applicant:**

.....  
28 Natusch Rd  
Lower Hut.  
.....

.....  
Telephone: [Redacted] .....  
Fax No: [Redacted] .....

**Annexures:**

- (a) An assessment of effects on the environment in accordance with the Fourth Schedule to the Act *[if required]*.
- (b) Any other information required by the district plan or regional plan or Act or regulations to be included.

Released under the Local Government Official Information and Meetings Act

Who?

# AVALON ASSEMBLY OF GOD

In the Hutt Bridge Club, Park Avenue, Lower Hutt  
Correspondence to: 28 Natusch Road, Belmont, Lower Hutt

Nicola Campbell,  
Statutory Planner,  
Hutt City Council.



Re: Resource consent application 870 High St Lower Hutt.  
Your ref RM 20-04-H40-870

Dear Nicola Campbell,

with regard to your letter requesting further information on our resource consent application before our application can proceed, please find attached the 1:200 scale site plan showing car parks as requested.

## **Proposed hours of operation.**

Usual hours of operation would be: Normal office hours, 8.30am-5.00pm  
Mon-Fri.

Occasional Midweek evenings 7.30-9.30 pm.  
Sundays, 9.00am-12.30, 6.00pm-8.30pm.

The nature of a Church's work, with weddings funerals etc means that on occasions there may be need to use the premises on any day.

## **Signage Proposed on Site.**

At this stage we do not plan any major sign changes other than the Church Name on the High St side. We do not intend using lights.

## **Application Fee.**

Please also find attached our application fee of \$1552.50.

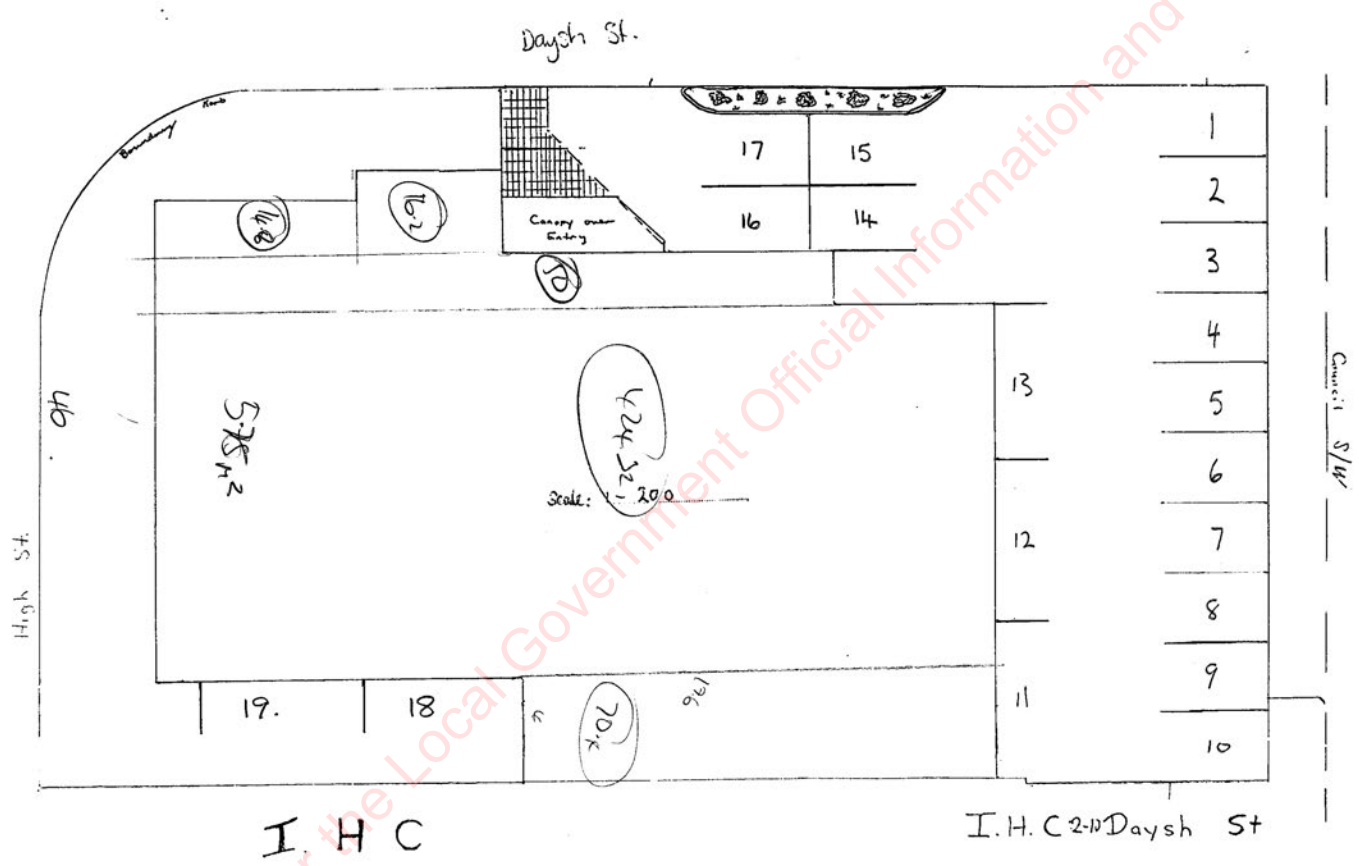
Should you require any further information please contact me either by phone [redacted] or at the above address.

Yours faithfully,

A handwritten signature in black ink that reads "Mark Brewer".

Mark Brewer, Pastor.

Released under the Local Government Official Information and Meetings Act



# AVALON ASSEMBLY OF GOD

Telephone/Fax [REDACTED] s7(2)(a)  
Correspondence to: 28 Natusch Road, Belmont, Lower Hutt



The Chief Executive Officer,  
The Hutt City Council.

30th March, 1995

With regard to our application for Resource Consent (attached).

For some time now our church, Avalon Assembly of God have been seeking to find a permanent venue.

For the past 2 years we have maintained contact with the Intellectually Handicapped Childrens society who own the building cnr of Daysh and High St Avalon, on occasions making use of their facility. We have entered into discussions with them on purchasing the building as they now need to move to premises that better meet their requirements. Any purchase would of course be subject to Council approval of the buildings use as a church facility.

This building is presently used by the IHC as a unit catering for approx 60 of their clients during the week.

It is a building purpose built for the IHC's needs or some other group such as ourselves who seek to cater for the special needs of the whole community. The buildings design does not make it quite so suitable for factory use however it is ideally suited, as is, for use as a church.

Traffic.

As a church our proposed use of the building would mean greatly reduced traffic on and off the site during the week as our midweek use would be minimal.

Sunday morning and evening services would see some increased movement however this would be only for brief periods and not high intensity. Overall the traffic throughput would be lower.

Carparking

The site holds carparking space for approximately 18-20 vehicles.

## Noise

As the building itself would be used much less than at present and not for light industrial use, we envisage noise being less of a problem( no trucks etc).

Sunday services are not loud and even peak singing times are only for short periods. The layout of this fully lined building makes this even less likely to be a problem as on 3 sides the sound would be indistinguishable and on the eastern side minimal. Our noise levels have never been a problem in the past. In addition we would carpet and curtain the building making sound even less of a problem.

## Appearance

The building is already an attractive one and we would not envisage any changes other than painting etc to spruce up its look overall. This would include improvements to the gardens , fences (paint ) etc.

## Summary

As an established church in the Hutt Valley and part of a recognised national denomination, we have a real desire to find a permanent facility for our local church congregation of approx 100. We are active in the community ministering to the needs of a wide group of people, both able bodied and disabled, the young and the elderly.

This facility, constructed as it has been to meet the needs of the IHC, specifically meets all the requirements of a church such as ours. We would greatly appreciate the councils favourable consideration of our application for this lands use as a church so that it can continue to be used in charitable work.

Yours faithfully,



Mark Brewer  
Pastor, Avalon Assembly of God.

Nicola Campbell  
City Environment  
RM 20-04-H40-870

4 April, 1995

Mr M Brewer  
Avalon Assembly of God  
28 Natusch Rd  
LOWER HUTT

RECEIVED	
Campbell N.	
FILE	

Dear Mr Brewer

**RESOURCE CONSENT APPLICATION - 870 HIGH STREET, LOWER HUTT**

Although you have indicated you wish to apply for a resource consent to operate a church at the above address, more information is required before the application can proceed. Your application is not accepted until you get formal advice of such acceptance.

\* In this regard, it will be necessary for you to supply a site plan drawn to scale (1:200) showing the number and location of car parks on site, details of proposed hours of operation, and details of all signage proposed on site.

Please note - the application fee for a notified resource consent is \$1552.50. This is an application fee only and there is no guarantee consent will be granted.

I look forward to receiving the required information and application fee.

