



SP 87

Janet Stephenson

9 August 1990

Simpson Shaw & Company
PO Box 631
WHANGAREI

ATTENTION : T Shaw

Dear Sir

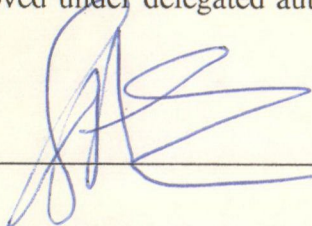
RE : DB CUNEEN - SUBDIVISION

The application to subdivide Lot 1 DP 55463 as shown on plan 3255 drawn by Simpson Shaw & Company and dated February 1989, has been considered by Council and as a result the submission of a new scheme plan is required pursuant to section 279 (1)(C) of the Local Government Act 1974.

The following reasons are given for this decision:

- 1 Access for the proposed subdivision is not available from State Highway 12, as expressed in letters from Transit NZ dated 4 July 1989 and 23 March 1990.
- 2. The Hokianga community board have resolved that it is not good policy to grant a right of way over an accessway.
- 3. Alternative access therefore needs to be shown on a scheme plan of subdivision.

Approved under delegated authority :



Planning Manager, Statutory



Area Planner, Rawene

13.8.90

Date

JRS:jr

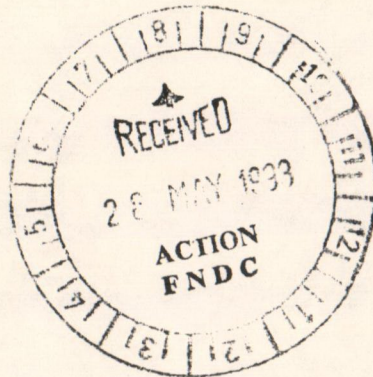
DEPARTMENT OF
JUSTICE
NEW ZEALAND

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

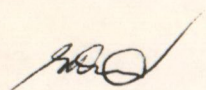
Dear Sir

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

FAR NORTH DISTRICT COUNCIL



Rawene Service Centre
Parrell St, PO Box 3, Rawene
Telephone: (0887) 57-829 Fax: (0887) 57-898

Our Reference

If calling, please ask for

Janet Stephenson

8 August 1990

Simpson Shaw & Company
PO Box 631
WHANGAREI

*Copy also sent
to Webb Ross Johnson*

ATTENTION : KL Simpson

Dear Sir

**RE : MR & MRS DB CUNEEN - PROPOSED SUBDIVISION STATE HIGHWAY 12,
OPONONI**

The matters raised in your letter of 12 July 1990, were put before the Hokianga Community Board on Monday 6 August 1990. A copy of my report on this matter is attached.

One of the points raised by the Board was whether Mr Cuneen has legal access from the State Highway for his existing lot (Lot 1 DP 55436). This was discussed with works and Transit New Zealand, and both organisations confirmed that Mr Cuneen would have a right to put in an entrance but that the actual formation on Transit NZ property would need the written consent of Transit (ie: how and where he put in the entrance would require approval).

This information indicates that paragraph 10 of your letter is incorrect. The existing section does indeed have legal access of the State Highway, and there is no negligence attributable to Council.

After some discussion, the Community Board resolved as follows :

"**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."

Although the question of a service lane was not specifically addressed in the resolution, the Board showed no desire to alter the pedestrian status of Lot 63.

Accordingly, I invite you to submit an alternative scheme plan as required by the attached decision.

Yours faithfully

Janet Stephenson (Area Planner)
for **AREA MANAGER**

JRS:jr
JRS3CUNEEN.LET



District Office 99 Albert Street Your Reference

Telegrams DOSLI

Postal Address PO Box 5249
Auckland

In reply quote 7700/02

Telephone 771-899

For verbal enquiries please ask for F D Lovering

FAX: 371-025

1 August 1990

The Area Manager
Far North District Council
PO Box 3
RAWENE

Attention: Janet Stephenson

| Received: | |
|------------|-------------|
| 6 AUG 1990 | |
| ACTION | INFORMATION |
| Janet | |
| | |
| | |
| | |
| | |

Dear Madam

LOT 63 DP 61763 ACCESSWAY - OPONONI

Your letter of 25 July 1990 refers.

