

SC 98.H

Janet Stephenson

27 November 1991

Simpson Shaw & Company
134 Bank Street
WHANGAREI

ATTENTION : Ken Simpson

Dear Sir

RE : **D.B CUNNEEN**

Further to our telephone conversation on 26.11.91:

If a subdivision was re-proposed with State Highway 12 as the access place for both lots, it would be a controlled activity under the Resource Management Act.

It appears that Council is not required to gain the approval Transit New Zealand prior to approving a subdivision which complies with the District Scheme standards and is on a non-LAR. However, your client will clearly need to liaise with Transit regarding the crossing point. I suggest you discuss this with Trevor Polglase at Transit's Auckland office, who has indicated a willingness to reconsider the matter.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Janet Stephenson', is written over a horizontal line.

Janet Stephenson
AREA PLANNER

SC 98.H

Janet Stephenson

27 November 1991

Webb Ross Johnson
PO Box 945
WHANGAREI

ATTENTION : L.P.G Johnson

Dear Sir

RE : **CUNNEEN SUBDIVISION - Opononi**

I refer to your letter of 20 November.

I am puzzled that you view the decision of the Hokianga Community Board as a subdivisional approval, as it clearly states that the Board "... consents to the creation of a 366 metre Right of Way over Lot 63 DP 61763 ...". It does not refer to Section 279 of the Local Government Act, and nor does it refer to approval of a scheme plan of subdivision.

Clearly, Mr Cunneen is not happy with the Board's requirements for his use of the access-way, and I can appreciate his concern. We have a situation which is difficult for all parties, and I feel it would be useful to take a fresh approach.

Now that the Resource Management Act is in place the role of Transit New Zealand has altered. State Highway 12 is not a Limited Access Road through Opononi, and it appears that Transit New Zealand's consent is not required prior to the approval of a subdivision under section 105 of the Resource Management Act. However your client will need to liaise with Transit New Zealand regarding a crossing point. Mr Polglase of Transit New Zealand has indicated his willingness to re-consider the matter.

I have (today) discussed the implications of this with Ken Simpson of Simpson Shaw and Company, and he will be discussing the matter with Mr Cunneen. I assume that he will keep you informed.

Yours faithfully



Janet Stephenson
AREA PLANNER

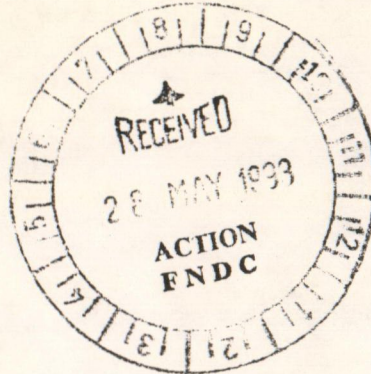
DEPARTMENT OF
JUSTICE
NEW ZEALAND

Land Registry Office

In reply, please quote
5/4

Department of Justice
Price Waterhouse Building
41 Federal Street
Private Bag 92016
Auckland
Telephone (9) 377-1499
Fax (9) 358-5072
epo:pg

27 May 1993



Mr R.W. Pearce
Legalisation Officer
Kawakawa Service Centre
Far North District Council
PO Box 11
KAWAKAWA

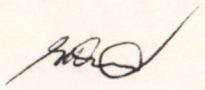
Dear Sir

CUNNEEN AND TAUMATAWIWI STREET - RAWENE - YOUR REF: RP:H363

Your letter of 20 May 1993 is acknowledged.

I know of no legal provision that would enable a local authority to grant vehicular access over an access way set out in your letter.

/
Yours faithfully


(E.P. O'Connor)
DISTRICT LAND REGISTRAR

FAR NORTH DISTRICT COUNCIL



Our reference rp:h363

If calling, please ask for R W Pearce

Kawakawa Service Centre
Main North Rd, P.O. Box 11, Kawakawa
Telephone: (09) 404-0371 Fax: (09) 404-1544

20 May 1993

District Land Registrar
Private Bag
AUCKLAND

Dear Madam,

RE : CUNNEEN AND TAUMATAWIWI STREET - RAWENE

A situation exists whereby Mr Cunneen who owns Lot 1 DP 55463 cannot get vehicular access to his property without using an "Access way" which by definition (Local Government Act 1974 Section 315) is pedestrian.

The legal access is off State Highway 12 but due to the topography of the land and the possible future widening of the highway in the vicinity Transit NZ will not give consent to forming an access to any of the properties having frontage along that stretch of road.

This is a long outstanding problem which I have inherited to attempt to bring to a satisfactory conclusion.

Mr Cunneen has for years been frustrated in his attempts to subdivide this property because of this question of vehicular access and I enclose some correspondence covering that aspect of the problem.

However, Mr Cunneen has now decided to sell the property intact and has a prospective purchaser who will purchase if vehicular access is obtainable.

I enclose copy of plan of new proposal showing Right of way over part of the pedestrian access way.

The question, in light of the Hokianga Community Boards reluctance to relinquish this as an access way and acceptance, albeit 20 months ago, to the granting of a right of way over part of it is this:-

Is it allowable in law to grant vehicular access over part of a pedestrian only access as marked on new proposal and if so what steps can Council take to achieve this?

Yours faithfully,

R W Pearce
LEGALISATION OFFICER
KAWAKAWA SERVICE CENTRE

rp:h363dlr.let

Janet Stephenson

23 October 1992

Simpson Shaw & Co
P. O. Box 149
KAIKOHE

ATTN : NIGEL ROSS

Dear Nigel

RE : SP 87 AND SC 98 - DB CUNNEEN

Here is a recap on the present situation with Mr Cunneen's proposed subdivision:

On 2 September 1991, Council, in its capacity as landowner of the pedestrian accessway, granted its consent to the use of the accessway as a right of way, subject to various conditions. The first condition was legally feasible to create a Right of Way easement over an accessway. Other conditions related to the standard of works required.

If Mr Cunneen wishes to pursue this option we will require the legal confirmation that it is possible, plus a new scheme plan with the easement panel amended as requested to also provide for Lot 2 DP 55463 as dominant tenement. It is up to your client to negotiate with this landowner regarding costs.

Once the new scheme plan is submitted, we will be in a position to process it.

Yours faithfully



Janet Stephenson
RESOURCE PLANNER

SIMPSON, SHAW & CO.

REGISTERED SURVEYORS — WHANGAREI AND KAIKOHE

LAND AND ENGINEERING SURVEYORS

SUCCESSORS TO A.H. PICKMERE AND P.J. FINCH

KEN SIMPSON, M.N.Z.I.S., RES. (09) 434 3695
TREVOR SHAW, M.N.Z.I.S., RES. (09) 438 1181

RAIHARA STREET,
KAIKOHE

P.O. BOX 149, KAIKOHE
PHONES (09) 401-0507 (Office)
(09) 401-0915 (Evenings)

Fax (09) 401-0507

Branch Manager:
NIGEL ROSS, M.N.Z.I.S.

28 September 1992

Resource Planner
Far North District Council
P.O. Box 3
RAWENE

Dear Janet

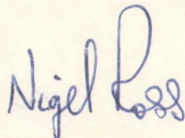
Re : SP 87 - D.B. CUNNEEN, OPONONI

Mr Cunneen and our Whangarei office have been enquiring about progress in obtaining consent to this subdivision. We are aware that you have been working with council's Legalisation Officer in an attempt to find a solution to this problem.

Mr Cunneen requires vehicular access onto his property, whether he subdivides or not, and Council, the subdivider, has a moral obligation to provide this access.

Apart from an informal discussion in the Kawakawa Service Centre some ten weeks ago, we have heard nothing since your letter of 9 August last year. Have you any good news for us yet?

Yours faithfully
SIMPSON SHAW & CO



N H R Ross

cc D.B. Cunneen

Received:	
6 OCT 1992	
ACTION	INFORMATION
Janet	PLG

3255

11 December 1991

12/1/5

Simpson Shaw & Co.
P O Box 631
WHANGAREI

Attention : Mr Simpson

Dear Sir

Received: 13 DEC 1991	
ACTION	INFORMATION
Janet	
	PLG

SH12 : D.B. CUNNEEN SUBDIVISION

As indicated to Janet Stephenson, I am prepared to reconsider Transit New Zealand's attitude towards access for the above subdivision, and I visited the site Tuesday on 10 December 1991. I have also reviewed previous reports and correspondence. Two clear options are available.

(1) ACCESS FROM STATE HIGHWAY 12

There is a high steep batter above the State Highway carriageway. The carriageway is located towards the seaward side of the road reserve, so that any future widening, either for permanent or for temporary purposes, would be carried out by cutting into this batter. An entrance to this subdivision would inhibit such work. If we allowed the entrance to be constructed there, it would be necessary to virtually reconstruct the entrance (at Transit New Zealand's expense) if and when widening of the carriageway was required. The location of the entrance is also very close to the junction of SH12 and Fairlie Crescent, which is undesirable from a traffic safety point of view.

(2) ACCESS FROM THE PEDESTRIAN ACCESSWAY

The strip of land 6 metres wide is almost at the same level as the sealed Taumatawiwi Street at the south end, and drops steeply to Fairlie Crescent (also sealed) at the north end. It would be very easy and inexpensive to form a right of way from Taumatawiwi Street, and this would be a safe entrance with virtually no effect on the State highway.

Auckland Office

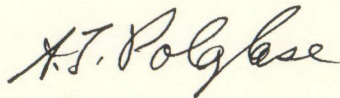
Custom House 9th Floor Quay Street CPO Box 1459 Central Auckland
Phone: (09) 777-092 Fax: (09) 307-6843

There has been local opposition to this, but the reason for or basis of the opposition has not been stated. Obviously the pedestrian accessway should not be reduced in width to such an extent that it could not cope with the anticipated volume of pedestrians. However a quick calculation with conservative assumptions shows that if pedestrians are one metre apart across the 6 metre wide accessway (i.e. 6 pedestrians side by side) and are spaced no closer than 2 metres apart along the accessway and walk at a reasonably slow pace of 4 kilometres per hour, the existing accessway could cope with 12000 pedestrians per hour! A reduced width is therefore unlikely to be overloaded.

In summary, my inspection of the site confirms and reinforces the opinion previously expressed. Transit New Zealand will not allow an entrance to be constructed directly to the State highway.

A copy of this letter will be sent to the Far North District Council, Rawene.