Yours faithfully

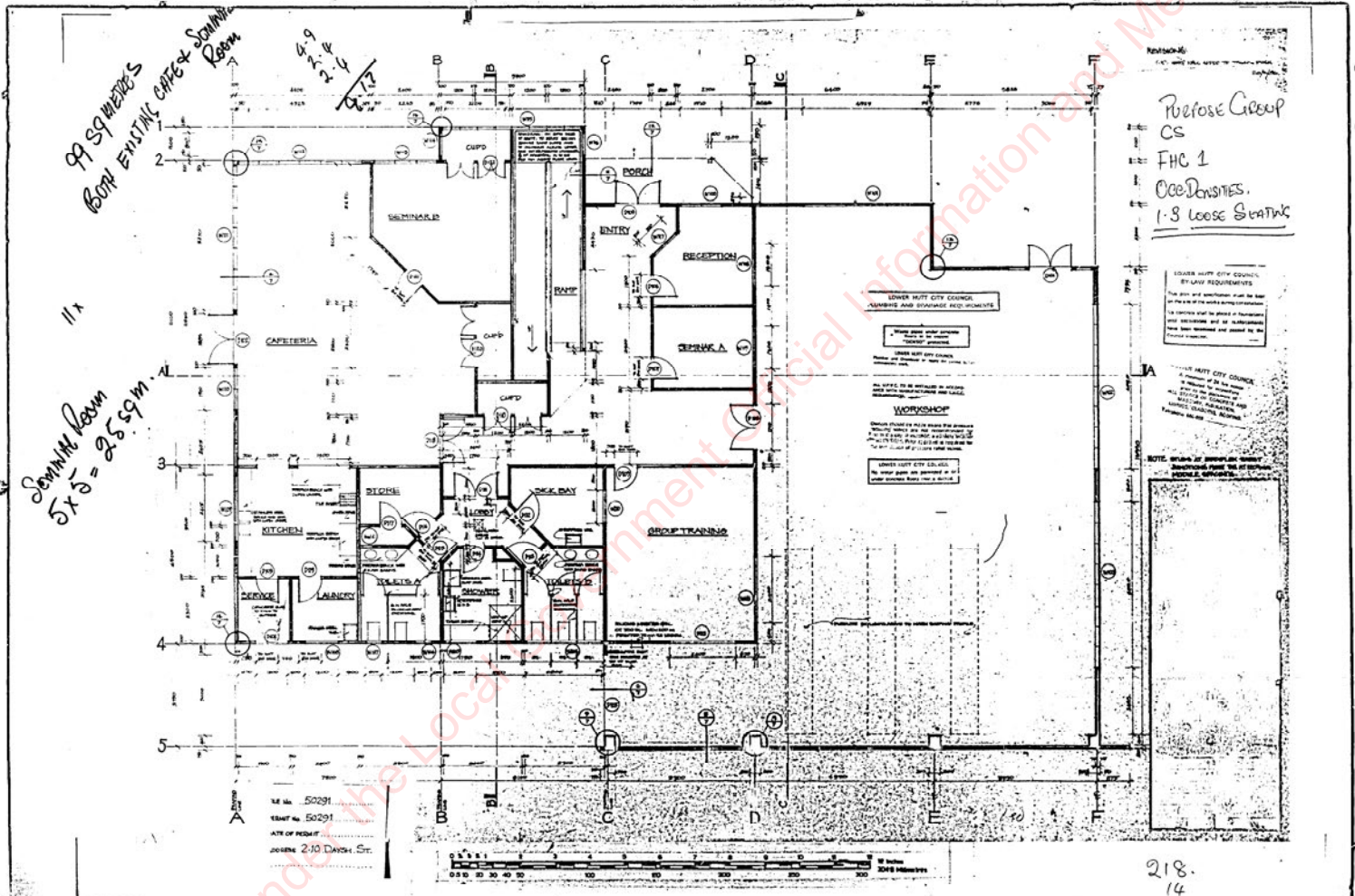
Nicola Campbell  
**STATUTORY PLANNER**

for **GROUP MANAGER CITY ENVIRONMENT**

99 SQ METERS  
 BOY EXISTING CHITRE & SOMNIA  
 ROOM

SOMNIA ROOM  
 5x5 = 25 SQ M

2-9  
 2-4  
 9/17



PL No. 50291  
 DRAWING No. 50291  
 DATE OF DRAWING  
 DRAWN BY 210 DAVEN. Sr.



Refuse Group  
 CS  
 FHC 1  
 Occ.Densities.  
 1-3 LOOSE SEATING

LOWER CITY COUNCIL  
 STAFF REQUIREMENTS  
 This plan and specifications shall be used  
 as the basis for the work of construction  
 and shall be subject to the approval of the  
 Engineer and the City Council.

LOWER CITY COUNCIL  
 STAFF AND STORAGE REQUIREMENTS

WORKSHOP

LOWER CITY COUNCIL  
 STAFF AND STORAGE REQUIREMENTS

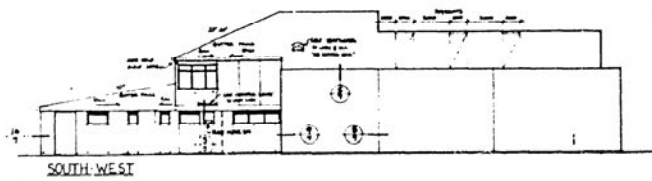
LOWER CITY COUNCIL  
 STAFF AND STORAGE REQUIREMENTS

NOTE: WORKSHOP REQUIREMENTS  
 SHOWN ON THE PLAN  
 SHALL BE SUBJECT TO THE  
 APPROVAL OF THE ENGINEER

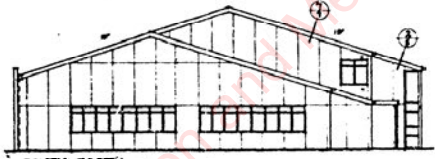
218.  
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 Workshop 250 (192)

Released under the Local Government Information and Meetings Act





SOUTH-WEST



SOUTH-EAST

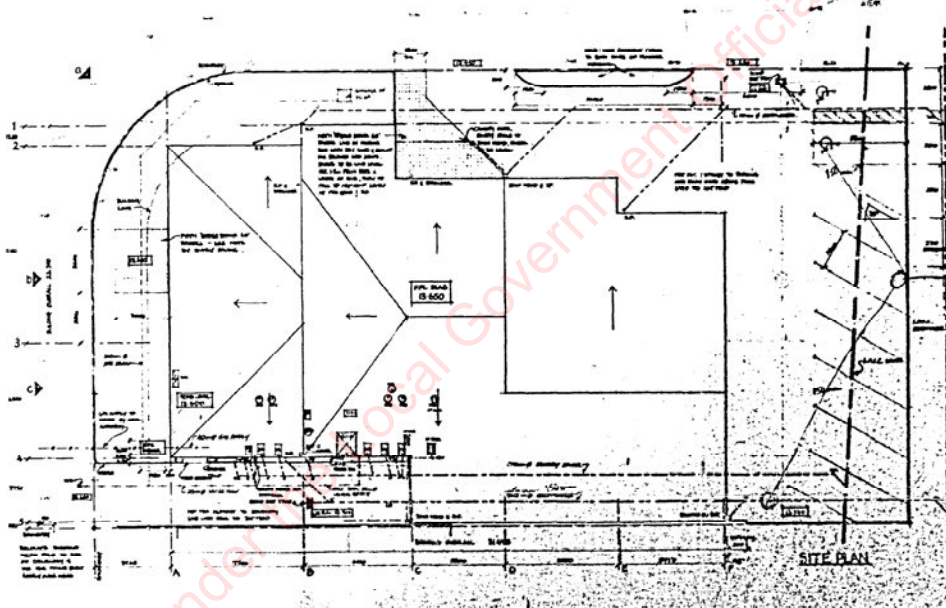


NORTH-EAST

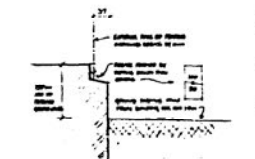


NORTH-WEST

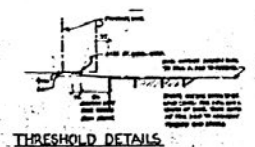
REVISIONS:  
 1. CHANGES TO WINDOW PLACEMENTS  
 2. CHANGES TO ROOF PITCH  
 3. CHANGES TO EXTERIOR FINISHES  
 4. CHANGES TO INTERIOR FINISHES  
 5. CHANGES TO ELECTRICAL SYMBOLS



SITE PLAN



SLAB EDGE DETAIL  
 SCALE 1/2"



THRESHOLD DETAILS  
 SCALE 1/8"

SEE  
 SECTION 1000 FOR WALLS AND CEILING  
 SECTION 1100 FOR FLOORS  
 SECTION 1200 FOR ROOFING  
 SECTION 1300 FOR EXTERIOR FINISHES  
 SECTION 1400 FOR INTERIOR FINISHES  
 SECTION 1500 FOR ELECTRICAL

NOTES:  
 1. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.  
 2. ALL MATERIALS SHALL BE APPROVED BY THE ARCHITECT.  
 3. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE CITY OF CHICAGO ORDINANCES AND CODES.

LARGE  
 SITING APPROVED  
 TO 3047  
 FROM PLANS  
 DATE 7.17.56

NO.	DATE	DESCRIPTION
1	7.17.56	APPROVED FOR CONSTRUCTION
2		
3		
4		
5		
6		
7		
8		
9		
10		



S.E. No. 50291  
 EDINT No. 50291  
 DATE OF PERMIT: 7/17/56  
 ADDRESS: 210 DASH ST.