- 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 service lane 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.

Yours faithfully

F D Lovering
for District Manager/Chief Surveyor

FDL:JGG

FAR NORTH DISTRICT COUNCIL**Rawene Service Centre****: R E P O R T :**

TO: Hokianga Community Board

FROM: Area Planner - Rawene Service Centre

DATE: 27 July 1990

SUBJECT: ACCESS TO PROPOSED SUBDIVISION - MR & MRS D B
CUNNEEN - OTHONI

=====

In early 1989, a proposed plan of subdivision was submitted to the then Hokianga County Planner.

Mr Cunneen wished to subdivide Lot 1 DP 55463 which is close to the corner of State Highway 12 and Fairlie Crescent.

The lots conform to the district scheme standards for size and frontage in the Residential 1 zone.

Between the front of the site and State Highway 12 is a steep bank. To provide physical access the surveyors proposed that a driveway be taken from near the end of Fairlie Crescent and that a triangular ROW pass over Lot 1 to give access to Lot 2. This was the most feasible form of access as the accessway at the rear is for pedestrians only.

As the land is adjacent to State Highway No. 12, a copy of the plan was sent to Transit NZ for their comment.

The reply was that the proposed driveway up the batter on the State Highway was not acceptable. They stated that the applicant should make alternative arrangements for access, and felt that the pedestrian access shown could be made into a mall or ROW.

Accordingly the planner wrote to the owners of properties adjacent to the pedestrian accessway for their comments (copy of my letter and community responses attached).

Because of the generally negative nature of the responses, I got back to Transit NZ and asked them to reconsider their comments. Mr Polglases letter of 23 March was received.

As a result, the ball was thrown back into Mr Cunneen's court to negotiate a ROW or other

access.

Subsequently Mr Cunneen's surveyor has written suggesting that the designation of the access strip as a pedestrian accessway in 1969 was an error on the part of the Hokianga County Council, and that it should have been a right of way or service lane.

The question I would like the community board to consider is whether they feel it is appropriate to allow the use of part of the accessway for vehicular access. An accessway is defined in the Local Government Act as follows:

"any passage way, laid out or constructed by the authority of the Council for the proposes of providing the public with a convenient route for pedestrians from any road, service lane or reserve to another"


If the Board feel that it is appropriate to allow a dual use of the accessway, the most appropriate method of formalising this would be as a right of way. This is because a service land, by its definition is for general public vehicular access, whereas a right of way defines a restricted class of users.

However it must be borne in mind that owners of other properties which back on to the accessway may also wish to subdivide in the future, leading to further demands to use the accessway for traffic.

RECOMMENDATION :

THAT the Hokianga Community Board agree in principle to the creation of a ROW over Lot 63 DP 61763 in favour of Lots 1 & 2 shown on the plan of subdivision of Lot 1 DP 55463, with the conditions that :

1. The ROW be created from Taumatawiwi Street.
2. All development costs be borne by the subdivider.
3. The subdivider submits a new scheme plan showing the proposed right of way.



Janet Stephenson (Area Planner)
for **AREA MANAGER**

JRS:jmm
JRS\2CUNNEEN.REP

Janet Stephenson

25 July 1990

Chief Surveyor
Department of Survey and Land Information
PO Box 5239
AUCKLAND

Dear Sir

RE : LOT 63 DP 61763 ACCESSWAY - OPONONI

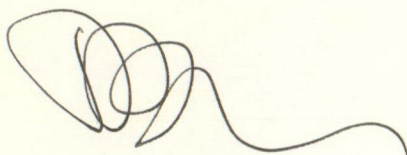
DP 61763 is a plan of subdivision including the vesting of an accessway.

