

Report 12.493  
Date 29 October 2012  
File MF/01/09/01

Committee Council  
Author Barry Leonard, Manager Forestry

## **Moonshine Forests – Exchange of Rights of Way**

### **1. Purpose**

To approve an exchange of Rights of way with Moonshine Forest Group Partners.

### **2. The decision-making process and significance**

The matter requiring decision in this report has been considered by officers against the requirements of Part 6 of the Local Government Act 2002 (the Act). Part 6 sets out the obligations of local authorities in relation to the making of decisions.

#### **2.1 Significance of the decision**

Part 6 requires Greater Wellington to consider the significance of the decision. The term ‘significance’ has a statutory definition set out in the Act.

Officers have considered the significance of the matter, taking the Council's significance policy and decision-making guidelines into account. Officers recommend that the matter be considered to have low significance.

Officers do not consider that a formal record outlining consideration of the decision-making process is required in this instance.

### **3. Background**

Moonshine Forests is “Owned” by a group of people who wish to withdraw their investment in the forest by firstly harvesting the forest and then selling the land. Greater Wellington, as a neighbour of Moonshine Forests, is concerned it may lose its present access to the Akatarawa Forest (which operates with the good will of Moonshine Forests).

#### **4. Discussion**

Moonshine Forests own Pt lot 4 DP 631 and lot 1 DP48535 being 46 ha surrounded to the south by Robin Chesterfield and by Greater Wellington on all other boundaries. Moonshine Forests is owned by several individual persons who wish to recover their equity in the partnership by sale of the land. Greater Wellington wishes to continue the right of access to the Akatarawa Forest via Cleary's Road. Initially Greater Wellington sought to purchase the land but was unable to reach agreement with the partnership. Following some discussions this transfer of rights of way was considered the easiest way for both parties to get what they wanted. There is agreement that the current royalties the partnership is paying for their harvest would alter as agreed in this document. Greater Wellington have agreed that the north-western corner between Cleary's Road and the Greater Wellington boundary will be harvested on Moonshine's account as part of the harvest of Junction Hill.

Moonshine Forests are situated to the East of Cleary's Road and have allowed Greater Wellington and its invitees access along Cleary's Road although the road is not constructed on the "paper road". In return Greater Wellington has allowed Moonshine Forest access along Cleary's Road onto Puketiro Road and out of the forest. Moonshine Forest are presently harvesting their forest and propose to clear fell, replant and offer for sale.

Although the site has a paper road access it is adjacent to the Wainui Stream and there is some doubt that a road for trucks could be built without compromising the stream.

The documents are to be drawn up by Greater Wellington's land and legal advisors.

#### **5. Finance**

Greater Wellington's costs are not expected to exceed \$20,000 and include portions of costs related to surveying, legal, property and administration costs. All Greater Wellington costs will be funded from the forestry accounts.

#### **6. Communication**

No communication is considered necessary.

## 7. Recommendations

*That the Council:*

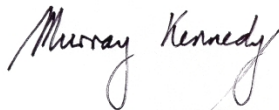
1. ***Receives*** the report.
2. ***Notes*** the contents of the report.
3. ***Approves*** the exchange of easements with the proprietors of Moonshine Forests.
4. ***Authorises*** the Chief Executive to sign any Agreement relating to this matter.
5. ***Authorises*** the Chief Executive to make any minor amendments needed to the document before signing them to give effect to this paper.

Report prepared by:



**Barry Leonard**  
Manager Forestry

Report approved by:



**Murray Kennedy**  
General Manager  
Development