Released under the National Archives and Records Administration's Freedom of Information Act

3 Copies - T  
B & P

NAME & ADDRESS OF APPLICATION:

M Brewer  
870 High St  
LOWER HUTT

ADDRESS FOR SERVICE:

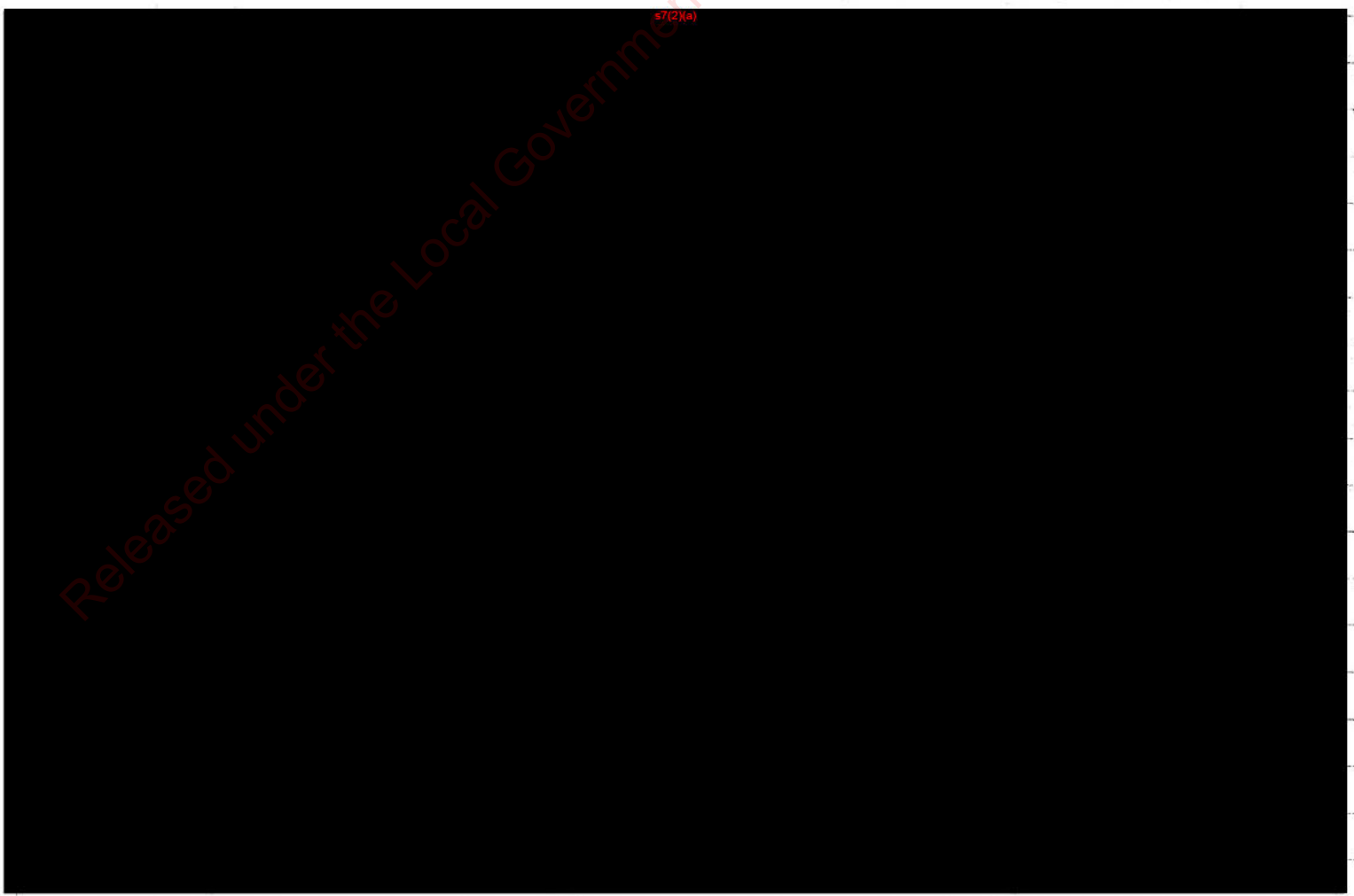
M Brewer  
28 Natusch Rd  
LOWER HUTT.

A ~~notified~~ <sup>non-complying</sup> ~~discretionary~~ activity to establish <sup>and operate</sup>  
a church ~~in~~ an Industrial Local Zone.  
<sub>on land zoned</sub>

THURS 15/6

NOTIFIED OWNERS:

~~W & FS Potatoes~~



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# AVALON ASSEMBLY OF GOD

Telephone/Fax [REDACTED] 57(2)(a)  
 Correspondence to: 28 Natusch Road, Belmont, Lower Hutt



HUTT CITY COUNCIL  
 27 MAY 1998

R120-440-870.

25th May 1998  
 Mr Paul Duffin, Planning Inspector  
 Hutt City Council

Dear Mr Duffin

With regard to your letter 17th April 1998, ASSEMBLY OF GOD CHURCH : 870 HIGH ST

In 1995 as you point out in your letter a resource consent was granted for the church to operate from the above premises. The condition with regard to access was not that "the driveway on Daysh St shall be closed for vehicular access" but referred to "the westernmost driveway on Daysh St." (There are two )

At that time I met with the Traffic engineer and Ian Dunn to clarify this issue as their concern seemed to centre around the use of the area directly in front of the church for parking and the possibility that vehicles would, as a consequence be backing on to Daysh St near the lights. We were happy to agree not to use this area for parking and to discourage the use of the accessway however we expressed the desire for safety reasons that any closure not involve a permanent fixture as on rare occasions there may be need for easy Ambulance or Hearse access. From that time we have continued to avoid the use of this access however appreciate its availability. We also sought and obtained written permission to use the Medical Centre parking on Sundays to alleviate the need for parking in the area of concern.

Although we are now looking back 2 1/2 years we felt there was an understanding that we would not use the "Westernmost driveway" for general access but that there was no need for a Permanent barrier. Please note that this arrangement has worked well and in the 2 1/2 years the church has been in this building there has never been a traffic incident outside on Daysh St during any of our meetings. In fact as the church is not usually used during the week there is very little traffic movement in and out of the driveway other than Sundays anyway and that is only for two short spells in the morning. Vehicles parked there during the day are people who work in the Medical centre and are not moving in and out often. I would venture to add that since taking ownership of the building we have in fact greatly reduced the traffic in and out of this site compared with the previous owners and any increased restriction would be unnecessary.

Should you have any further questions please do not hesitate to contact me.

Yours faithfully,

Mark Brewster (Pastor) 1998/8/71

CONTACTED TO	Date	Initials	File
Paul Duffin	27/5	S	File
FILE	RECALL		



HUTT CITY  
COUNCIL

30 Lings Road  
Private Bag 51912, Lower Hutt  
New Zealand  
<http://www.huttcity.govt.nz>

Contact: Paul Duffin  
Group/Division: City Environment  
Telephone: 04-570-6966  
Facsimile: 04-566-7098  
E-Mail: [duffin@huttcity.govt.nz](mailto:duffin@huttcity.govt.nz)  
Our Reference: RM20-04 H40-870

17 April, 1998

Mr M Brewer  
28 Natusch Road  
LOWER HUTT

Dear Mr Brewer

**ASSEMBLY OF GOD CHURCH : 870 HIGH STREET**

In 1995 you applied on behalf of the church to operate from the above premises. The resource consent that was granted had several conditions attached to it, one of these being that 'the driveway on Daysh Street shall be closed for vehicular access'.

During a recent visit to the area it was observed that this condition has not been complied with.

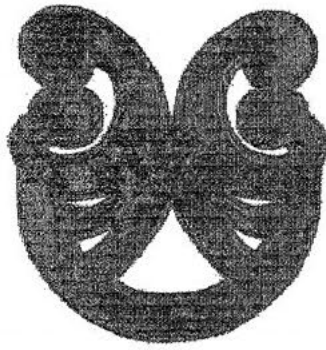
Can you contact me and advise when the driveway will be closed, as required.

Yours faithfully



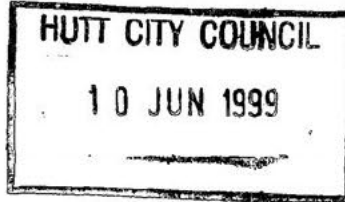
Paul Duffin  
PLANNING INSPECTOR

0852 10  
567222.5  
0218.



Paparakau Kohanga Reo, 58 Moonshine Rd, Upper Hutt. PH:5280852 FAX:5280814

Hutt City Council  
Private Bag 31912  
Lower Hutt



RH20-1440-984 to 986.

03/06/1999

Attention Jenny Grimmett.

RE: Avalon Assembly of God cnr Daysh and High Street Lower Hutt.

Tēnā Koe Jenny,

In response to your letter dated 24/05/1999 here is the information that you require.

- We will adhere to the regulations/ requirements set out by Council with regards to the access of the Western most driveway located on Daysh Street as we have no use for that entrance.
  - With regards to the map included in your letter, we would like to use this map as apart of our plan.
  - In conjunction with the Church as far as we know we will be using the building Monday to Friday, 8am to 3 pm and one evening a month for parent meeting by arrangement with the church.
  - We require 8 parking spaces for 8 staff that will be using the parking area.
  - I believe that we will have no problems with the noise level affecting the environment around us as we aren't that noisy at all as we have appropriate supervision at all times.
- We have found that the traffic is noisier than we are.

If you require further information please do not hesitate to contact me at the above details.