Can you tell me if it is feasible to :

- A) Create a right of way easement over part of the accessway ? or :
- B) Alter the accessway to a service lane.

If either is possible, could you give me a brief outline of the procedure ?

Yours faithfully



Janet Stephenson (Area Planner)
for AREA MANAGER

JRS:jbr
JRS\3DOSLI.LET

SIMPSON, SHAW & CO.

25

REGISTERED SURVEYORS — WHANGAREI AND KAIKŌHE

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

134 BANK STREET,
WHANGAREI

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

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

Fax (089) 488-680 Our Ref. 3255

| | |
|--------------------------|-------------|
| Received: 16 JUL 1990 | |
| ACTION | INFORMATION |
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| | |

12 July 1990

Far North District Council
PO Box 3
RAWENE

Dear Miss Stephenson

RE: MR & MRS D.B. CUNNEEN SUBDIVISION - STATE HIGHWAY 12, OPONONI

As intimated to you in my recent phone conversation I have visited the property and am very familiar with all legal and physical aspects of the proposed two lot subdivision.

I have also been sent a copy of your letter to Mr & Mrs Cunneens Solicitor, Mr Johnson, of Webb Ross Johnson.

I find the whole matter the most bizarre and extraordinary I have come across in over 40 years of private practice.

I would like to explain the present stalemate as I see it.

Lots 1 and 2 were subdivided out on DP.55463. As the building sites which are level but are on top of a bank above the level of the tar seal, access across the frontage of the adjoining Lot 62 from Fairlie Crescent has to be constructed to Mr & Mrs Cunneens property whether they subdivide or build one house on the existing title.

When the scheme plan of DP.55463 was approved this difficulty was no doubt foreseen and a proposed future rear access right of way was shown on the plan.

This was obviously to have been created as rear vehicular access when Stage II of the development was carried out by the then Hokianga County Council shortly afterwards.

The second stage involving the construction of Taumatawiwi Street was duly completed but instead of designating Lot 63 ie. the land previously indicated, to be a right of way, it was designated as an accessway 20 feet wide.

This was a mistake as in keeping with the proposal on the scheme plan approving Lots 1 and 2 DP.55463 Lot 63 should have been created as a right of way or service lane to enable vehicular access. This would give easy and level access to the building sites on Lots 1 and 2 DP.55463. This accessway has been already used for electric power reticulation, water reticulation and sewerage, but no provision for vehicular

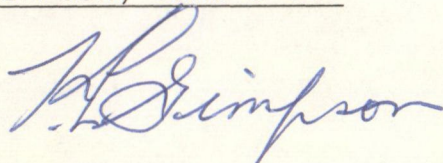
access which is practical and very easy to provide and construct has been provided for.

In view of the comments of Transit N.Z. on access to the property either in one or two titles from State Highway 12 or Fairlie Crescent unless vehicular access is provided at the rear of the two titles it can be seen that Council have been negligent in developing and selling sections with no legal access.

I find that in view of the history surrounding this property, particularly over the last 5 years, I find the statement in your letter that the subdivision has not been declined, puzzling. Mr & Mrs Cunneen require legal access to their present title and also approval to the subdivision application. They wish to have access over Lot 63 to their property. I suggest in view of the evidence and the use of Lot 63 for services and its width as the practical vehicular access to the two lots on DP.55463, the present designation, was made in error by the then Hokianga County Council.

When this question of legal access is clarified with access from State Highway 12 or preferably across Lot 63 at the rear, the subdivision can be approved. The standard of any required construction can be a condition of approval of the scheme plan Mr & Mrs Cunneen then have the right under the Local Government Act to object to these conditions if they are considered unreasonable. If no progress is made in the matter of the present legal access impasse and lack of approval to the two lot subdivision, no doubt Mr & Mrs Cunneens Solicitor will be forced to take more drastic legal actions to obtain access to their property and approval to the subdivision.

