

## Megan McKinstry

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**From:** Bray, Naomi <Naomi.Bray@colliers.com>  
**Sent:** Thursday, 20 January 2022 3:46 p.m.  
**To:** Megan McKinstry; Hume, Kirsten  
**Subject:** Re: Matapuna Ballast Yard

Thanks Megan

Can you finalise the letter so that I can send to the Council and back to the solicitor acting for the adjoining owners.

I will follow up the other two when next logged in.

Naomi

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**From:** Megan McKinstry <MMcKinstry@linz.govt.nz>  
**Sent:** Thursday, January 20, 2022 11:13:32 AM  
**To:** Hume, Kirsten <Kirsten.Hume@colliers.com>; Bray, Naomi <Naomi.Bray@colliers.com>  
**Subject:** Matapuna Ballast Yard

Hi there,

Had a chat to Jan about the illegal sublessee this morning and a couple of things she suggested are;

- 1: Get in writing from the Council exactly what the problems are on site – ie; as this is zoned commercial is the sub leesee in breach of the District Plan? (living on site) or any other legal problems that are happening on site that the Council have concerns with.
- 2: Follow up the breach letter that Sean sent last August, from my understanding he hasn't responded to this with regard to the illegal sub lease. Advise him that his lease is due to expire and having an illegal sub lease would not look good if he was wanting a new lease to be considered by LINZ
- 3: Happy for that letter that you drafted to go to Council.

I am also in discussion with legal about the fencing business – the fence act applies to legal occupiers, the illegal subtenant that is writing to the neighbours for shares of fencing costs is not the legal occupier, we are also looking into that there may be a possibility that as the land is held under the rail act that the fencing act may not apply to the neighbours as all rail land is exempt from the fencing.....but legal is just checking this out.

Happy to chat further if you want

**Megan McKinstry**

**Portfolio Manager**

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