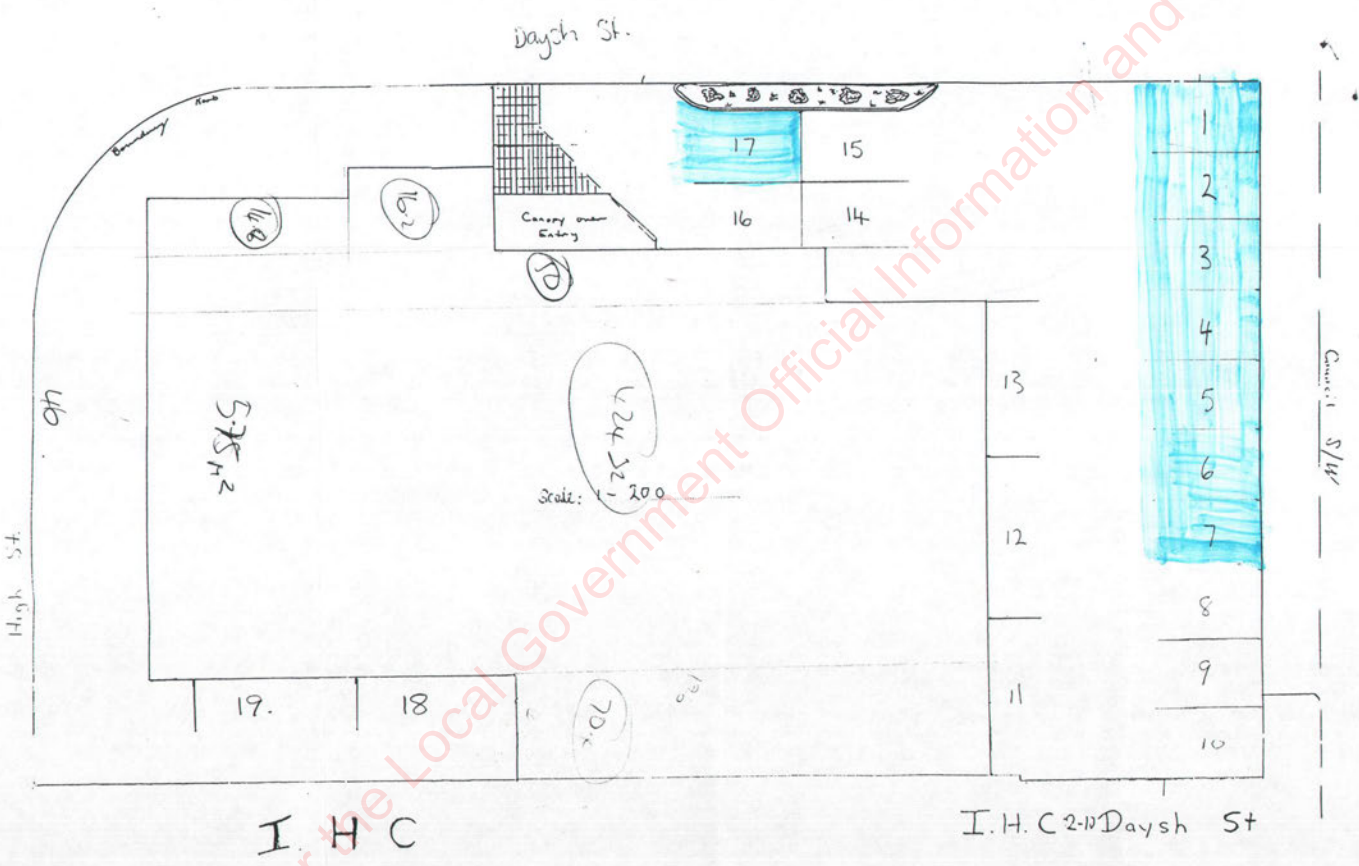
Nāku noa



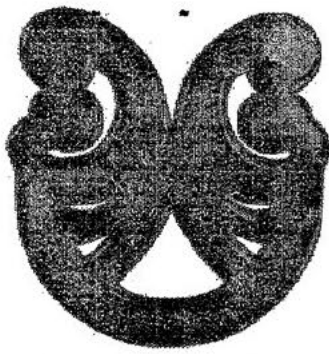
REFERRED TO	Date	Initials	Author
J. Grimmett			
FILE	BOARD		

M99/6088

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HUTT CITY COUNCIL  
24 MAY 1999



RM20-H40-986

0186 High St

8/10 ?

Paparakau Tua Rua Koahanga Reo, 58 Moonshine Road Upper Hutt, Ph. 5280852, Fax. 5280814

Team leader approvals  
Lower Hutt City Council  
Lower Hutt

21/05/1999

Attention: Robert Hayles,

Re: Resource Consent Details.

Dear Sir,

After making enquiry's at your office 12<sup>th</sup> May 1999 with regards to the matter of Resource Consent details concerning the building at the corner of Daysh and High St Lower Hutt, belonging to the Avalon Assembly of God Church.

We would like to operate a Kohanga Reo on these premises and have included details required by you for resource consent as follows,

There will be 20 children over the age of two and 6 babies under the age of two. The Kohanga Will operate from Monday to Friday, 8am to 3pm.

Once every month in the evening we will be holding a parent/staff meeting.

Attached are the specifications plan of the building showing the space of the building itself and the outlay of the car parking area and access.

This is a requirement of the Ministry of Education.

Should you require further information concerning this matter please do not hesitate to contact me at the above details.

Nāku noā nā,



Kaiwhakahaere.

REFERRED TO:	Initials	Action
R. Hayles		
FILE	MIDDALL	

M99/5317



Released under the Local Government Information and Meetings Act

High St.

Boundary Road

Existing Stairway Ramp

Upstairs Offices  
SEE ATTACHED

Canopy over Entry

MULTI-CITY COUNCIL  
A minimum of 24 hours notice is required for inspections for the placement of ALL STAGES OF CONCRETE AND MASONRY, INSULATION, LININGS, CLADDING, ROOFING

5706908

GLAZING IN THIS BUILDING TO COMPLY WITH NZS 4223 1085 103.6 SAFETY (HUMAN IMPACT SAFETY REQUIREMENTS). SAFETY GLAZING MATERIALS SHALL BE USED IN FRAMED SLAB ROOFS, FRAMED GLASS SIDE PANELS, LEVEL GLASS, SHOWER DOORS AND SCREENS AND BATH ENCLOSURES AND OTHERS AS LISTED IN NZS 4223

The Building has:  
Foundation Inspection   
Sub-Floor Inspection   
Pre-lining Inspection   
24 hour notice, electrical completion

Open Auditorium

Scale 1:100

Existing fire escape door and stairway from 2nd floor to be moved here

Existing Stairway

Double doors

New Wall to be added

Existing 1st Floor office/Storeroom

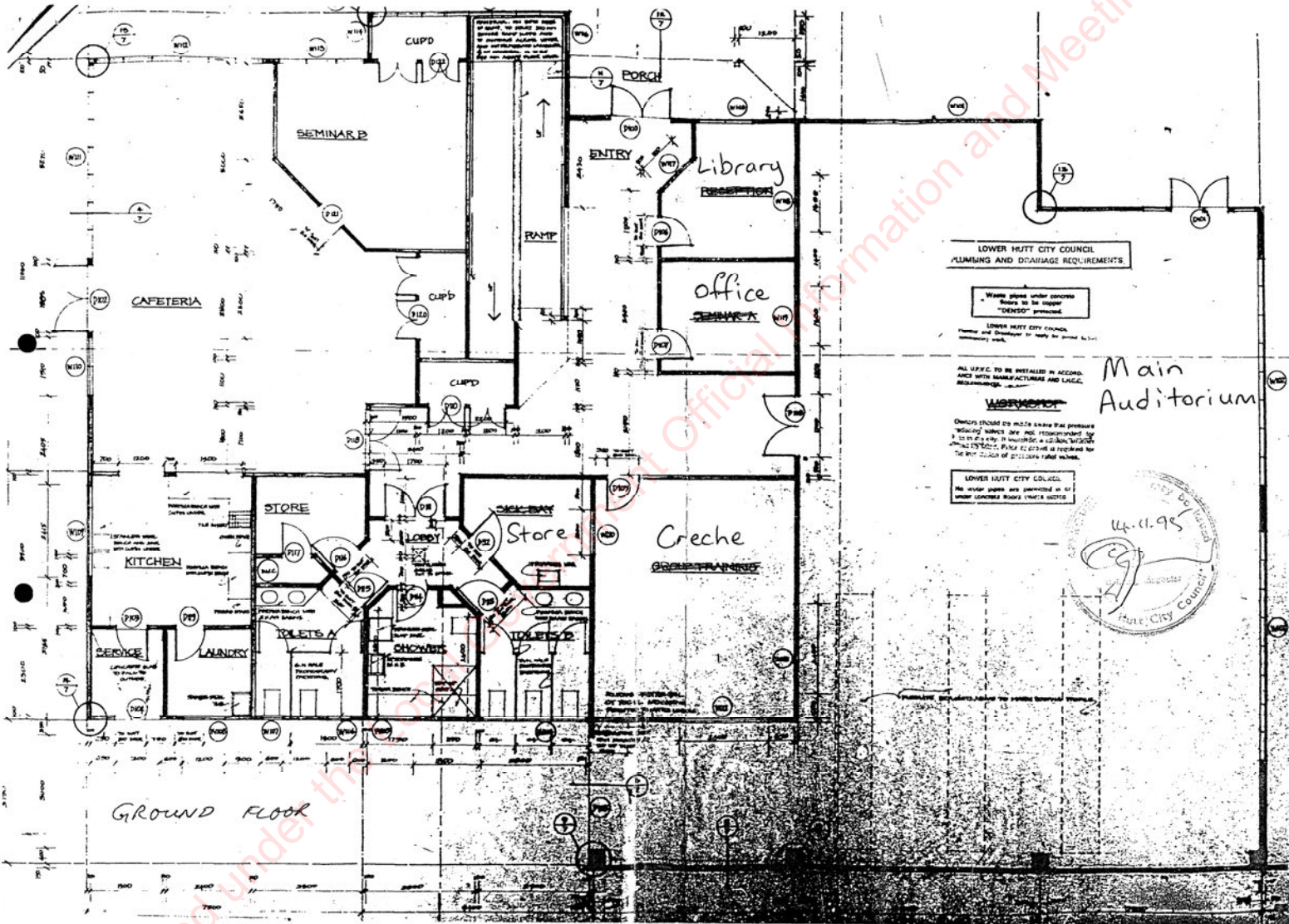


I. H. C

I. H. C

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LOWER HUTT CITY COUNCIL  
PLUMBING AND DRAINAGE REQUIREMENTS

Water pipes under concrete  
shall be of copper  
"DENSO" process.