Yours faithfully
SIMPSON, SHAW & CO.



K.L. SIMPSON

cc. Webb Ross Johnson - Attn. Mr L. Johnson
Mr D.B. Cunneen

Janet Stephenson

29 June 1990

Webb Ross Johnson
PO Box 945
WHANGAREI

ATTENTION : L P G Johnson

Dear Sir/Madam

**RE : MR & MRS D B CUNEEN - PROPOSED SUBDIVISION - STATE HIGHWAY
12, Opononi**

I am in receipt of your letter of June 6.

I note firstly that my letter of July 13 1989, was not an offer. The relevant statement was as follows :

"If you agree in principle to this proposal, Council will proceed to canvass the local community on altering the designation. The actual change in designation is a simple matter of a Gazette notice."

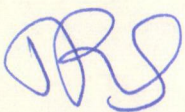
As I later informed your client, the outcome of the canvassing was generally negative, so I suggested your client looked at other options for access.

Please note that at no time has the application for subdivision been declined.

However given Mr Cuneen's concerns I will lay the matter before the Hokianga Community Board at its next meeting.

It would be helpful if you could write and enlighten the board as to Mr Cuneen's desired method of access, and the legal steps which will need to be taken by Council to achieve this.

Yours faithfully



Janet Stephenson (Area Planner)
for **AREA MANAGER**

JRS:jmm
JRS\3JOHNSON.LET

WEBB·ROSS·JOHNSON

BARRISTERS & SOLICITORS

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

DX: 10006
PH: (089) 483 099
FAX: (089) 483 091

| | |
|------------|-------------|
| Received: | |
| 8 JUN 1990 | |
| ACTION | INFORMATION |
| | |
| | |
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| | |

6 June 1990

The Planning Officer
Far North District Council
Private Bag
KAIKOHE

Please refer to Mr Johnson

| | |
|-------------|-------------|
| Received: | |
| 07 JUN 1990 | |
| ACTION | INFORMATION |
| BAM | |
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Attention Miss J. Stephenson

Dear Madam

Re: Mr and Mrs D.B. Cuneen - Proposed Subdivision
S.H.12 Opononi

We are consulted by Mr and Mrs Cuneen in respect of Mrs Cuneen's submission of a scheme plan of subdivision to the former Hokianga County Council.

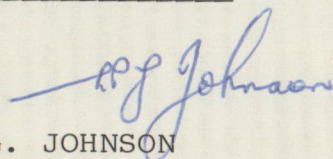
We are familiar with the background and have been able to peruse the rather voluminous correspondence available.

The situation seems crystal clear to us - particularly in the light of the letter from the Hokianga County Council to Mr Cuneen of the 13th July 1989 offering to Gazette a change to the rear access way to that of a service lane.

It seems to us that despite Mr Cuneen's verbal and subsequent written acceptance of the Council's offer that the matter has been allowed to lapse.

May we please, therefore, have your urgent confirmation that your Council will proceed forthwith to so Gazette the change of status of the access way in terms of that letter.

Yours faithfully
WEBB ROSS JOHNSON



L.P.G. JOHNSON

LPGJ:RH

SP 87

Janet Stephenson

29 March 1990

Simpson Shaw & Company
PO Box 149
KAIKOHE

ATTENTION : Keith Hingston

Dear Keith

RE : D B CUNNEEN - Opononi - YOUR REF 3255

As you know Transit NZ initially refused its consent to access to Lot 1 DP55463 from State Highway 12. Subsequently I investigated the possibility of turning the pedestrian accessway into a service land or similar, and tested public feeling in the vicinity. There was enough unwillingness in the replies to make me loath to pursue the matter any further.

I subsequently asked Transit NZ to reconsider the matter. They did so, and I have finally received their reply (enclosed).