Yours faithfully



A.T. Polglase
for REGIONAL MANAGER

c.c. The Area Manager
Far North District Council
P O Box 3
RAWENE

Attention : Janet Stephenson

WEBB·ROSS·JOHNSON
BARRISTERS & SOLICITORS

P.O. BOX 945,
WHANGAREI,
NEW ZEALAND.
LEGAL HOUSE, 9 HUNT STREET, WHANGAREI

DX: 10006
PH: (09) 438 3099
FAX: (09) 438 3091

20 November 1991

Please refer to Mr Johnson

The General Manager
Far North District Council
P.O. Box 246
KAIKOHE

Attention Miss J. Stephenson

Dear Sir

Re: Cunneen Subdivision - Opononi

We are consulted by Mr Cunneen and his surveyors, Simpson Shaw & Co.

We have now been able to peruse the correspondence between you over a long period and to date.

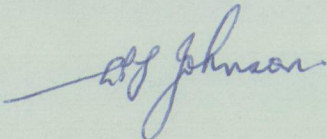
In particular, in our view, your letter of 10th September 1991 to Simpson Shaw & Co is an approval of the latest subdivisional scheme plan subject to conditions.

As clearly stated in Mr Simpson's letter to you of the 8th October 1991 the conditions are not only unacceptable but in some cases are impractical.

In the absence of any constructive reply from you to Mr Simpson's last letter we now require on behalf of Mr Cunneen that he be given a formal hearing on the matter under Section 299 of the Local Government Act 1974.

May we please have your urgent confirmation that this will now be arranged forthwith.

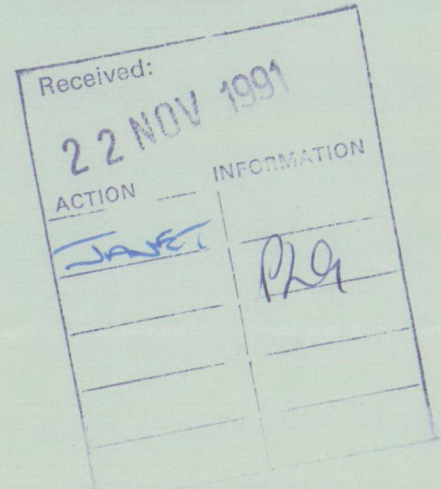
Yours faithfully
WEBB ROSS JOHNSON



L.P.G. JOHNSON

LPGJ:RH

c.c. Mr K. Simpson
Mr D. Cunneen



PLN

Janet Stephenson

14 November 1991

Office of the Ombudsman
17 Albert Street
AUCKLAND

ATTENTION : Richard Fisher

Dear Sir

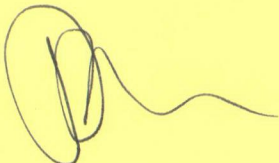
RE : COMPLAINT FROM P KENNEDY

I enclose copies of reports, plans and correspondence regarding the above issue. The information is, I feel, self explanatory.

It should be noted that Council has not approved the creation of a right of way pursuant to Section 348 of the Local Government Act or Section 105 of the Resource Management Act. The resolution by the Hokianga Community Board of 2 September 1991 was merely the conditions under which Council as landowner would accept Mr Cuneen's use of their land for access.

If Mr Cuneen accepts these conditions, and the legal opinion proves favourable, he may then proceed to apply for approval from Council for the subdivision and right of way.

Yours faithfully



Janet Stephenson
AREA PLANNER

K A E O S E R V I C E C E N T R E

M E M O

TO : GRAHAM CARMEN
AREA MANAGER - RAWENE

FROM : JOHN WELLS
AREA MANAGER - KAEO

DATE : 6 November 1991

SUBJECT : OMBUDSMANS ENQUIRY - P KENNEDY

=====

Received:	
11 NOV 1991	
ACTION	INFORMATION
	Janet - talk to me
	PLG.

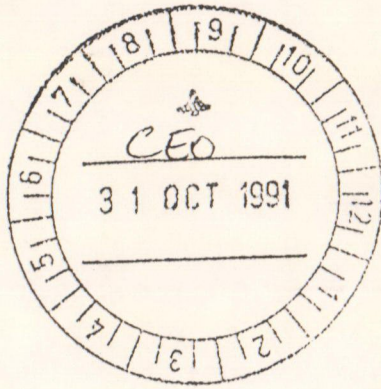
I enclose a request from the Ombudsman and would appreciate it if you could give me a report on this plus the information requested in the letter A.S.A.P.

Regards

John
John



Telephone: 796 102
796 103
Facsimile: 776 537



Office of the Ombudsman

Te Kaitiaki Mana Tangata
5th Floor, National Mutual Finance House
17 Albert Street
Auckland

Ref: A/3418

Our contact: Anne Wade

29 October 1991

The Acting Chief Executive
Far North District Council
Private Bag
KAIKOHE



Dear Mr Bennett

I am writing on behalf of the Ombudsman, Mrs Nadja Tollemache.

A complaint has been received from P Kennedy of P O Box 42, Opononi, in which he or she complains that the Far North District Council, through its Hokianga Community Board, has acted unreasonably in its decision to grant an accessway. As I understand it, the background to P Kennedy's complaint is as follows.

An application was made by Mr Cunneen to create a driveway over part of the pedestrian accessway at Opononi. His earlier application was considered by Council in August 1990 and refused because:

'... it is not considered good policy to grant a right of way over an accessway, and the Board suggests that the applicant submit an alternative scheme plan.'

During this time the complainant was accorded an opportunity to comment on the proposal which was taken up. P Kennedy was not in favour because it:

'still does not solve the problem of access for landowners at the other end of the walkway ... the same privilege would have to be granted if this proposal goes ahead leaving no room for a public walkway as originally intended ... all landowners adjacent to S.H. 12 to combine their efforts and approach Transit New Zealand for access, ... access problem has not grown overnight it was there when the owner first acquired the section ...'

A second scheme plan was then submitted with surveyor's comments, then a third which showed the accessway remaining in Council ownership:

'with a right of way in favour of lots 1 and 2 over part of the accessway and no revocation. The plan also shows the right of way at a complying length.'


The surveyor suggested that:

'The area of accessway along the vehicular formed right of way can be formed and upgraded as pedestrian way or footpath to a reasonable standard adjoining the length of the right of way.'

According to the documentation the Hokianga Community Board considered this proposal reasonable and subsequently recommended that permission be granted for the accessway under certain conditions. The Council advised P Kennedy of its decision in a letter dated 10 September 1991.

I should be grateful if you could provide Mrs Tollemache with a report on the complaint, enclosing copies of all relevant correspondence, documentation, ordinances, reports and memoranda.

Yours sincerely



Richard Fisher
SENIOR INVESTIGATING OFFICER

c.c. P Kennedy
C/- P D C Opononi
Hokianga

Janet Stephenson

21 October 1991

Simpson Shaw & Co
P.O.Box 631
WHANGAREI

ATTENTION : KL Simpson

Dear sir,

RE : CUNNEEN SUBDIVISION - OPONONI

I think you have misunderstood my most recent letter. It was not an approval pursuant to Section 279 of the Local Government Act - it was merely the conditions under which the Hokianga Community Board (for the landowner, the Far North District Council) would be satisfied to allow Mr Cunneen to use Council land, for access to his property.

If Mr Cunneen does not wish to meet these conditions, he may choose to negotiate an alternative access with another landowner.

Yours faithfully



Janet Stephenson {Area Planner}
for AREA MANAGER

JRS:gws

JRS3CUNNSUB.LET

SIMPSON, SHAW & CO.

REGISTERED SURVEYORS — WHANGAREI AND KAIKOHE

LAND AND ENGINEERING SURVEYORS
(SUCCESSORS TO A.H. PICKMERE AND P.J. FINCH)

KEN SIMPSON, M.N.Z.I.S., RES (089) 434-3695
TREVOR SHAW, M.N.Z.I.S., RES (089) 481-181

134 BANK STREET,
WHANGAREI

P.O. BOX 631
PHONE (089) 487-170

Fax (089) 488-680

Our Ref.

8 October 1991

General Manager
Far North District Council
PO Box 246
KAIKOHE

Attention Miss J. Stephenson

Dear Sir

RE: CUNNEEN SUBDIVISION - OPONONI

Received:	
14 OCT 1991	
ACTION	INFORMATION
Janet	PLG

I wish to put forward an objection under Section 299 of the Local Government Act to the Councils conditions of approval to Mr Cunneen's subdivision.

I have discussed the Councils conditions with Mr Cunneen and with his Solicitors, Webb Ross Johnson.

Under no condition would we agree to Condition 1 whereby Council request us to pay the legal costs of an opinion over whether a right of way can be created over an accessway and whether that right of way will provide legal and physical access.

I enclose a copy of your first letter to me on this matter several months ago where you state yourselves, that you have taken advice and that such a course of action is legal.

In view of this it seems remarkable that you now require a further legal opinion and under no circumstances would my client be prepared or even required to pay the cost of such an opinion.

We also wish to object to Condition 3(ii). It is quite obvious we would have to look at some control of stormwater from the portion of the accessway to be used for access to Mr Cunneens property, but the main control of stormwater for the whole length of the accessway is obviously that of the Councils. So in no way would we be prepared to provide this control or contribute to this control other than as our driveway affects

the stormwater situation.

Condition 3(iii). We wish to object to this because it is quite ridiculous. As our driveway will be completely flat and level there can not possibly be any question of a slope or a necessity for retaining such. It may be necessary if Council pursues a walkway on the rest of the accessway that the lower area, there may be some problems requiring some sort of retaining. However, it should be borne in mind that the necessity for this will have arisen through the actions of the owner of the adjoining lot, I understand a man by the name of Austin. I have been told by my Client, Mr Cunneen, that Mr Austin was responsible for the bulldozing work which has been done on this accessway with the express purpose of trying to stop anybody using it. It can thus be seen that the condition I refer to is ridiculous and has no bearing on the subdivision.

I also wish to object to Condition 3(vi). The requirement by Council for my Client to construct a 1.2m concrete path running the whole length of the accessway from street to street is absolutely preposterous. This accessway has obviously been created in error as no accessway should be wider than 8ft. It would therefore have been created to the width of 20ft in error unless of course Council expected to use it for vehicle traffic in addition to foot access. As an accessway which has been in existence for such a tremendous long stretch of time it has been Councils responsibility over this period of time to construct and concrete or tarseal a footpath from road to road. It is obvious that this is highly desirable from the public's point of view. However, to expect my Client, in view of the circumstances, to construct such a footpath is absurd, besides being completely illegal and unreasonable, and beyond Councils power.

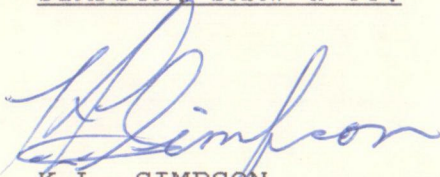
In view of the history of this matter over the past 5 years Councils approach and Councils decisions to date don't bear public scrutiny.