LOWER HUTT CITY COUNCIL  
Plumber and Draughtsman to supply for ground floor  
interior work.

ALL U.P.V.C. TO BE INSTALLED IN ACCORDANCE  
WITH MANUFACTURERS AND S.A.G.C.  
RECOMMENDATIONS.

**WARNING**

OWNERS SHOULD CONSULT WITH THE PLUMBER  
INDICATED BELOW AND NOT RECOMMENDED BY  
THIS CITY COUNCIL IN REGARDING A COMPLETE  
INSTALLATION. PLUMBER'S PRICE LIST IS REQUIRED FOR  
THE BEST CHOICE OF PRODUCTS AND VALUES.

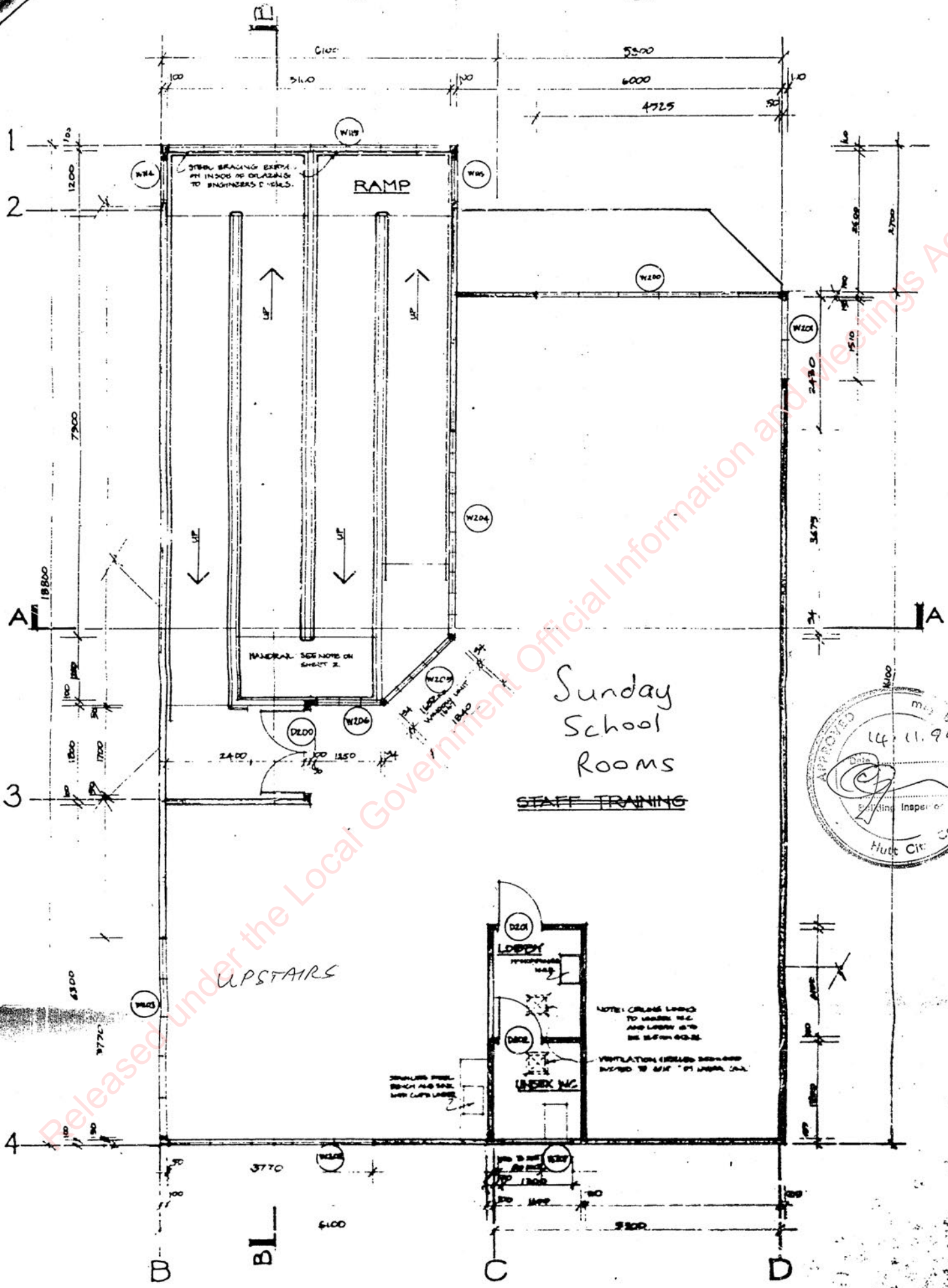
LOWER HUTT CITY COUNCIL  
No other pipes are permitted in or  
under concrete floors (except toilets)

Main Auditorium



GROUND FLOOR

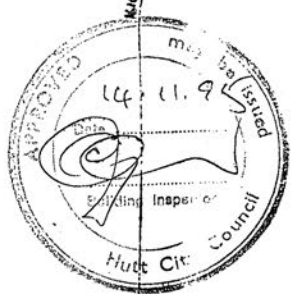
Released under the Official Information and Meetings Act



Sunday School Rooms

STAFF TRAINING

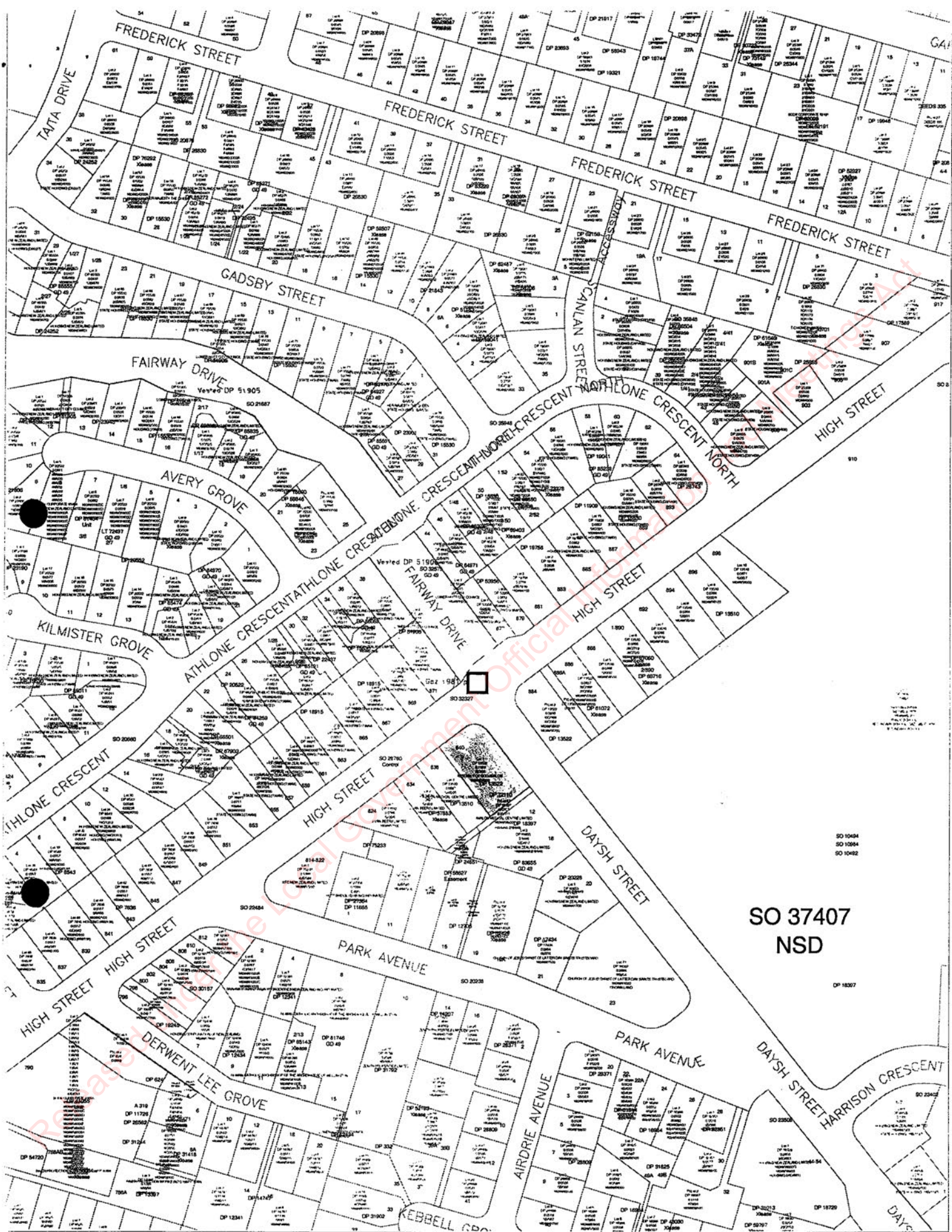
UPSTAIRS



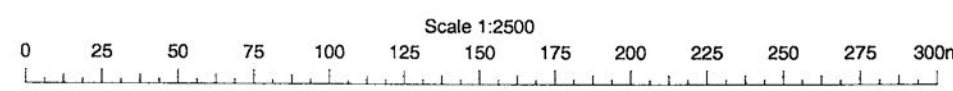
NOTE: CEILING LIGHTS TO LUNDS HALL AND LOBBY ARE TO BE SUPPLIED BY THE CONTRACTOR.

VENTILATION GRILLS SHOULD BE PROVIDED TO ALL ROOMS.

STAIRS WITH RAMP AND SILL WITH CURB LANDING.



