



# ARAC Executive

The Executive Committee of Akatarawa Recreational Access Committee Inc.  
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11 February 2004

Verbal Submission to Upper Hutt City Council

Mr Chairman, Councillors, thank you for allowing ARAC the opportunity to make submissions on the future considerations for the unformed section of Johnson's Road.

The history of this portion of road is well documented elsewhere, and I have no desire to take up your valuable time relating the whole story, however, there are a few pertinent points that we would like to emphasise by detailing them here.

ARAC has made exhaustive submissions to Council over the past few years, all of which seem to us to have fallen of deaf ears.

In early 2002, we asked that we be allowed to reopen the road. That was ignored, yet only a couple of months later, Council passed a resolution to invoke the tenth schedule of the Local Government Act and formally stop it. Despite our expressing an interest in the matter, we were not informed of Council's intention to pass such a resolution, nor were we formally informed of it even after the event. This sorry state was the subject of a rather stern criticism of Council by the Environment Court.

Naturally we lodged objections to the stoppage, and we made representation during later Committee stages, that the road be allowed to remain open. Again we were ignored.

On Boxing Day 2002, Council gave notice by way of an advertisement in the Hutt News that it was Council's intention to stop the road. As an aside, we have to wonder what Council's intentions were by advertising at such a time of year when most people were involved with other issues. Boxing Day – really !

However, I digress

Despite threats of severe fiscal penalties by both Council and the affected Property Developers, ARAC persisted and the matter was heard before the Environment Court in early 2003. In May that year, we received a written judgement that found in ARAC's favour. The road remains open.

Since that time, we have tried unsuccessfully to work with Council and the landowners to be able to use the road.

It has always been our intention to mitigate impacts to the Van Der Werff families by forming the first few hindered metres of the road so as to take all nuisances such as noise, vehicles, water pollution etc well away from their properties. We asked Council officers that we might be allowed to do this – it was denied.

We were informed that we needed to make submissions to the District Plan in order to get Council's assistance with the road. This we did, and the very same officers who said that this was the correct approach, and that they would render assistance in formulating our submissions such that they would meet Council's criteria are the ones who now say we failed to provide detail !

Council declined our submission to the District Plan, so it seems as though a bureaucratic stalemate is being imposed upon us.

During all this time, we have also entered into dialogue with some of the affected landowners. This has been fruitful, but has not yet delivered a viable solution. However, we are prepared to persevere.

So now a year has elapsed since the Environment Court hearing, and our affiliate Members are becoming increasingly restless. So much so, that one group led by Cross Country Vehicle Club decided that it was time to start using the road.

CCVC visited the road last month and managed to progress about 1Km. This involved crossing a stream – creating some turbidity to the water that presented a problem to the Van Der Werffs, and then crossing the first of the mud bogs to be found.

This bog, described by Council to the Environment Court as being impossible to cross, was conquered by the Club with relative ease. Incidentally discovering a water supply to the Van Der Werffs property in the process.

No doubt you will know that the police were summoned, but they supported our right of passage, and after some agreement to mitigate impacts to the Van Der Werff family, we continued. In total, we cut or removed 4 illegal fences that this Council has failed in its duty to have removed. Nonetheless, we did make every effort to ensure the fences were stock-proof on our exit.

But where to from here?

There are several differing opinions amongst the recreational groups, and in no particular order I will outline them

1. Continue negotiations with Council and / or landowners to achieve an amicable settlement. But not ad infinitum, There needs to be clear targets for achievement on an outcome
2. Seek some form of Compliance order through the Courts. There is strong support for this option, and we have no difficulty in sourcing the funds for such.
3. Seek a Court action, perhaps in the form of a Class Action, for damages against Council and / or the landowners. Again, there is strong support for this option as well.

In short, the recreational community is losing its patience with the current delays, and CCVC's foray is but the start of the users beginning to exert their rights at Common Law.

Council's talk of compliance problems, safety, construction etc are all regarded as red herrings, and excuses for inaction. Other Territorial Authorities have far greater stretches of Paper Road that are in use by recreational groups. These are serious challenges, yet those Authorities do not have the same bureaucratic red tape obstructing user groups. So why Upper Hutt?

The users are adamant that the road will be used, so Council simply needs to "get over it" and get on with the business of working with us, not against us.

We have asked Council for no funds, and we have no need for such funds – well OK it would be great to get something, but we can source funds elsewhere.

All we ask is that you stop ignoring us and hoping we will go away,  
and help us get on with making Johnson's Road one of the areas  
premier recreational opportunities

Thank you

Andy Cockroft  
Coordinator