I am informed by my Client that some 5 years ago shortly after the first subdivisional plan was put into Council he was requested to pay \$2400-00 as a sewer connection. He naturally concluded on this basis that the Council was going to readily approve his two lot subdivision. He informs me that he did discuss the matter with Mr Carter who at that time was County Clerk and he was assured that there would be no problem with the subdivision and it would duly be approved.

We do realise that part of the problem has been the attitude of the National Roads Board and later Transit New Zealand. It is unfortunate that my Client did not agree to access from the rear when it was first suggested to him by your staff some 2 years ago. However, after taking professional advice, consequent upon a visit by myself and Mr Cunneen to the site, he changed his views and realised it was highly desirable that access be from the rear in terms of Councils original proposals as approved by the existence of the original scheme plan which showed access to be by right of way from the rear.

I have been in practice for many many years and I have never, ever, struck an attitude by a Council such as Council has shown in this matter. As I said above, if we are forced to take this matter further the Councils actions will not bear public scrutiny.

Yours faithfully
SIMPSON, SHAW & CO.



K.L. SIMPSON

cc. Webb Ross Johnson, Attn. Mr Johnson
Mr Cunneen

SC 98/H

Janet Stephenson

13 September 1991

R.S Bell
Northland Dairy Company
Private Bag
WHANGAREI

Dear Sir/Madam

RE : PEDESTRIAN ACCESSWAY, OPONONI

Thank you for your letter regarding Mr Cunneen's proposal for a right of way over part of the above accessway. At its 2 September meeting the Hokianga Community Board considered your input and resolved :

"THAT THE HOKIANGA COMMUNITY BOARD CONSENTS TO THE CREATION OF A 3.66 METRE RIGHT OF WAY OVER LOT 63, DP 61763 (PEDESTRIAN ACCESSWAY, TAUMATAWIWI STREET, OPONONI) AS SHOWN ON PLAN 3255 DRAWN BY SIMPSON SHAW AND COMPANY AND DATED MAY 1991, CONDITIONAL UPON :

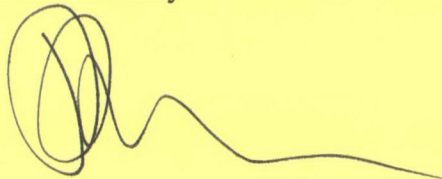
1. D B CUNNEEN MEETING THE COST OF A LEGAL OPINION FROM COUNCIL'S LEGAL ADVISERS THAT THIS COURSE OF ACTION IS LEGALLY FEASIBLE.
2. THE RIGHT OF WAY OVER LOT 65 DP 61763 HAVING LOTS 1 AND 2 DP 55463 AS DOMINANT TENEMENTS.
3. AN ENGINEERS DESIGN OF WORKS ON THE ACCESS-WAY BEING SUBMITTED FOR APPROVAL BY THE DISTRICT ENGINEER SHOWING :
 - i) THE RIGHT OF WAY FORMATION HAVING A CONCRETED OR SEALED SURFACE TO 3.5 METRE WIDTH OVER A COMPACTED METAL BASE.
 - ii) PROVISION FOR INTERCEPTION AND CONTROL OF STORM-WATER FOR THE LENGTH OF THE ACCESS-WAY.

- iii) PROVISION FOR RETAINING THE SLOPE ABOVE THE ACCESS-WAY,
- iv) PROVISION FOR PROTECTION OF THE WATER MAIN.
- v) WATER CONNECTIONS BEING PROVIDED TO LOT 2, DP 55403 AND LOTS 1 AND 2 BEING A SUBDIVISION OF LOT 1 DP 55463, PRIOR TO THE FORMATION OF THE RIGHT OF WAY.
- vi) A 1.2 METRE WIDE CONCRETE FOOTPATH RUNNING THE LENGTH OF THE ACCESS-WAY FROM TAUMATAWIWI STREET TO FAIRLIE CRESCENT.

4. COMPLETION OF THE APPROVED WORKS TO THE SATISFACTION OF THE DISTRICT ENGINEER."

Mr Cunneen is being notified of this decision.

Yours faithfully



Janet Stephenson {Area Planner}
for **AREA MANAGER**

SC 98/H

Janet Stephenson

10 September 1991

Grace Ngahana-Hartley
12 Mapplebeck Street
Titahi Bay
WELLINGTON

Dear Sir/Madam

RE : PEDESTRIAN ACCESSWAY, OPONONI

Thank you for your letter regarding Mr Cunneen's proposal for a right of way over part of the above accessway. At its 2 September meeting the Hokianga Community Board considered your input and resolved :

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- iii) PROVISION FOR RETAINING THE SLOPE ABOVE THE ACCESS-WAY,
 - iv) PROVISION FOR PROTECTION OF THE WATER MAIN.
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4. COMPLETION OF THE APPROVED WORKS TO THE SATISFACTION OF THE DISTRICT ENGINEER."

Mr Cunneen is being notified of this decision.

Yours faithfully



Janet Stephenson {Area Planner}
for **AREA MANAGER**

JRS:jbr
JRS\3cunneen.let

Grace Ngahana-Hartley
12 Mapplebeck Street
Titahi Bay
WELLINGTON

M & AM Velilich
PO Box 64
OPONONI

H.N Austin
3 Williams Avenue
KAIKOHE

P Kennedy
C/- Postal Centre
OPONONI

Janet Stephenson

10 September 1991

Simpson Shaw and Company
PO Box 631
WHANGAREI

Dear Sir

RE : CUNNEEN SUBDIVISION - STATE HIGHWAY 12 - OPONONI

Further to my letter of 9 August, the Hokianga Community Board has now reconsidered your clients request, and has resolved as follows :

"THAT THE HOKIANGA COMMUNITY BOARD CONSENTS TO THE CREATION OF A 3.66 METRE RIGHT OF WAY OVER LOT 63, DP 61763 (PEDESTRIAN ACCESSWAY, TAUMATAWIWI STREET, OPONONI) AS SHOWN ON PLAN 3255 DRAWN BY SIMPSON SHAW AND COMPANY AND DATED MAY 1991, CONDITIONAL UPON :

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2. THE RIGHT OF WAY OVER LOT 65 DP 61763 HAVING LOTS 1 AND 2 DP 55463 AS DOMINANT TENEMENTS.
3. AN ENGINEERS DESIGN OF WORKS ON THE ACCESS-WAY BEING SUBMITTED FOR APPROVAL BY THE DISTRICT ENGINEER SHOWING :
 - i) THE RIGHT OF WAY FORMATION HAVING A CONCRETED OR SEALED SURFACE TO 3.5 METRE WIDTH OVER A COMPACTED METAL BASE.
 - ii) PROVISION FOR INTERCEPTION AND CONTROL OF STORM-WATER FOR THE LENGTH OF THE ACCESS-WAY.

- iii) PROVISION FOR RETAINING THE SLOPE ABOVE THE ACCESS-WAY,
- iv) PROVISION FOR PROTECTION OF THE WATER MAIN.
- v) WATER CONNECTIONS BEING PROVIDED TO LOT 2, DP 55403 AND LOTS 1 AND 2 BEING A SUBDIVISION OF LOT 1 DP 55463, PRIOR TO THE FORMATION OF THE RIGHT OF WAY.
- vi) A 1.2 METRE WIDE CONCRETE FOOTPATH RUNNING THE LENGTH OF THE ACCESS-WAY FROM TAUMATAWIWI STREET TO FAIRLIE CRESCENT.

4. COMPLETION OF THE APPROVED WORKS TO THE SATISFACTION OF THE DISTRICT ENGINEER."

I trust we will hear from you as to whether your client wishes to pursue this option. If he does the first step will be to obtain the legal opinion, which I will arrange through Council's legal advisers.

Yours faithfully



Janet Stephenson {Area Planner}
for **AREA MANAGER**

RSB;MMB.

21 August 1991.

Janet Stephenson,
Area Planner,
RAWENE.

Received:	
02 SEP 1991	
ACTION	REVISION
Janet.	
	PLG.

Dear Janet,

Firstly, thank you for the opportunity to submit my thoughts in the proposal of the suggested right of way over Taumatawiwi to Fairlie Crescent Pedestrian Access Way.

I have no objections to the ammended proposal you have forwarded with your letter other than recommending there be a divider wall or fence of some description to eliminate any child, pedestrian or vehicle accidents from occurring.

When this Pedestrian Access Way is in place, the children from Taumatawiwi Street will be using it full time as it definitely will be easier access and therefore increasing the need for a barrier to separate the pedestrians from the vehicles.

Thank you again for this opportunity.

Yours faithfully,

R.S.BALL.

12 Mapplebeck Street,
TITAHI BAY

Telephone: 04 366331

18 August 1991

Area Manager
Far North District Council
P O Box 3,
RAWENE

Attention: Janet Stephenson
Area Planner

Dear Sir/Madam,

USE OF PEDESTRIAN ACCESSWAY TAUMATAIWIWI, FAIRLIE CRESCENT

Thank you for your letter of 9 August 1991.

I have examined the plan of proposed subdivision of Lot 1. DP.55463 as attached to your letter and I wish to comment as follows.

I have no objection to the third plan, but if I am required to contribute to the cost of the proposed development I require an opportunity to negotiate my proportion of the cost before the matter is settled.

I shall be visiting the Hokianga area during the August school holidays. I am prepared to meet with a representative from your council to discuss this matter at your office in Rawene on Thursday 29 August 1991. Please advise me if this is acceptable.

Yours faithfully,

Grace Ngahana-Hartley

Grace Ngahana-Hartley

Received:	
20 AUG 1991	
ACTION	INFORMATION
<i>Janet</i>	.
	<i>PLG</i>

3 Williams Ave

Kaikohe

14-8-91

Area Manager
Far North District Council
Ravens Service Centre
Box 3
Ravens

Dear Sir,

Re Use of pedestrian Accessway
Taumatawiwi/Fairlie Crescent

Thank you for the invitation to comment
on the above proposal.

I have no objection to the creation of a
vehicle formed right of way over the public walkway
Taumatawiwi/Fairlie Crescent from Taumatawiwi Street
to service Lot DP55463 only.

I note that one of the conditions stipulated
2(II) - "Provision for interception and control of storm-
water as far as the end of the right of way."

This clause 2(II) protects the section owned by Mr
Cunneen only.

There is no similar protection for the land owner
(myself) on the remaining length of pedestrian accessway
to Fairlie Crescent.

In previous correspondence with you on the above
topic, I expressed concern at the overflow of
stormwater from the pedestrian accessway onto my
property. (letter 17.11.89)

This stormwater overflow has continued
intermittently over the intervening period and in
one instance caused slipping of part of my
property.

I request that the overflowing of stormwater
onto my property be rectified urgently, regardless
of whether the proposal of vehicle access to Mr
Cunneen's property is proceeded with or not.