SO 37407  
NSD





24 September 2004

Contact: Fleur Brunton  
Group/Division: Environmental Policy and Approvals  
Telephone: 5706725  
Facsimile: 5667098  
E.Mail: fleur.brunton@huttcity.govt.nz  
Our Reference: RM20-H40-870

s7(2)(a)

PO Box 35108  
Naenae  
LOWER HUTT

Dear

s7(2)(a)

**KOHANGA REO - 870 HIGH STREET**

Following our discussion yesterday we wish to further advise you on your proposal to increase the hours that your Kohanga Reo operates from 3pm until 5.30pm.

When an initial request for resource consent was made back in May 1999 the Kohanga Reo was advised that under the Proposed Plan the proposal was a "Permitted Activity" in the General Business Activity Area, **subject** to complying with the Performance Standards for permitted activities in the Activity Area, and the relevant General Rules in the Proposed Plan (in particular: noise, signage, access and parking requirements).

The then Proposed Plan is now operative and the same rules apply. Thus the hours the Kohanga Reo can operate is not restricted except by the need to comply with the above requirements and specifically those relating to parking. That is the Kohanga Reo needs to provide one on site carpark per staff member. **These parking spaces need to comply with the dimensions and layout required under the plan.** The church being a place of assembly needs to provide 0.2 parks per spectator and 1 park per staff member or participant on site. We also understand that you have an agreement which allows the medical centre next door to utilise 4 of your on site parks during the week.

In 1999 the parking layout provided showed 18 spaces, however our Traffic Planning Consultant assessed this layout and found that there were only 10 complying carparks on site. Given that 8 were needed for Kohanga Reo staff, there were only two left for Church purposes. The Traffic Planning Consultant deemed that this would be satisfactory, except for the occasions where a large gathering occurred during Kohanga Reo session times, for example a mid week funeral. It was believed that these occasions were rare and a previous resource consent required that the Council be advised of these by the Church at the time so arrangements could be made to supervise traffic and parking.



At that time the church had advised us that in many cases it would be possible to schedule the events outside the hours of 8am to 3pm when the Kohanga Reo was in session. We recognise that if you were to extend the operating hours of the Kohanga Reo operates it may make it more difficult to schedule church events outside of these hours.

In order to advise you whether or not you can comply with the General Rules relating to traffic we require the following information.

- A plan showing the car park layout and indicating the areas used for Kohanga Reo parking, church parking and those which the medical centre uses.
- A detailed assessment regarding the Church's use of the premises during the week and at times when the Kohanga Reo is operating, including times of use, numbers of people attending and numbers of staff.
- Information regarding the number of staff of the Kohanga Reo.

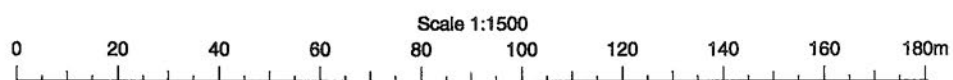
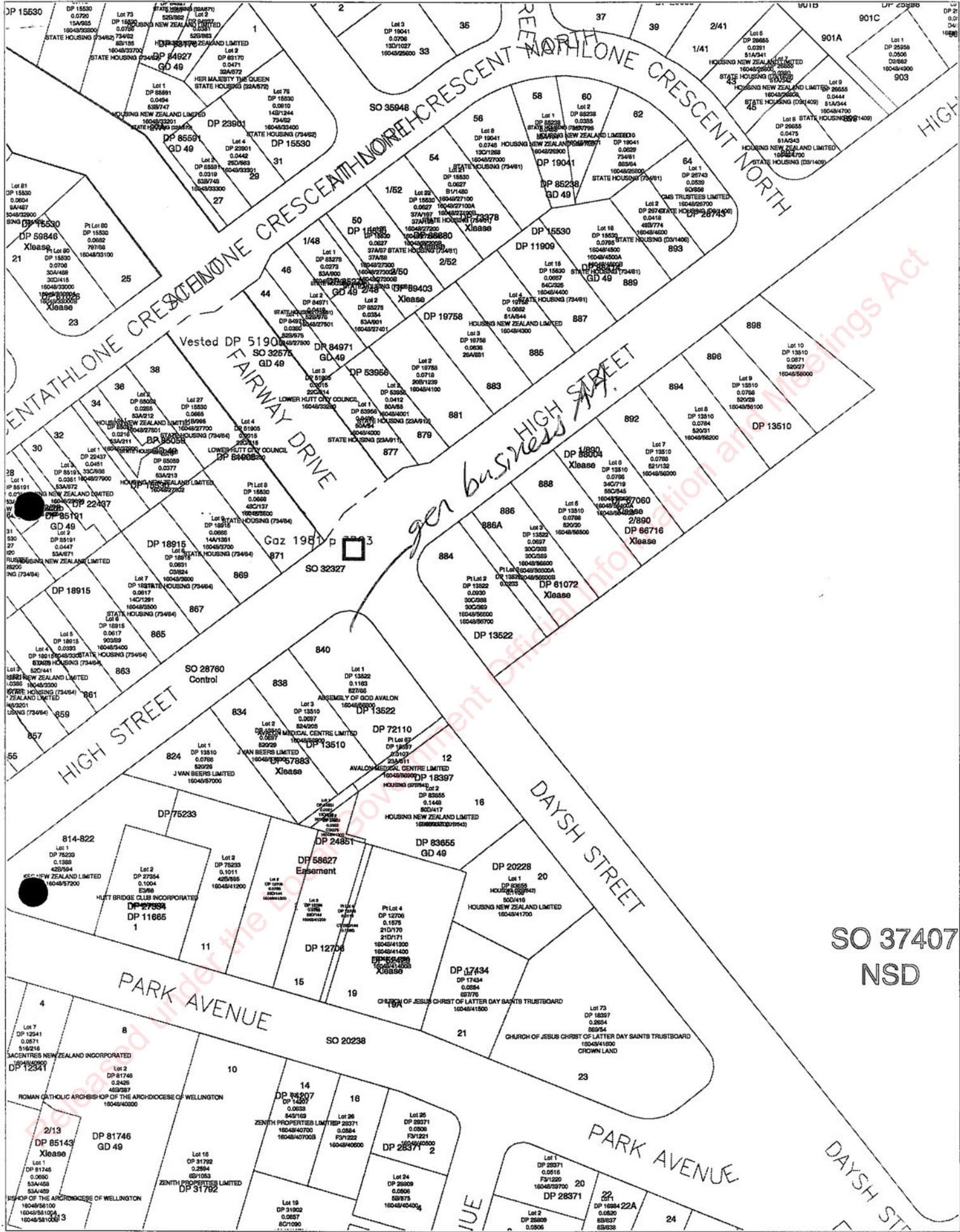
We look forward to receiving this information in order to better advise you.

Yours sincerely



Fleur Brunton  
**APPROVALS OFFICER**  
**RESOURCE MANAGEMENT**

Released under the Local Government Official Information and Meetings Act



DAYSH STREET (LOWER HUTT CITY)  
 TERRALINK NZ LTD(Terraview)-DCDB Data as at 19.11.1999Title & Valuation data as at 19.11.1999Geodetic data as at 11.10.97.  
 Cadastral Information from LINZ Digital Cadastral Database (DCDB). CROWN COPYRIGHT RESERVED.

Jenny Grimmett  
Environmental Policy & Approvals  
Direct Dial: 04-570-6905  
04-566-7098  
jenny.grimmett@huttcity.govt.nz  
RM20-H40-870

**FILE COPY**

faxed & posted  
14/6/99  
✓

14 June 1999

s7(2)(a)  
Paparakau Tua Rua Kohanga Reo  
58 Moonshine Road  
UPPER HUTT

with copy of  
resource consent.

Dear s7(2)(a)

**RE: 870 HIGH STREET – PROPOSAL FOR KOHANGA REO AT AVALON  
ASSEMBLY OF GOD CHURCH - CONFIRMATION OF STATUS**

Further to my letter of 2 June 1999 (dated 2 July by mistake), it appears that your proposal is a "Permitted Activity" in the General Business Activity Area, **subject** to complying with the Performance Standards for permitted activities in the Activity Area, and relevant General Rules in the Proposed Plan (in particular: noise, signage, access and parking requirements) – Rule 5A 2.1.

As previously advised, noise performance standards are set for the Park Avenue Area in the Proposed District Plan. These are 60 dBA between 6.30am and 11.00 pm, and 46 dBA between 11.30 pm and 6.30 am, measured at the boundary of the nearest boundary of any site in a residential or recreational activity area. The closest residential area is adjacent to the site boundary on Daysh Street where the parking area is situated.

Your parking layout shows that there are only 10 complying car parks on the site, and that you will need 8 of these for Kohanga Reo staff, leaving a margin of 2 for Church purposes. This parking arrangement has been considered by our Traffic Planning Consultant and deemed satisfactory, except for the occasions where a large gathering occurs during Kohanga Reo session times, for example for a mid week funeral. At these times, there would be a need to on-street parking. These events are rare and Council would be advised of these by the Church at the time so arrangements can be made to supervise traffic and parking (as a condition of the resource consent).

The existing site is subject to a resource consent that restricts the use of the westernmost driveway for traffic safety reasons given the close proximity to

the intersection. The driveway has not been blocked off, however to facilitate access for funeral hearses and suchlike.

I understand that you have made arrangements with your whanau not to use this driveway as you consider it unsafe.

If after using the site you decide you would like to use the westernmost driveway, you will need to apply for a resource consent to have that condition of consent deleted. Our planning consultant indicates that this would be appropriate given the nature of your activity.

Good luck with your proposal.

Please feel free to contact me on the telephone number above if you have any queries in the meantime.