I feel I have come to the end of the help I can offer, and that at this stage either Council can refuse its consent to the subdivision, or the owner can negotiate with adjacent owners to gain a right of way, and submit a new scheme plan.

Yours faithfully

Janet Stephenson (Area Planner)
for AREA MANAGER

JS:JM

SP 87

Janet Stephenson

29 March 1990

D B Cunneen
5A Kirikiri Road
WHANGAREI

Dear Sir /Madam

Please find enclosed a copy of the letter sent to Simpson Shaw & Company dated 29 March 1990 for your information.

Yours faithfully

Janet Stephenson (Area Planner)
for AREA MANAGER

JS:JM

Janet

TRANSIT
NEW ZEALAND

23

1109

23 March 1990

12/1/5

The Area Manager
Far North District Council
PO Box 3
HOKIANGA

FAR NORTH
27 MAR 1990
DISTRICT COUNCIL

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.

Alternative~~s~~ 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

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

SP 87

Janet Stephenson

6 March 1990

District Roading Engineer
National Roads Board
PO Box 5747
Wellesley Street West
AUCKLAND

ATTENTION : A T Polglase

Dear Sir

RE : YOUR REF 12/1/5 - SUBDIVISION AT OTHONI FOR D B CUNNEEN

In respect of my letter of 18 January 1990, I note that I have not yet received a reply.

I hope that you can provide a response in due course, as my client urgently wants to know where he stands.

Yours faithfully

Janet Stephenson (Area Planner)
for AREA MANAGER

JS:JM

SP 87

Janet Stephenson

18 January 1990

District roading engineer
National Roads Board
PO Box 5747
Wellesly Street West
AUCKLAND

ATTENTION : A T Polglase

Dear Sir

RE : YOUR FAX OF 4 JULY 1989 - YOUR REF: 12/1/5

Since your fax suggesting that the proposed subdivision for DBB **Cunneen** should not have access from State Highway 12, Council has canvassed the opinion of neighbouring landowners about changing the pedestrian accessway into a service land or similar.

Public response has been generally negative, and I am therefore writing to ask whether you will reconsider your comments of 4 July or whether you have an alternative suggestion.

Yours faithfully

Janet Stephenson (Acting Area Planner)
for AREA MANAGER

JS:JM

SP 87
S

Janet Stephenson

18 January 1990

Susanne Wolfe
Works Consultancy
Private Bag
WHANGAREI

Dear Susanne

RE : SCHEME PLAN OF SUBDIVISION - SP 87 - STATE HIGHWAY 12 Opononi

Please find enclosed the background information relating to this scheme plan together with a copy of today's letter to Trevor Polglase of NRB Auckland. I gather Trevor wishes to discuss this matter with you.

Yours faithfully

Janet Stephenson (Acting Area Planner)
for AREA MANAGER

JS:JM

W.S.

140

3 Williams Ave

Kaikohie

17 Nov 1989

FAR NORTH

22 NOV 1989

DISTRICT COUNCIL

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

29

Dear Sir,

Re: Accessway alongside our property at Opononi

Thank you for your letter on the above subject outlining your Council's proposal to alter the accessway to a service lane, and inviting our comments.

I note that the initial construction costs would lie "with whomever wishes to use it," but I assume that the Far North District Council accepts the liability of insisting that the service lane is constructed and maintained to an acceptable engineering standard.

We also expect that the service lane be so constructed to ensure that any stormwater coming down the lane would not overflow onto our section as it does at present.

If these proposals are not acceptable to your council, I would request the opportunity of further discussion with you.

I await your response at your convenience.

Yours faithfully,
N. C. Austin

12 Mapplebeck St
Titahi Bay
Wellington

No.

179
179
FAR NORTH
DISTRICT COUNCIL
27 NOV 1989

30

21 November 1989
Far North District Council
Rauene Service Centre
P. Box 3
Rauene

Dear Sir Madam

Ref No. Accessway Opononi
lot DP 55463.