Yours faithfully

Eric Austin

H. N. Austin

Far North District Council
Janet Stephenson
(Area Planner)
For Area Manager.

Received:	
1 AUG 1991	
ACTION	INFORMATION
Janet,	
	PLG.

Mr A.M. VEKICH
FAIRFIE CRESCENT
P.O. BOX 64 OPOONUI
15-8-91.

Re Use of Pedestrian Accessway Taumatawiri Taurieles.

Dear Mrs Stephenson,

Thank you for your letter of Aug 9th.

We have no objection to the proposed use of the accessway - Providing there is satisfactory drainage for the stormwater.

As you well know the Oponoi Subdivision was never serviced for stormwater.

Stormwater at the moment pours from sections 46 & 47 on to the pedestrian accessway and in winter is just a swamp. Also because of the natural slope towards our section No 2 heavy rain brings stormwater rushing down on to it. We would therefore like the District Engineer to take this into consideration, at the same time.

Yours faithfully, Michael Murray Vekich.

Received:	
20 AUG 1991	
ACTION	INFORMATION
done.	
Area Planner	PKC
Dear Madam,	

b- P.P.C.
 opinion
 16/8/91

Area Planner
 Janet Stephenson

Re your letter dated 9/8/91 the proposal sent to myself still does not solve the problem of access for the land owners at the other end of the walkway (Bowling Club end) where accessway width is already much narrower and in all fairness to the people concerned the same privilege would have to be granted if this proposal goes ahead leaving no room for

a public walkway as originally intended.

It is going to be of benefit to all landowners adjacent to S.H.12. To combine their efforts and approach Transit NZ for access, as I pointed out in my last letter a precedent has been set on S.H.12 at Watkins Resident and the Lowe property at Pakane.

It must also be remembered the access problem has not grown overnight it was there when the owner first acquired the section therefore I object most strongly against the proposal.

Yours Faithfully,
 Kennedy

P.S. I have since found further information and have good reason to believe the land in the proposal was not part of the H.C.C. subdivision so should not be Council concern for access from the walkway. This information is gained from adverts in August 1965 and May 1969 and wish it to be noted if the proposal is granted I will appeal to the ombudsman and ask for an enquiry into how the land in question was acquired in the first place.

I also think it very unfair to expect a reply to your letter at only 8 days notice. P.Kennedy

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PT 34
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Reserve
PT 35
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State Highway 12
steep bank

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Fairlie Cres

AUSTIN

CUNNEEN

LOT 1 DP 55463

LOT 2 DP 55463

NGAHANA-HARTLEY

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KENNEDY

VELKICH

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Domain

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DP 52974
3-7307

TAMMAMINI STREET

Received:	
20 AUG 1991	
ACTION	INFORMATION
Janet.	
Area Planner	PLG
Janet Stephenson	

b- P.D.C.

Oporoni
16/8/91

Area Planner
Janet Stephenson

Dear Madam,

Re your letter dated 9/8/91
the proposal sent to myself
still does not solve the
problem of access for the
land owners at the other
end of the walkway (Bowling
club end) where accessway
width is already much
narrower and in all
fairness to the people
concerned the same
privilege would have to
be granted if this
proposal goes ahead
leaving no room for

a public walkway as originally intended.

It is going to be of benefit to all landowners adjacent to S.H. 12. To combine their efforts and approach Transit NZ for access, as I pointed out in my last letter a precedent has been set on S H 12 at Watkins Resident and the Lowe property at Pakane.

It must also be remembered the access problem has not grown over-night it was there when the owner first acquired the section therefore I object most strongly against the proposal.

Yours Faithfully
P Kennedy

P.S. I have since found further information and have good reason to believe the land in the proposal was not part of the H.C. subdivision so should not be Council concern for access from the walkway. This information is gained from Adverts in August 1965 and May 1969 and wish it to be noted if the proposal is granted I will appeal to the ombudsman and ask for an enquiry into how the land in question was acquired in the first place.

I also think it very unfair to expect a reply to your letter at only 8 days notice. P/Ernest

Far North District Council
Janet Stephenson
(Area Planner)
For Area Manager.

Received	
16 AUG 1991	
ACTION	INFORMATION
Janet.	
	PKG.

M. A. M. VEHIKICH
FAIRIE CRESENT
P.O. BOX 64 OPOHONI
15-8-91.

Re Use of Pedestrian Accessway Taumatawiri Tauikeles.

Dear Ms Stephenson,

Thank you for your letter of Aug 9th.

We have no objection to the proposed use of the accessway - Providing there is satisfactory drainage for the storm water.

As you will know the Opononi Subdivision was never serviced for storm water.

Storm water at the moment pours from sections 46 47 & 48 on to the pedestrian accessway and in winter is just a swamp. Also because of the natural slope towards our section No 2 heavy rain brings storm water rushing down on to it. We would therefore like the District Engineer to take this into consideration, at the same time.

Yours faithfully, Michael & Nancy Vehkich.

3 Williams Ave

Kaikohe

14-8-91

Area Manager
Far North District Council
Rawene Service Centre
Box 3
Rawene.

Dear Sir,

Re Use of pedestrian Accessway
Taumatawiwi / Fairlie Crescent

Thank you for the invitation to comment
on the above proposal.

I have no objection to the creation of a
vehicle formed right of way over the public walkway,
Taumatawiwi / Fairlie Crescent from Taumatawiwi Street
to service Lot DP55463 only.

I note that one of the conditions stipulated,
2(II) - "Provision for interception and control of storm-
water as far as the end of the right of way."

This clause 2(II) protects the section owned by Mr
Cunneen only.

There is no similar protection for the land owner
(myself) on the remaining length of pedestrian accessway
to Fairlie Crescent.

In previous correspondence with you on the above
topic, I expressed concern at the overflow of
stormwater from the pedestrian accessway onto my
property. (letter 17.11.89)

This stormwater overflow has continued
intermittently over the intervening period and in
one instance caused slipping of part of my
property.

I request that the overflowing of stormwater
onto my property be rectified urgently, regardless
of whether the proposal of vehicle access to Mr
Cunneen's property is proceeded with or not.

Yours faithfully

Neil Austin
H. N. Austin

12 Mapplebeck Street,
TITAHI BAY

Telephone: 04 366331

18 August 1991

Area Manager
Far North District Council
P O Box 3,
RAWENE

Attention: Janet Stephenson
Area Planner

Dear Sir/Madam,

USE OF PEDESTRIAN ACCESSWAY TAUMATAIWIWI, FAIRLIE CRESCENT

Thank you for your letter of 9 August 1991.

I have examined the plan of proposed subdivision of Lot 1. DP.55463 as attached to your letter and I wish to comment as follows.

I have no objection to the third plan, but if I am required to contribute to the cost of the proposed development I require an opportunity to negotiate my proportion of the cost before the matter is settled.

I shall be visiting the Hokianga area during the August school holidays. I am prepared to meet with a representative from your council to discuss this matter at your office in Rawene on Thursday 29 August 1991. Please advise me if this is acceptable.

Yours faithfully,

Grace Ngahana-Hartley

Grace Ngahana-Hartley

Received:	
20 AUG 1991	
ACTION	INFORMATION
<i>Janet</i>	.
	<i>PLG</i>

FAR NORTH DISTRICT COUNCIL

Rawene Service Centre

: REPORT :

TO : Hokianga Community Board

FROM : Janet Stephenson - Area Planner, Rawene

DATE : 22 August 1991

SUBJECT : **D B CUNNEEN - USE OF PEDESTRIAN ACCESSWAY,
OPONONI**

=====

At its last meeting the board considered a request from D B Cunneen to use an accessway for a right of way to a proposed subdivision of his land at Opononi.

The Board asked for the proposal to be notified locally so that local feedback could be gained. They also asked for a report on the possible precedent that might be set.

The accessway in question was vested in Council in 1969 as part of a subdivision which created the Taumatawiwi Street sections. An accessway is defined in the Local Government Act as follows :

"Access way" means any passage way, laid out or constructed by the authority of the Council or the Minister of Works and Development {or, on or after the 1st day of April 1988, the Minister of Lands} for the purposes of providing the public with a convenient route for pedestrians from any road, service lane, or reserve to another, or to any public place or to any railway station, or from one public place to another public place, or from one part of any road, service lane, or reserve to another part of that same road, service lane, or reserve :

In July 1990 I asked the Chief Surveyor if it was feasible to create a right of way easement over part of an accessway, or to alter the accessway to a service land. His reply was :

- a) It is feasible to create a right of way over part of an accessway. Either a new survey plan would need to be prepared or exemption from survey under Section 167 LT Act 1953 sought from the District land Registrar. The easement would be created by way of registration of Memorandum of Transfer.

- b) The accessway could be altered to become a service land and I believe this could be achieved by Council passing a resolution. Presumably, there would need to be public notification, then ultimately, registration of the Resolution with the District Land Registrar of Land and Deeds, to update the title held by Council.

This information should be confirmed by your legal advisors.

PRECEDENT ISSUES

A) Existing Problems

There are four existing sections in the vicinity of Cunneen's land which have nominal frontage on the State Highway N^o 12 and for which physical access from the highway would be difficult to achieve. The highway along this stretch is well below the level of the sections, and direct (90°) access would not be possible. The only option for access from the highway would be a joint driveway coming in near the Fairlie Crescent junction and running up along the edge of the road reserve.

None of these sections are developed or built on at present.

As can be seen on the attached plan, all four sections have at their rear the accessway which effectively runs from Fairlie Crescent, across the bottom of Taumatawiwi Street and down to the Domain. The accessway does not have a formed footpath but is used by pedestrians to get to the road and beach.

Sections 4 and 5, DP 61763 are actually in a worse position for access than Lots 1 and 2, DP 55463. Mr Cunneen's "problem" has only arisen because he wishes to subdivide, and Transit NZ will not permit him to have access for the new lots from State Highway 12.

B) Other Possible Subdivisions

The smallest minimum lot size in the residential 1 zone is 600 m² for a front section and 700 m² for a rear section. The only sections in the vicinity which could be further subdivided are Lots 1 & 2, DP 55463 (Cunneen and Ngahana-Hartley). If they both had access from a right of way over the accessway, a maximum of 2 lots could be created from each, ie. a total of 4 sections. This is because they would be classified as rear lots.

PUBLIC INPUT

Letters have been received from Grace Ngahana-Hartley, Neil Austin, Michael and Mancy Velikich and Peter Kennedy. Their properties are shown on the attached plan.