Yours sincerely

**JENNY GRIMMETT  
APPROVALS OFFICER  
RESOURCE MANAGEMENT**

G:\DATA\JENNYG\STANDARDS\JGR-LE-LETTER STD.DOC (UPDATED 14/06/99 17:18)

Released under the Local Government Official Information and Meetings Act





## BARCLAY TRAFFIC PLANNING

1st Floor , 72 Queens Drive - P.O.Box 31531 - Lower Hutt  
Phone: 04-570 0823 Fax: 04-570 0546 Email: btp@ihug.co.nz

14 June 1999

Ms Jenny Grimmett  
Approvals Officer  
Hutt City Council  
Private Bag 31912  
LOWER HUTT

Dear Ms Grimmett

### KOHANGA REO KINDERGARTEN AT 870 HIGH STREET

It is proposed to establish a kohanga reo kindergarten in an existing building at the corner of High and Daysh Streets, Avalon. The activity will share the property with the Assembly of God church.

1. Although the parking layout plan shows 18 spaces, many of these do not comply with the parking standards with respect to access or manoeuvring space. I am not satisfied that more than 10 complying spaces can be provided, and have assessed the application on that basis.
2. The applicant advises that up to 8 staff will be on site at any one time. Up to 8 car parking spaces will be needed, leaving a margin of 2 for church purposes. I believe these parking arrangements will be satisfactory except for the occasions where a large gathering occurs during kindergarten session times, for example for a midweek funeral. At these times, there will be a substantial need for on-street parking.
3. During the four years since resource consent was granted for the church to use the property, I understand that funerals and other midweek services have been rare. Where these occur in the future, the church advises that in many cases it will be possible to schedule the events to be outside session hours of 8 am to 3 pm. I believe that the remaining occasions will be sufficiently rare for them to be treated as special events. The consent is subject to a condition requiring the church to liaise with the Council's Street Services Division for funerals and weddings. This enables the Council to supervise traffic and parking arrangements.
4. A particular issue with schools and kindergartens is the potential for congestion at the beginning and end of session times when parents drop off or pick up their children. The property is on the corner of a major intersection, with parking prohibited along both frontages, and the Council needs to consider the adequacy of drop off and pick up arrangements.

5. Fortunately, the property has purpose-built drop-off facilities, with separate driveways for entering and exiting, and space on site for cars to stand. These arrangements were needed for the previous IHC sheltered workshop, and mean drop off and pick up activity can take place off the street.
6. The 1995 consent for the church included a condition requiring closure of one of the driveways. This was never done. With re-establishment of an activity needing efficient drop off arrangements, in my opinion any safety benefit of closure would be outweighed by the potential adverse effects of using just one driveway. It is therefore recommended that the consent be modified so that closure is no longer required.
7. I support the application, subject to deletion of Condition 1 of Resource Consent RM20 04-H40-870 dated 24 July 1995.

*(Note: Condition 1 reads: "The westernmost driveway shall be closed for vehicular access.")*

Yours faithfully

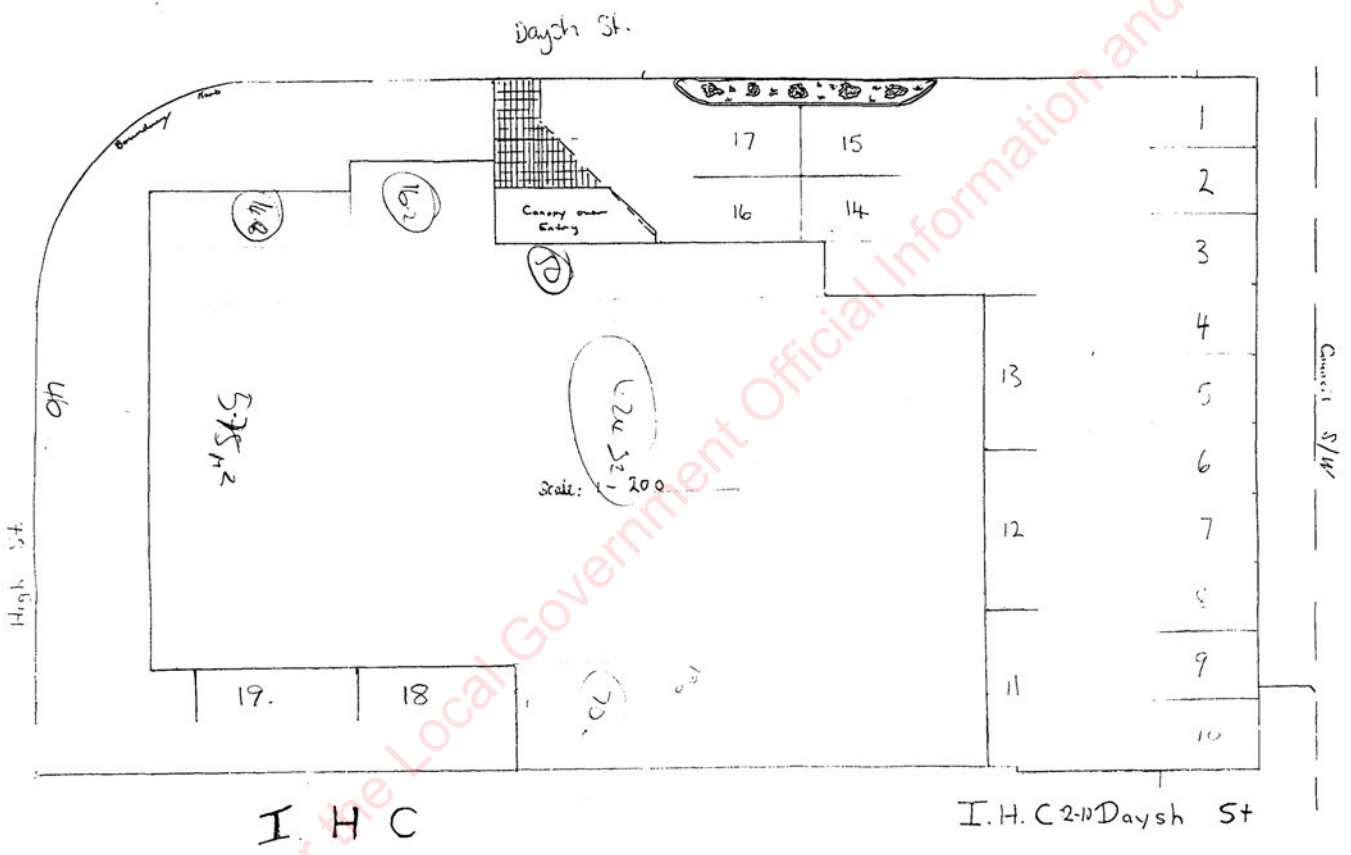


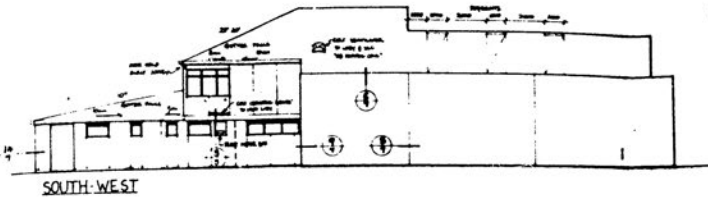
Bill Barclay

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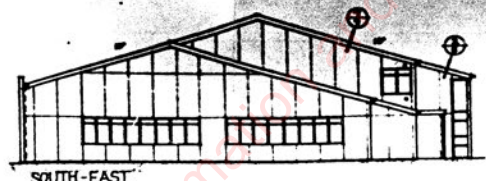


Released under the Local Government Official Information and Meetings Act

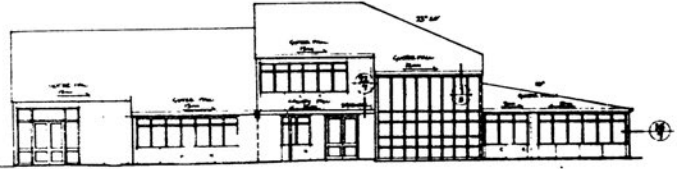




SOUTH-WEST



SOUTH-EAST

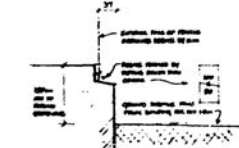
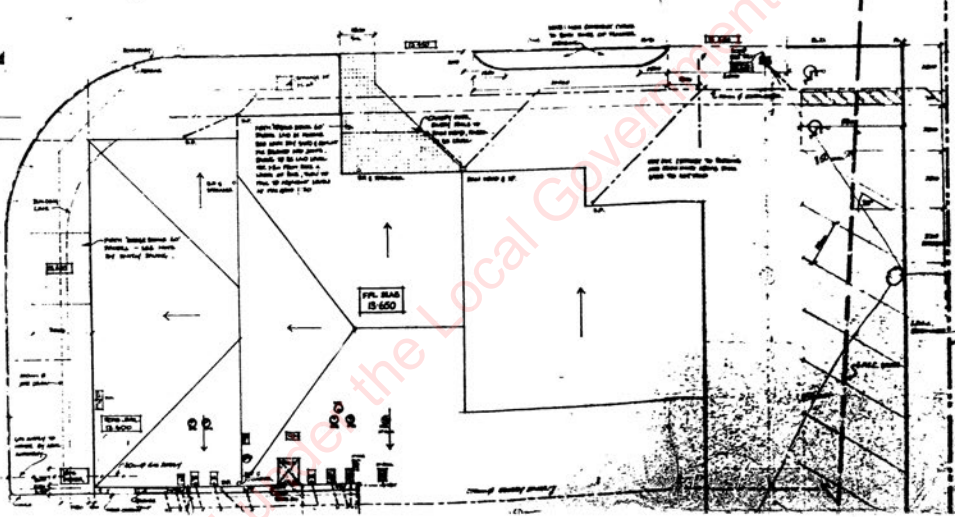


NORTH-EAST



NORTH-WEST

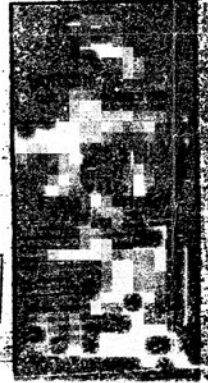
NOTES:  
 1. ALL DIMENSIONS TO FACE UNLESS OTHERWISE SPECIFIED.  
 2. FINISHES AS SHOWN ON SCHEDULE.  
 3. SEE SCHEDULE FOR MATERIALS AND METHODS OF CONSTRUCTION.  
 4. SEE SCHEDULE FOR SPECIAL REQUIREMENTS.