Their comments are summarised below :

- Ngahana-Hartley - no objection
- if required to contribute to the cost she would like to negotiate her proportion of costs before the matter is settled.
- Austin - no objection
- concerns about stormwater regardless of vehicle access issue.
- Velikich - no objection provided there is satisfactory drainage for the stormwater.
- Kennedy - does not solve access problems for owners at Bowling Club end of the walkway. In all fairness they should be offered the same opportunity, but this would leave no room for a walkway as it is narrower.
- Owners should combine and form an access from state highway 12.
- access problem was there when the owner first acquired the land.
- Cunneen's land was not part of the Hokianga County Council subdivision so the problem should not be Council's concern.

CONCLUSION

A number of issues are raised by the situation :

1. Four sections which back on to various parts of the walkway have an existing problem with access from state highway 12. To solve it they will either have to come together to create a joint access along the top of the bank beside state highway 12, or be given access along the walkway.
2. The southern part of the walkway is quite narrow for both a right of way and a footpath beside, being 4.11 metres.
3. There is still some uncertainty whether Council can create a right of way over an accessway without first changing the status of the accessway. Any necessary legal opinion should be funded by the applicant.



4. The access issue was raised as a result of Mr Cunneen wishing to subdivide his property. However when he bought the land he presumably had a full understanding that the access was from the state highway, as the subdivision which created the accessway occurred after the subdivision which created his site. Mr Cunneen was the Hokianga County Clerk in the early 1960's and presumably had a reasonable understanding of land issues.

Our Reference

Rawene Service Centre

If calling, please ask for

Telephone: (09) 405-7829, Fax: (09) 405-7898

5. Both Cunneen and Ngahana-Hartly could subdivide to create 2 lots each. If a right of way were created it would potentially serve 4 lots.

I consider that the Board has 3 options :

1. Decline consent to the right of way, and leave it to the owners of Lots 1 and 2, DP 55463 and Lots 4 and 5, DP 61763 to form their own joint access from state highway 12.
2. Initiate a procedure to turn both parts of the accessway into a service lane. This would be carried out by Council's Road Legalisation Officer.
3. Approve Mr Cunneen's proposal as per the recommendation last month, with the proviso that he first gets a legal opinion as to whether it is possible to create a right of way over an accessway. This could then set a precedent for a future request from the owners of Lots 4 and 5, DP 61763.

Janet Stephenson
AREA PLANNER

JRS:jmm
PN\SC89H.rep

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265
D.P. 52974
3-7307

TAMMAMMIN
STREET

Janet Stephenson

9 August 1991

1~

2~

Dear Sir/Madam

RE: USE OF PEDESTRIAN ACCESSWAY TAUMATAWIWI, FAIRLIE CRESCENT

Almost two years ago I wrote to landowners in the vicinity of the Taumatawiwi to Fairlie Crescent accessway asking for your comments on altering the accessway to a service lane.

The reason for the proposal was so the owner of Lot 1 DP 55463 could subdivide his land.

The Hokianga Community Board considered these comments and considered at that stage that it was not good policy to grant a right of way over an accessway.

The owner has recently come back to Council with an amended proposal. The plan (attached) shows a right of way 3.66 metres wide running down next to Lot 2 DP 55463 to the boundary of the proposed new Lots 1 and 2. The proposal leaves a strip of about 2.4 metres wide for sole pedestrian use.

My report and recommendation to the Hokianga Community Board (attached) was considered at its August meeting. The Board felt that they would like to get feedback from the neighbours before considering the matter further.

You are therefore invited to submit your written comments on this proposal on or before Wednesday 21 August 1991.

Yours faithfully



Janet Stephenson {Area Planner}
for **AREA MANAGER**

H.W Austin
3 Williams Avenue
KAIKOHE

G.J Ngahana-Hartley
12 Mapplebeck Street
Titahi Bay
WELLINGTON

D.F Taylor
PO Box 28
HOREKE

G.F Bullen
C/- Dickson Edwards & Co
PO Box 1918
AUCKLAND 1

G.M Kahi
6 Malters Place
Browns Bay
AUCKLAND

G Martin
15 Percy Dyett Avenue
Karori
WELLINGTON

J.M Mathieson
Box 28-258
REMUERA
AUCKLAND

P.B White
49 Medway Road
Paremaoremo
ALBANY

G.F Phillips
C/- Post Office
KOHUKOHU

P Timoko
27 Mahia Road
MANUREWA

R & S Ball
RD 1
KAMO

L.B Andrewes
PO Box 55
RAWENE

M & A Velikich
PO Box 60
OPONONI

P Kennedy
PO Box 42
OPONONI

FAR NORTH DISTRICT COUNCIL

Rawene Service Centre

: REPORT :

TO : Hokianga Community Board
FROM : Janet Stephenson - Area Planner, Rawene
DATE : 25 July 1991
SUBJECT : **SUBDIVISION FOR D CUNNEEN - OTHONI**

=====

In August 1990, the Hokianga Community Board considered a request from the surveyors for Mr D B Cunneen, to provide access to his property over an existing pedestrian accessway, so that he could subdivide.

A copy of my report explaining the background to the matter is attached. The Board resolved:

"That it is not considered good policy to grant a right of way over an accessway, and the Board suggests that the applicant submit an alternative scheme plan."

Subsequently, the applicant was formally advised to submit a new scheme plan pursuant to Section 279(1)(c) of the Local Government Act 1974.

A new scheme plan was then submitted, showing a right of way 3.66 metres wide, with the remainder of the accessway retaining its original status.

The surveyor's accompanying letter states :

"As council appear unwilling to have this strip of land used for other than pedestrian access, the present proposal provides for a pedestrian accessway of 2.44 metres, and a 3.6 metre or 12 foot strip of the accessway to be revoked and transferred to Mr Cunneen, and made into a right of way to serve Mr Cunneen's land and the adjoining Lot 2 DP55463."

Following discussion with the surveyor, a third plan was submitted showing the accessway remaining in Council ownership, with a right of way in favour of lots 1 and 2 over part of the accessway, and no revocation. The plan also shows the right of way at a complying length.

The surveyor's most recent letter suggests :

"The area of accessway alongside the vehicular formed right of way can be formed and upgraded as pedestrian way or footpath to a reasonable standard adjoining the length of the right of way."

This appears to be a reasonable offer, which will solve the access problem for two existing lots, and as well provide a properly formed footpath for over half the length of the pedestrian accessway.

RECOMMENDATION

THAT the Hokianga Community Board consents to the creation of a 3.66 metre right of way over lot 63, DP 61763 (pedestrian accessway, Taumatawiwi Street, Opononi) as shown on Plan 3255 drawn by Simpson Shaw and Company and dated May 1991, conditional upon :

1. The right of way over the public walkway having lots 1 and 2 DP 55463 as dominant tenements.
2. A design of the right of way formation being submitted for approval by the District Engineer showing :
 - i) Concreted or sealed surface to 3.5 metre width over a compacted metal base.
 - ii) Provision for interception and control of stormwater as far as the end of the right of way.
 - iii) provision for retaining the slope above, if necessary.
 - iv) provision for protection of the water main.
 - v) water connections to Lot 2, DP 55403 and Lots 1 and 2 being a subdivision of Lot 1 DP 55463.
3. Completion of the above works to the satisfaction of the District Engineer.
4. Payment of compensation to Council, the amount to be determined by a Registered Valuer.



Janet Stephenson
AREA PLANNER

FAR NORTH DISTRICT COUNCIL

Rawene Service Centre

: R E P O R T :

TO : Hokianga Community Board
FROM : Janet Stephenson - Area Planner, Rawene
DATE : 25 July 1991
SUBJECT : SUBDIVISION FOR D CUNNEEN - OPONONI

=====
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A copy of my report explaining the background to the matter is attached. The Board resolved:

"That it is not considered good policy to grant a right of way over an accessway, and the Board suggests that the applicant submit an alternative scheme plan."

Subsequently, the applicant was formally advised to submit a new scheme plan pursuant to Section 279(1)(c) of the Local Government Act 1974.

A new scheme plan was then submitted, showing a right of way 3.66 metres wide, with the remainder of the accessway retaining its original status.

The surveyor's accompanying letter states :

"As council appear unwilling to have this strip of land used for other than pedestrian access, the present proposal provides for a pedestrian accessway of 2.44 metres, and a 3.6 metre or 12 foot strip of the accessway to be revoked and transferred to Mr Cunneen, and made into a right of way to serve Mr Cunneen's land and the adjoining Lot 2 DP55463."

Following discussion with the surveyor, a third plan was submitted showing the accessway remaining in Council ownership, with a right of way in favour of lots 1 and 2 over part of the accessway, and no revocation. The plan also shows the right of way at a complying length.

The surveyor's most recent letter suggests :

"The area of accessway alongside the vehicular formed right of way can be formed and upgraded as pedestrian way or footpath to a reasonable standard adjoining the length of the right of way."

This appears to be a reasonable offer, which will solve the access problem for two existing lots, and as well provide a properly formed footpath for over half the length of the pedestrian accessway.

RECOMMENDATION

THAT the Hokianga Community Board consents to the creation of a 3.66 metre right of way over lot 63, DP 61763 (pedestrian accessway, Taumatawiwi Street, Opononi) as shown on Plan 3255 drawn by Simpson Shaw and Company and dated May 1991, conditional upon :

1. The right of way over the public walkway having lots 1 and 2 DP 55463 as dominant tenements.
2. A design of the right of way formation being submitted for approval by the District Engineer showing :
 - i) Concreted or sealed surface to 3.5 metre width over a compacted metal base.
 - ii) Provision for interception and control of stormwater as far as the end of the right of way.
 - iii) provision for retaining the slope above, if necessary.
 - iv) provision for protection of the water main.
 - v) water connections to Lot 2, DP 55403 and Lots 1 and 2 being a subdivision of Lot 1 DP 55463.
3. Completion of the above works to the satisfaction of the District Engineer.
4. Payment of compensation to Council, the amount to be determined by a Registered Valuer.



Janet Stephenson
AREA PLANNER

JRS/3 Taumfai - Lot
JRS/3 Taumfai - Doc.

Please provide
eval. copies of
plan & report
to post off.

To
All an att. list.

Dear _____

re: Use of ^{pedestrian} Accessway, Taumatawiri - Fairlie Cree

Almost two years ago I wrote to landowners in the vicinity of the Taumatawiri to Fairlie Cree accessway asking for your comments on altering the accessway to a service lane. ~~At that stage~~ The HCB considered these comments and ~~resolved at that stage that it was not considered~~ at that stage that it was not good policy to grant a right of way over an accessway.

The reason for the proposal was so the owner of ~~Lot 2~~ Lot 1 DP 55463 could subdivide his land.

The owner has ~~recently~~ recently come back to Council with an amended proposal. The plan (attached) shows a right of way 3.66 metres wide running down next to Lot 2 DP 55463 to the boundary of the proposed new lots 1 and 2. The proposal leaves a strip of about 2.4 m wide for sole pedestrian use.

My report, ^{and recommendation} to the HCB ~~(attached)~~ was considered at its August meeting. The Board felt that they would like to get feedback from the ~~weight~~ neighbours before considering the matter further.

You are therefore invited to submit your written comments on this proposal on or before Weds 21 Aug 1991.

Yours etc.

HW Austin
3 Williams Ave
Kaitiaki

G J Ngahana-Hartley
12 Mapplebeck st
Titahi Bay
Wellington

D F Taylor
PO Box 28
Horeke

G F Bullen
4- Dickson Edwards #6
PO Box 1918
Auckland

C M Kahi
6 Malters Pk
Browns Bay
Auckland

G Martin
15 Percy Dyer Ave
Karori
Wellington

J H Mathieson
Box 28-258
Remuera
Auckland

P B White
4a Medway Rd
Paremoremo
Albany

G F Phillips
4- PO
Kohukohu

P. Timoko
27 Mahia Rd
Manurewa

R & S Ball
RDI
Kamo

L B Andrewes
Box 55
Rawene

M & A Velickich
Box 64
Opononi

P. Kennedy
Box 42
Opononi

SC 98/H

Janet Stephenson

9 August 1991

Simpson Shaw & Company
PO Box 631
WHANGAREI

Dear Sir

RE : SC 98/H - CUNEEN SUBDIVISION - Opononi

Further to my letter of 4 July, the Hokianga Community Board considered your clients proposal at its meeting on 5 August. A copy of my report to that meeting is attached.

The Hokianga Community Board resolved :

"That the application by D.B Cuneen be deferred to the next meeting of the Hokianga Community Board to enable the Area Planner to notify neighbours of the proposal and further that the planner report back to the next meeting on the possible setting of a precedence for adjacent sections also being subdivided".

I trust I will have further news for you next month.

Yours faithfully



Janet Stephenson {Area Planner}
for AREA MANAGER

2. THE DISTRICT SCHEME POLICIES ENCOURAGE SETTLEMENT BY MAORI ON THEIR ANCESTRAL LAND. THIS MUST BE DONE WITHOUT DETRIMENTALLY AFFECTING THE HEALTH, SAFETY, CONVENIENCE AND GENERAL WELFARE OF THE PEOPLE OF THE DISTRICT.
 3. THE RURAL 3 ZONE ORDINANCES ALLOW HOUSING ONLY WHERE THE SITE HAS SATISFACTORY LEGAL AND PHYSICAL ACCESS. THE CONDITIONS OF CONSENT WILL IMPROVE ACCESS TO A LEVEL SUITED TO THE LEVEL OF DEVELOPMENT OF THE SITE.
- .3 LUC 70H - Housing Corporation of New Zealand - Application to erect two dwellings on a site of 1,203 m² in Residential 4 zone.

Ms Stephenson explained that the Housing Corporation of New Zealand had withdrawn this application.

They would only be building one house on this property which does not require planning consent.

The Board asked if costs incurred would be recoverable and Ms Stephenson said that she had invoiced the Housing Corporation for all costs.

- .4 SC 98H - D B Cunneen - Application to subdivide and the creation of a 3.66 metre right of way over lot 63, DP 61763.

Ms Stephenson presented her report and reminded the Board of the previous application by Mr Cunneen to subdivide.

After discussion the Board decided on the following resolution.

RESOLVED

Thorpe/Dove

"THAT THE PLANNING APPLICATION BY D B CUNNEEN BE DEFERRED TO THE NEXT MEETING OF THE HOKIANGA COMMUNITY BOARD TO ENABLE THE AREA PLANNER TO NOTIFY NEIGHBOURS OF THE PROPOSAL, AND FURTHER THAT THE PLANNER REPORT BACK TO THE NEXT MEETING ON THE POSSIBLE SETTING OF A PRECEDENCE FOR ADJACENT SECTION ALSO BEING SUBDIVIDED."

- .5 Naming of a Road at Panguru

Ms Stephenson presented a report tabled at the meeting regarding the above mentioned.

The surveyor's most recent letter suggests :

"The area of accessway alongside the vehicular formed right of way can be formed and upgraded as pedestrian way or footpath to a reasonable standard adjoining the length of the right of way."

This appears to be a reasonable offer, which will solve the access problem for two existing lots, and as well provide a properly formed footpath for over half the length of the pedestrian accessway.


RECOMMENDATION

clarify its use as landowner.

THAT the Hokianga Community Board consents to the creation of a 3.66 metre right of way over lot 63, DP 61763 (pedestrian accessway, Taumatawiwi Street, Opononi) as shown on Plan 3255 drawn by Simpson Shaw and Company and dated May 1991, conditional upon :

Legal opinion.

1. The right of way over the public walkway having lots 1 and 2 DP 55463 as dominant tenements.
2. A design of the right of way formation being submitted for approval by the District Engineer showing :
 - i) Concreted or sealed surface to 3.5 metre width over a compacted metal base.
 - ii) Provision for interception and control of stormwater *for length of a way* as far as the ~~end of the right of way.~~
 - iii) provision for retaining the slope above, if necessary.
 - iv) provision for protection of the water main.
 - v) water connections to Lot 2, DP 55403 and Lots 1 and 2 being a subdivision of Lot 1 DP 55463.
3. Completion of the above works to the satisfaction of the District Engineer.
4. ~~Payment of compensation to Council, the amount to be determined by a Registered Valuer.~~
Creation of footpath for full length of accessway.


Janet Stephenson
AREA PLANNER

FAR NORTH DISTRICT COUNCIL

Rawene Service Centre

: REPORT :

TO : Hokianga Community Board

FROM : Janet Stephenson - Area Planner, Rawene

DATE : 25 July 1991

SUBJECT : SUBDIVISION FOR D CUNNEEN - OPONONI

=====
In August 1990, the Hokianga Community Board considered a request from the surveyors for Mr D B Cunneen, to provide access to his property over an existing pedestrian accessway, so that he could subdivide.

A copy of my report explaining the background to the matter is attached. The Board resolved:

"That it is not considered good policy to grant a right of way over an accessway, and the Board suggests that the applicant submit an alternative scheme plan."

Subsequently, the applicant was formally advised to submit a new scheme plan pursuant to Section 279(1)(c) of the Local Government Act 1974.

A new scheme plan was then submitted, showing a right of way 3.66 metres wide, with the remainder of the accessway retaining its original status.

The surveyor's accompanying letter states :

"As council appear unwilling to have this strip of land used for other than pedestrian access, the present proposal provides for a pedestrian accessway of 2.44 metres, and a 3.6 metre or 12 foot strip of the accessway to be revoked and transferred to Mr Cunneen, and made into a right of way to serve Mr Cunneen's land and the adjoining Lot 2 DP55463."

Following discussion with the surveyor, a third plan was submitted showing the accessway remaining in Council ownership, with a right of way in favour of lots 1 and 2 over part of the accessway, and no revocation. The plan also shows the right of way at a complying length.

The surveyor's most recent letter suggests :

"The area of accessway alongside the vehicular formed right of way can be

formed and upgraded as pedestrian way or footpath to a reasonable standard adjoining the length of the right of way."

This appears to be a reasonable offer, which will solve the access problem for two existing lots, and as well provide a properly formed footpath for over half the length of the pedestrian accessway.

RECOMMENDATION

THAT the Hokianga Community Board consents to the creation of a 3.66 metre right of way over lot 63, DP 61763 (pedestrian accessway, Taumatawiwi Street, Opononi) as shown on Plan 3255 drawn by Simpson Shaw and Company and dated May 1991, conditional upon :

1. The right of way ^{over the public network, having} ~~being in favour of~~ lots 1 and 2 DP 55463. ^{as dominant} ~~as~~ ^{towards}
2. The right of way being provided with a sealed or concrete surface to the satisfaction of the District Engineer.
3. The applicant creating, at his own expense, a concrete footpath along lot 63 DP 61763 adjacent to the right of way and running its full length, and with the following specifications : 1.2 metres wide, 100 mm deep, 7.5 MPA with steel reinforcing, to the satisfaction of the District Engineer.
4. As an alternative to conditions 2 and 3, a 3 metre wide sealed or concreted access could be formed so that it can be used jointly by vehicles and pedestrians, to a standard satisfactory to the District Engineer.
5. Prior to any engineering works, water connections being laid to lot 2, DP 55403 and lots 1 and 2 being a subdivision of lot 1 DP 55463.

Janet Stephenson
AREA PLANNER

*Simpson Shaw and Company
constituted of ROW*

JRS:jmm
PNVSC98H.rep

2. ~~Submit for A design~~ ^{of the ROW formation} being submitted for approval by the D.E showing:
 - (i) ~~3.5m~~ ^{concreted or sealed surface to 3.5m width over compacted metal base,}
 - (ii) provision for ^{and control} interruption of stormwater at the end of ROW
 - (iii) provision for retaining the slope above, if necessary,
 - (iv) provision for protection of the water main.
 - (v) water connection to lots etc.
3. ~~By the Council~~ ^{Completion of the above works to the satisfaction of D.E.}
4. Payment ~~to~~ ^{compensation to} Council, ~~at the amount~~ ^{to be determined by} ~~the Council~~ ^{the Council}

SIMPSON, SHAW & CO.

REGISTERED SURVEYORS — WHANGAREI AND KAIKOHE

LAND AND ENGINEERING SURVEYORS

(SUCCESSORS TO A.H. PICKMERE AND P.J. FINCH)

KEN SIMPSON, M.N.Z.I.S., RES (089) 434-3695
TREVOR SHAW, M.N.Z.I.S., RES (089) 481-181

134 BANK STREET,
WHANGAREI

P.O. BOX 631
PHONE (089) 487-170

Fax (089) 488-680 Our Ref. 3255

10 July 1991

General Manager
Far North District Council
PO Box 3
RAWENE

Attention Janet Stephenson

Dear Madam

RE: CUNNEEN SUBDIVISION

Received: 12 JUL 1991	
ACTION	INFORMATION
<i>Janet</i>	<i>PLS</i>

As discussed please find enclosed an amended plan.

It is anticipated the proposed right of way will be formed to your Councils right of way standards. The area of accessway alongside the vehicular formed right of way can be formed and upgraded as pedestrian way of footpath to a reasonable standard adjoining the length of the right of way.

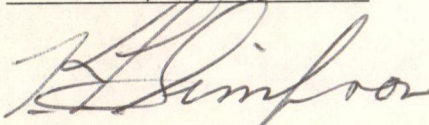
Beyond the right of way adjoining the rear of Lot 62 someone has had some bulldozing done to prevent the access being used as a pedestrian access.

It will be up to Council to remedy this situation and restore the accessway so pedestrian access is possible.