SLAB EDGE DETAIL  
SCALE 1/8

THRESHOLD DETAILS  
SCALE 1/8

L.P.C.C.  
 SITING APPROVED  
 TO SOME  
 TOWN PLANS  
 1957.7.14.196



Released under the Local Government Open Meetings Act

Memorandum

FILE COPY

DATE: 10 June 1999

TO: **BILL BARCLAY, BARCLAY TRAFFIC PLANNING**

FROM: **JENNY GRIMMETT**

SUBJECT: **RE: PROPOSED KOHANGA REO AT AVALON ASSEMBLY OF GOD CHURCH-HIGH AND DAYSH STREETS**

Thank you for your comments on the information submitted earlier relating to the above address.

Attached is a letter and plan submitted by the proponents of the new Kohanga Reo facility at the above site, and the letter I wrote to them asking for the information.

How important is it for the proponents to get a traffic planning report, given that the proposal actually complies with the district plan in terms of parking and does not appear to require a resource consent?

I would be keen to discuss this with you so I can clarify once and for all whether we need to ask for further information, or advise that they can go ahead with the proposal subject to complying with certain planning standards (eg noise, parking, and access to and from the site in relation to the distance from the corner of the intersection).

Regards

**JENNY GRIMMETT**  
**APPROVALS OFFICER**

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11.6.99.

Bill is going to contact Kohanga Reo & Church & arrange a site meeting.

Car park can only provide 10 parks (not 18) - an extra 8 space is req'd for manoeuvring. JG.





## BARCLAY TRAFFIC PLANNING

1st Floor , 72 Queens Drive - P.O.Box 31531 - Lower Hutt  
Phone: 04-570 0823 Fax: 04-570 0546 Email: btp@ihug.co.nz

3 June 1999

Ms Jenny Grimmett  
Approvals Officer  
Hutt City Council  
Private Bag 31912  
LOWER HUTT

Dear Ms Grimmett

### KOHANGA REO KINDERGARTEN cr DAYSH AND HIGH STREETS

The applicant wishes to establish a kindergarten in the Assembly of God church at the intersection of Daysh and High Streets.

The property is on a corner site at a major arterial intersection, and the nature of frontage activity will need to be carefully assessed. Consent for the church activity was granted without it meeting the full parking requirement, and any potential for aggravating the present parking deficiency will need to be considered.

To enable me to assess the application, the following information should be provided:

1. Whether or not church activities will continue as described in the previous consent. The extent of midweek activities needs to be stated, for example office administration, meetings, funerals or other gatherings.
2. The maximum number of staff and voluntary helpers at the proposed kohanga reo at any one time.
3. At the parent-teacher meetings, the maximum attendance to be allowed for.
4. A traffic impact report should be supplied. The report needs to show that there will be no overflow of parking onto the street. It particularly needs to address arrangements for dropping off and picking up children, and should show that this can be accommodated on site.
5. A site plan showing the layout of carparks, driveways and any loading and unloading facilities.

Yours faithfully

Bill Barclay

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## Memorandum

FILE REF: RM20-H40-986  
DATE: 1 June 1999

TO: **BILL BARCLAY, BARCLAY TRAFFIC  
PLANNING** *MB*

CC: REBECCA LOADER

FROM: JENNY GRIMMETT

SUBJECT: **RE: KOHANGA REO PROPOSED FOR FORMER  
AVALON ASSEMBLY OF GOD CHURCH ON  
CORNER OF HIGH AND DAYSH STREETS.**

Please find attached a copy of the proposed development. I think we will need additional information to continue to process this application. I would appreciate your comments in the meantime, and any suggestions of the types of additional information we should be requesting from the applicant.

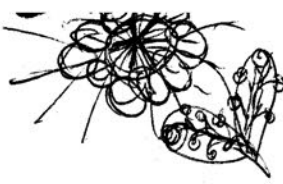
I look forward to hearing from you soon.  
Regards



JENNY GRIMMETT  
APPROVALS OFFICER  
RESOURCE MANAGEMENT

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RM 20-1140-870?



PDP map D9.

Property Zoned. General Business Activity Area.

on road with High Density Residential notation on 2 boundaries  
• back boundary adjacent to H.D. Residential property (Dough St)

Non-complex activity Innominate ∴ they be permitted as long as it complies with performance standards

● Parking standard - Education (Appendix Transport 3)

Child care facilities, primary and intermediate schools 1 per staff member.

Must also comply w General Rules -

\* Need to know how many staff members?

● Rule SA 2.1. - Permitted activities which meet the conditions for ... P.A. and are NOT included as a Controlled, R.D., Disc, or N/C Activity, are those ...

(Corner Site = one side yard.)

3m - side yard / adj to residential, A.A.

But none req'd where service lane is provided.

8m - rear yard. if res.

Rule SA 2.1.1 (b)(iii) Where there are 5 or more parking spaces on site, that area is to

be screened from the street & adjoining properties by a fence or wall not less than 1.5m in height.

Released under the Official Information Act



Vehicular Access 14A(ii) 2.1. (a)

Separation Distance for Intersections (b)

5-20 movements per hour  $\rightarrow$  15 m from intersection.

Table shows 7/hour for educational.

• High St - Mass Distinct Disturbance (Appendix Transport 1)  
(b) Roadway therapy.

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Signage: 3m height free standing.  
1.0m<sup>2</sup> per site (face area)

• Note 14C 2.1.4. (b) All activities must not exceed  
65 dBA measured at the boundary of the  
site on which the activity takes place.

No. 8 - Park Avenue.

In way is check?

Jenny Grimmett  
Environmental Policy & Approvals  
Direct Dial: 04-570-6905  
04-566-7098  
jenny.grimmett@huttcity.govt.nz  
RM20-H40-870

**FILE COPY**

2 July 1999

s7(2)(a)

Paparakau Tua Rua Kohanga Reo  
58 Moonshine Road  
UPPER HUTT

Dear

s7(2)(a)

**RE: 870 HIGH STREET – PROPOSAL FOR KOHANGA REO AT AVALON  
ASSEMBLY OF GOD CHURCH – FURTHER INFORMATION REQUIRED**

Thank you for your letter of 21 May 1999 requesting a resource consent for a Kohanga Reo at the above address.

Under the Proposed Plan, your proposal may be considered a "Permitted Activity" in the General Business Activity Area, **subject** to complying with the Performance Standards for permitted activities in the Activity Area, and relevant General Rules in the Proposed Plan (in particular: noise, signage, access and parking requirements) – Rule 5A 2.1.

Before we can continue to process your application, and in fact determine whether a resource consent is required, we require further information from you as follows:

1. Your application does not show the latest site layout for parking. We attach a copy of the latest plan on our files showing parking and screening from the street. Please confirm this is the correct version and if this layout is what you would use as part of your proposed Kohanga Reo. Make any necessary amendments on the plan and return to us.
2. Please confirm whether the Kohanga Reo is the sole operation at the site, or whether this will be in conjunction with the Church or any other activity during the week or weekend.
3. You need to provide 1 parking space per staff member, in accordance with the rules for 'educational' facilities. Please provide us details of the number of staff at the Kohanga Reo.
4. The existing site is subject to a resource consent, with specific conditions relating to access to the property. A copy is attached for your information.

Note that there is a restriction on access via the westernmost driveway on Daysh Street. The rules in the Proposed Plan set similar requirements for vehicular access and safe separation distances from intersections. You will need to show on the site plan the driveways you intend to access the site by so we can check for compliance with the Plan.

5. Noise performance standards are set for the Park Avenue Area in the Proposed District Plan. These are 60 dBA between 6.30am and 11.00 pm, and 46 dBA between 11.30 pm and 6.30 am, measured at the boundary of the nearest boundary of any site in a residential or recreational activity area. The closest residential area is adjacent to the site boundary on Daysh Street where the parking area is situated. You will need to state that you will not exceed these noise levels.

Please feel free to contact me on the telephone number above if you have any queries in the meantime.

Yours sincerely

**JENNY GRIMMETT  
APPROVALS OFFICER  
RESOURCE MANAGEMENT**

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Released under the Local Government Official Information and Meetings Act

Memorandum

FILE COPY

FILE REF:

RM20-H40-986

should be 970?

DATE:

1 June 1999

TO:

BILL BARCLAY, BARCLAY TRAFFIC  
PLANNING

CC:

REBECCA LOADER

FROM:

JENNY GRIMMETT

SUBJECT:

RE: KOHANGA REO PROPOSED FOR FORMER  
AVALON ASSEMBLY OF GOD CHURCH ON  
CORNER OF HIGH AND DAYSH STREETS.

Please find attached a copy of the proposed development. I think we will need additional information to continue to process this application. I would appreciate your comments in the meantime, and any suggestions of the types of additional information we should be requesting from the applicant.

I look forward to hearing from you soon.

Regards

JENNY GRIMMETT  
APPROVALS OFFICER  
RESOURCE MANAGEMENT

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**SO 37407  
NSD**

Scale 1:2500