Any costs over creating and forming to Councils requirements of the proposed right of way area should be shared by Mr Cunneen and the owner of Lot 2 DP.55463. Without this access this piece of land is completely locked up, as vehicular access from State Highway 12 is very difficult.

Would you please advise me the name of the owner of Lot 2 DP.55463. I hope that the problems involved with this land can now be overcome and the subdivision approved.

Yours faithfully
SIMPSON, SHAW & CO.



K.L. SIMPSON

cc. Mr Cunneen

COMMENTS FROM MAURICE PLOWRIGHT

REFERENCE : D. CUNEEN ACCESS

- (1) The first decision is whether you want vehicles using the accessway - if no then end of story - if yes then question is do you want to separate vehicular from pedestrian traffic; may depend on relative volumes of each.
- (2) Several methods available as mentioned in Surveyor's letter, ie. if part accessway revoked and sold, owner would have to fence. If right of way granted would depend on terms of agreement.
- (3) First query can right of way be permitted over a Pedestrian accessway - I believe yes, but not 100% sure - see note (6).
- (4) Is it reasonable to ask for contribution or work. Yes - two issues involved. Firstly granting a right of way is creating an interest in land and is a compensatable act. eg. two private land owners may enter an agreement for one to grant a right of way for the other and that has a saleable value. Secondly, any approval under the Local Government Act, if Section 348, gives power to impose conditions etc. Reservation is that Section 348 relates to a right of way over a private way. Not sure how that relates to an accessway, but am sure any consent power enables reasonable conditions. However, the agreement as between neighbours could cover that point to be on the safe side.
- (5) Section 321 of the Local Government Act provides that adequate access must be provided for every lot in a subdivision (with certain exception) and this is physical access as well as legal access.

Section 129 B of the Property Law Act enables a Court to grant a right of way over adjacent land to give access to any land locked land except over reserves under either the Reserves Act or National Parks Act, Railway Land ..., (see McVeaghs).

- (6) My suggestion is to follow a process of :-
 - a) Do you want to permit vehicles over it.
 - b) What basis do you want them, ie. is a mix ok or whatever.
 - c) Advise the subdivider that Council would agree to ... (whatever) subject the subdivider meeting the cost of, or provide, an acceptable legal opinion that such a course of action met all legal requirements; and that compensation as assessed by a competent valuer would be payable, together with any work being done that was necessary for the safety and adequacy of users of the right of way. - after all, it is the adjacent owner who is deriving benefit from the use of public land therefore any burden of justification should be on them.

- Hope this helps.

Comments from Maurice Flawright.

Janet.

reference D. ^{Green} Green Access.

- (1) The first decision is whether you want vehicles using the accessway - if no then end of story.
- if yes then question is do you want to separate vehicular from pedestrian traffic; may depend on relative volumes of each.
- (2) Several methods available as mentioned in Surveyor letter. i.e. if part accessway revoked & sold, owner would have to fence. If R.O.W. granted would depend on terms of agreement.
- (3) First query can R.O.W. be permitted over a Pedestrian Accessway - I believe yes, but not 100% sure - see note (6).
- (4) Is it reasonable to ask for contribution or work. Yes.
- Two issues involved. Firstly granting a R.O.W. is creating an interest in land & is a compensatable act. e.g. two private land owners may enter an Agreement for one to grant a R.O.W. for the other & that has a saleable value. Secondly, any approval under the L.C. Act, if Sec 348, gives power to impose conditions etc. Reservation is that Sec 348 relates to a R.O.W. over a Private Way. Not sure how that relates to an Accessway, but am sure any consent power enables reasonable conditions. However, the Agreement as between neighbours could cover that point to be on the safe side.



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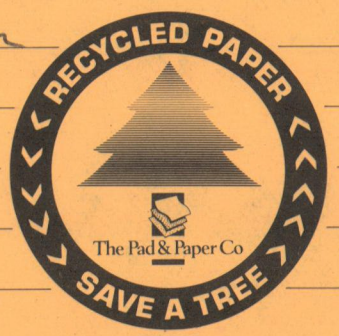
(c) Advise the Subdivider that Council would agree to (whatever) subject to the Subdivider meeting the cost of, or providing, an acceptable legal opinion that such a course of action met all legal requirements; & that compensation as assessed by a competent Valuer would be payable, together with any work being done that was necessary for the safety & adequacy of users of the R.O.W.

- After all, it is the adjacent owner who is deriving benefit from the use of public land, therefore any burden of justification should be on them.

- Hope This Helps

James

1/8/91



26 July 1991

The Area Manager
Far North District Council
P O Box 3
RAWENE

Attention : Janet Stephenson

Received: 12/1/5
29 JUL 1991

ACTION	INFORMATION
Janet	
	PLG.

Dear Sir

STATE HIGHWAY 12

**SCHEME PLAN SC 98/H OF PROPOSED SUBDIVISION
FOR D.B. Cunneen**

1. I refer to your letter of 27 June 1991. Thank you for furnishing the papers.
2. The section of state highway adjacent to the applicant property is not a limited access road.
3. I expect that you will be giving the planning implications of this proposal full consideration.
4. This proposal does not involve direct access to the State Highway, and conforms with our suggestions.

I have no objection to the proposal.

Yours faithfully



A.T. Polglase
for REGIONAL MANAGER

Auckland Office

Custom House 9th Floor Quay Street CPO Box 1459 Central Auckland
Phone: (09) 777-092 Fax: (09) 307-6843

FAR NORTH DISTRICT COUNCIL

Rawene Service Centre

: REPORT :

TO : Hokianga Community Board
FROM : Janet Stephenson - Area Planner, Rawene
DATE : 25 July 1991
SUBJECT : SUBDIVISION FOR D CUNNEEN - OPONONI

=====

In August 1990, the Hokianga Community Board considered a request from the surveyors for Mr D B Cunneen, to provide access to his property over an existing pedestrian accessway, so that he could subdivide.

A copy of my report explaining the background to the matter is attached. The Board resolved:

"That it is not considered good policy to grant a right of way over an accessway, and the Board suggests that the applicant submit an alternative scheme plan."

Subsequently, the applicant was formally advised to submit a new scheme plan pursuant to Section 279(1)(c) of the Local Government Act 1974.

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The surveyor's accompanying letter states :

"As council appear unwilling to have this strip of land used for other than pedestrian access, the present proposal provides for a pedestrian accessway of 2.44 metres, and a 3.6 metre or 12 foot strip of the accessway to be revoked and transferred to Mr Cunneen, and made into a right of way to serve Mr Cunneen's land and the adjoining Lot 2 DP55463."

Following discussion with the surveyor, a third plan was submitted showing the accessway remaining in Council ownership, with a right of way in favour of lots 1 and 2 over part of the accessway, and no revocation. The plan also shows the right of way at a complying length.

FAR NORTH DISTRICT COUNCIL



Our Reference

If calling, please ask for

Janet Stephenson

Rawene Service Centre
Parnell St. P.O. Box 3, Rawene
Telephone: (09) 405-7829, Fax: (09) 405-7898

4 July 1991

Simpson Shaw & Company
PO Box 631
WHANGAREI

ATTENTION : K.L Simpson

Dear Sir

RE : CUNNEEN SUBDIVISION

I have had a careful look at your new proposal for the subdivision of Lot 1 DP 55463, and have the following comments.

1. It is not necessary to revoke the accessway and transfer it into Mr Cunneen's ownership. The Chief Surveyor for the Department of Survey and Land Information notes :

"It is feasible to create a right-of-way over part of an accessway. Either a new survey plan would need to be prepared or exemption from survey under Section 167 of the Land Transfer Act 1953 sought from the District Land Registrar. The easement would be created by way of registration of Memorandum of Transfer".
(letter 1 August 1990)

The complete accessway could therefore remain in Council ownership which is what appears to be the intention in your easement panel, although your note on the plan regarding revocation seems to indicate otherwise.

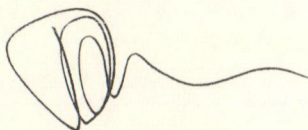
If Council ownership and pedestrian status maintained, it is more likely to be an attractive proposition to the Community Board as members of the public could use the driveway as a walking track.

To clarify the matter, I suggest you amend the scheme plan to show either a revocation or retention of Council ownership.

2. The Residential 1 subdivision standards allow for a right of way 3.5 metres wide serving 2 or 3 sites. However the maximum length of right of way permitted for a rear site is 60 metres. Given that Transit NZ will not permit access from State Highway 12, it is considered that Lots 1 & 2 on your Scheme Plan are rear lots. The length of right of way shown on the plan totals 66.1 meters. Your client may wish to apply for a waiver, or alternatively an amended scheme plan should be put forward.

Once you have clarified these points I will place the proposal before the Hokianga Community Board.

Yours faithfully



Janet Stephenson {Area Planner}
for AREA MANAGER

JRS:jbr
JRS\3cunsub.let

08 JUL 1991

Janet Stephenson

4 July 1991

Simpson Shaw & Company
PO Box 631
WHANGAREI

ATTENTION : K.L Simpson

Dear Sir

RE : CUNNEEN SUBDIVISION

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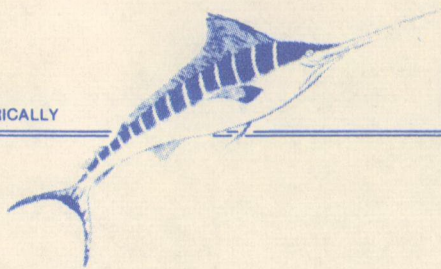
Once you have clarified these points I will place the proposal before the Hokianga Community Board.

Yours faithfully



Janet Stephenson {Area Planner}
for AREA MANAGER

JRS:jbr
JRS\3cunsb.let



TELEGRAMS:
"baypower"

TELEPHONE (09)401-0325
FAX (09) 401-2360
P.O. BOX 243
KAIKOHE

NT:NL

25 June 1991

The Area Manager
Far North District Council
PO Box 3
RAWENE

Received:	
27 JUN 1991	
ACTION	INFORMATION
Janet	
	PLG

ATTENTION : JAN REEVE

Dear Madam

RE: SC 98/H - PROPOSED SUBDIVISION - CUNNEEN - OPONONI

I am writing further to your letter SC 98/H of 18 June 1991.

The Bay of Islands Electric Power Board has no requirements.

Electricity supply is available from the existing supply on the pedestrian accessway. The cost for supply would be advised to a prospective electricity customer.

Yours faithfully

For.
K D McLeod
SENIOR ENGINEER

Janet Stephenson

27 June 1991

Regional Manager
Transit NZ
CPO Box 1459
CENTRAL AUCKLAND

ATTENTION : A.T Polglase

Dear Sir

RE : **STATE HIGHWAY 12 : SC 98/H : CUNNEEN SUBDIVISION**

Thank you for your letter of 21 June.

I enclose copies of my most recent correspondence with Simpson Shaw.

Yours faithfully



Janet Stephenson {Area Planner}
for **AREA MANAGER**

Telecom Auckland Limited
Rathbone Street
Design Division
PO Box 442, WHANGAREI



Telephone 0-89-430 8743
Fax 0-89-430 8649

June 25, 1991

TWR 8/9/2/1
Our Ref: 363/B

Far North District Council
Rawene Service Centre
PO Box 3
RAWENE

Received:	
26 JUN 1991	
ACTION	INFORMATION
<i>act</i>	
	<i>PLG</i>

Dear Sir/Madam

YOUR REF: SC 98/H, PROPOSED SUBDIVISION, CUNNEEN - OPONONI

Telecom requirements for this proposal are nil. When telephone service is required, it will be the responsibility of each individual lot owner to provide a trench for underground service leads.

Yours sincerely

A handwritten signature in black ink, appearing to be "Julie Gutry".

JULIE GUTRY
Clerical Support, Design

21 June 1991

12/1/5

The Area Manager
Far North District Council
P O Box 3
HOKIANGA

Attention : Janet Stephenson

Received:	
25 JUN 1991	
ACTION	INFORMATION
Janet.	
	PLG.

SH12 : SC 98/6 : CUNNEEN SUBDIVISION

You will have in your records my comments on S.P.87 which would seem to be the predecessor to this current scheme plan. A copy is enclosed.

The surveyors were unhappy about your reaction to the scheme plan. Would it be possible to obtain a copy of your letter to the surveyors?

A.T. Polglase
for REGIONAL MANAGER

Auckland Office

Custom House 9th Floor Quay Street CPO Box 1459 Central Auckland
Phone: (09) 777-092 Fax: (09) 307-6843

23 March 1990

12/1/5

The Area Manager
Far North District Council
PO Box 3
HOKIANGA

ATTENTION : Janet Stephenson

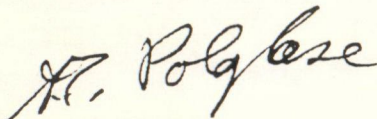
SH 12 : S.P. 87; D B CUNNEEN, OPONONI

The providing of access to SH 12 from the proposed subdivision has been reconsidered on site. Due to the difference in level between the State Highway and the property it is not practical to have the access directly from SH 12. There is a limited area of land available between the property boundary and the top of the cut batter at the state highway formation. The state highway is narrow and is likely to be widened in the foreseeable future. If the access road were to be installed in this area it would not be possible to widen on that side of the road.

Alternatives available are :

Use the pedestrian access way (presently unformed)
or Acquire right of way over Lot 62, DP 61763
or Acquire right of way over Lot 2, DP 55463.

Yours faithfully



A T Polglase
for ACTING REGIONAL MANAGER



Auckland Office

Bledisloe State Building 8th Floor Wellesley Street PO Box 5747 Wellesley Street West

Auckland 1 New Zealand Phone: (09) 777-092 Fax: (09) 376-843

Janet Stephenson

12 June 1991

Simpson Shaw and Company
P O Box 631
WHANGAREI

ATTENTION : K.L Simpson

Dear Sir

RE : CUNEEN SUBDIVISION - STATE HIGHWAY 12 - OPONONI

Thank you for your letter of 30 May.

I am interested to see your innovative approach to solving the access problem for Lots 1 and 2 DP 55463.

I will proceed with the scheme plan application in the normal way.

Yours faithfully



Janet Stephenson {Area Planner}
for AREA MANAGER

JRS:jbr
JRS\3cuneen.let

SC 98/H

Jan Reeve

18 June 1991

Simpson Shaw & Company
Registered Surveyors
PO Box 631
WHANGAREI

ATTENTION : Mr K.L Simpson

Dear Mr Simpson

RE : SC 98/H - CUNNEEN SUBDIVISION - OPONONI

We acknowledge receipt of the above proposed subdivision. Please refer to {SC 98/H} in all future correspondence.

Yours faithfully



Jan Reeve (Planning/Engineering Clerk)
for **AREA MANAGER**

SC 98/H
Jan Reeve

18 June 1991

Regional Manager
Transit NZ
CPO Box 1459
AUCKLAND

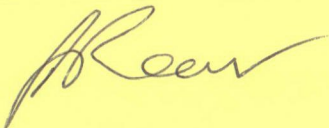
Dear Sir

RE : SC 98/H - PROPOSED SUBDIVISION - FAIRLIE CRESCENT,
OPONONI

Please find enclosed a copy of a Scheme plan of Subdivision for land on State Highway 12.

Your comments are invited.

Yours faithfully



Jan Reeve (Planning/Engineering Clerk)
for AREA MANAGER

CC : Works Consultancy - Whangarei

JBR:jr
JRS\3fileop2.let

SC 98/H
Jan Reeve

18 June 1991

The Principal Consultant
Works Consultancy
Private Bag
WHANGAREI

Dear Sir

**RE : SC 98/H - PROPOSED SUBDIVISION - FAIRLIE CRESCENT,
OPONONI**

Please find enclosed a copy of a Scheme plan of Subdivision for land on State Highway 12.

Your comments are invited.

Yours faithfully



Jan Reeve (Planning/Engineering Clerk)
for AREA MANAGER

CC: Transit NZ, Auckland

JBR:jr
JRS\3fileop2.let

SC 98/H
Jan Reeve

18 June 1991

Moir McNally
PO Box 254
KERIKERI

ATTENTION : Greg Moir

Dear Sir

RE : SC 98/H - PROPOSED SUBDIVISION - FAIRLIE CRESCENT, OPONONI

Please find enclosed a scheme plan of subdivision for land at Fairlie Crescent, Opononi.
Could you provide me with a valuation for reserve contribution purposes for a 2000 m²
residential lot on Lot 1.

Yours faithfully



Jan Reeve (Planning/Engineering Clerk)
for AREA MANAGER

JBR:jr
JRS\1FILEOP3.LET

SC 98/H
Jan Reeve

18 June 1991

Telecom Field Division
P O Box 442
WHANGAREI

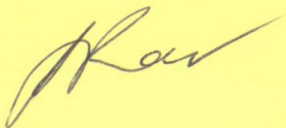
Dear Sir/Madam

RE : SC 98/H - PROPOSED SUBDIVISION - CUNNEEN - OPONONI

Please find enclosed a copy of a proposed subdivision at Fairlie Crescent, Opononi.

Your comments are invited.

Yours faithfully



Jan Reeve (Planning/Engineering Clerk)
for AREA MANAGER

JBR:jr

SC 98/H

Jan Reeve

18 June 1991

Bay of Islands Electric Power Board
P O Box 243
KAIKOHE

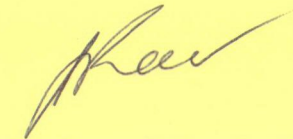
Dear Sir/Madam

RE : SC 98/H - PROPOSED SUBDIVISION - CUNNEEN - OPONONI

Please find enclosed a copy of a proposed subdivision at Fairlie Crescent, Opononi.

Your comments are invited.

Yours faithfully



Jan Reeve (Planning/Engineering Clerk)
for AREA MANAGER

JBR:jr

SIMPSON, SHAW & CO.

REGISTERED SURVEYORS — WHANGAREI AND KAIKOHE

LAND AND ENGINEERING SURVEYORS
(SUCCESSORS TO A.H. PICKMERE AND P.J. FINCH)

KEN SIMPSON, M.N.Z.I.S., RES (089) 434-3695
TREVOR SHAW, M.N.Z.I.S., RES (089) 481-181

134 BANK STREET,
WHANGAREI

P.O. BOX 631
PHONE (089) 487-170

Fax (089) 488-680 Our Ref. 3255

30 May 1991

General Manager
Far North District Council
PO Box 246
KAIKOHE

Attention Ms J. Stephenson

Dear Ms Stephenson

RE: CUNNEEN SUBDIVISION - STATE HIGHWAY 12 OPONONI

Received:	
5 JUN 1991	
ACTION	INFORMATION
Jant.	
PLS	

I refer you to previous discussions and correspondence over this matter over the past 4 to 5 years.

Your reply to my last letter when on behalf of Mr Cunneen I agreed to providing access from the rear as on the original scheme plan and your earlier written suggestion I find your reply completely unsatisfactory.

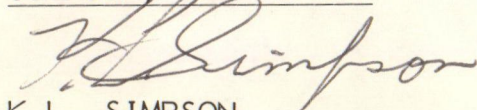
The accessway of 6 metres in width was as intimated in my previous letter obviously created in error. A normal accessway for pedestrian access only is by statute 2.44m or 8 feet, or 2 metres or 6'8".

As Council appear unwilling to have this strip of land used for other than pedestrian access the present proposal provides for a pedestrian accessway of 2.44m, and a 3.66 or 12 foot strip of the accessway to be revoked and transferred to Mr Cunneen, and made into a right of way to serve Mr Cunneen's land and the adjoining Lot 2 DP.55463.

Lot 2 DP.55463 is in a worst position for practical access than Mr Cunneen's property.

I would like to point out that to date Council have not approved or refused to approve Mr Cunneen's proposal. If in the near future Council still refuse to make a definite decision, either that of approving or refusing to approve the proposal my Client will be forced to take drastic action. This will take the form of appealing to the Ombudsman, and putting the matter in the hands of the Fair Go programme of Television N.Z.

Yours faithfully
SIMPSON, SHAW & CO.



K.L. SIMPSON

cc. Webb Ross Johnson, Barristers & Solicitors
Mr Cunneen
Television N.Z.

- (not on items ticked)
1. Open file enter in planning index find rating no and enter in index, Open property file. ✓
 - Acknowledge receipt of plan and fees - FOR Proposed Subdivision or ~~Cross Lease~~ ✓

ETC.....

2. No Send letter for fees - \$_____ ✓
- Notate map with file N° ✓
3. Send copies of plan for comment to :
Regional Manager
Transit NZ
CPO Box 1459
AUCKLAND

AND The Principal Consultant
Works Consultancy
Private Bag
WHANGAREI

FOR STATEHIGHWAY No 12.....

4. Send copy of plan to Moir McNally asking for valuation for reserve contribution purposes :
Moir McNally
PO Box 254
KERIKERI ATTENTION : Greg Moir

LOT : 1

5. Send copy of plan to :
Telecom Field Division
PO Box 442
WHANGAREI

For their comments.

6. Send copy of plan to :
Bay of islands electric power board
PO Box 243
KAIKOHE

7. Send copy of plan to :
Department of Conservation
PO Box 842
WHANGAREI

8. Send copy of plan to :
Northland Regional Council
Private Bag
WHANGAREI