In response to your letter dated November 9, 1989 I would like to receive further details from your office of the proposal of altering the accessway to a service lane of the area above mentioned. From these details I will be able to determine a decision.

On purchasing the above section I was lead to believe by the land agent that the council was going to put in place a public accessway at the cost to the council as part of the development of the block.

I am certainly not in favour of this proposed alteration if only 2/3 landowners are to be charged for the construction, and noting that my section is closest to Taumatawiri St. Hence I see that construction of an accessway from Taumatawiri St into my section would be a lesser cost to me than your proposal.

However I would give greater consideration to this issue when your office provide me with answers to ~~my~~ ^{the following} queries.

- (1) Who are the landowners who are making application for the proposed service lane - noting that I have made none.

- (2) How many landowners would be contributing to this proposed lane?
- (3) Why has the council decided to propose a service lane from a public accessway from Fairlie Cres into Taumatawini Street?
- (4) What are the costing breakdown for the construction of this lane and the cost to each landowner?
- (5) Who will be contracted to do this work your office, or private contractors, the cheapest or the most expensive contractor?
- (6) The position of your office in maintaining the services to the sections i.e. water lines, telephone, sewage, resealing after uncovering areas etc; and contributing to the cost of the proposed lane
- (7) The legalities encompassing the proposal mooted, and the legal rights of the landowners.

I hereby await further information from your office

Yours faithfully
Grace Ngahana-Hartley.

f/10

FAR NORTH
• 130 NOV 1989
DISTRICT COUNCIL

219

32
P O Box 42
Opononi
29/11/89

Council Planning Officer
Rauene.

Re Proposed Vehicle Access
Fairlie cres between lots 49 & 62.

I wish to register my protest
against the above on the following
grounds.

- ① Information given 1972 by J Tait
bounty clerk, pedestrian traffic only.
- ② Excess noise.
- ③ Access for lots 1 & 2 only impossible
to police because lots 45, 46, 47, 48.
adjacent.
- ④ Danger to pedestrians using walkway.
- ⑤ Excess traffic if lots 1 & 2 subdivided
&/or developed for commercial purposes
EG motel etc.
- ⑥ If, as I have been informed access
is restricted at Taumatawivi end
it will constitute a private

access which should not be maintained at ratepayers expense.

⑦ If access is not restricted as in 6 it will be used by all & sundry as a short-cut to the top end of Taumatawiwi St.

A suggestion for an elevated access alongside SH12 from Fairlie bres to the sports ground would also give access to lots 4 & 5 which at present more restricted as the walkway is narrower. A precedent has already been set on the aforementioned grounds at Pakanai (R Lowes property) and Oporoni (K Watkins property)

It should also be brought to councils attention the landowners attitude over the last two decades in regards to noxious weeds (gorse) etc which also creates a fire hazard.

Yours Faithfully
P Kennedy

LOT 51

Also sent to: G H Hartley - Ngahana
Dave Taylor
Owen Greatbatch.
Carth & Annette Kahi
Clen Martin.
Gary Phillips.
Peter Timoko
Barrie Andrewes.
A & M Velikich.

34

Accessway - Opononi

9 November 1989

Neil & Violet Austin
3 Williams Avenue
KAIKOHE

Dear Sir/Madam

RE : Accessway alongside your property at Opononi

As shown on the attached plan, there is a pedestrian accessway running from Fairlie Crescent to Taumatawiwi Street. At present the accessway is unformed.

Because of the difficulty of getting access up off State Highway 12 for the owners of Lots 1 & 2 DP 55463 (coloured on the plan), Council is thinking of altering the accessway to a service lane.

The service lane would not be a through-road to Taumatawiwi Street. It would serve as a rear access to those lots which it ran alongside. The initial construction costs would lie with whomever wished to use it.

Do you have any comments on this proposal? Please reply by 30 November 1989.

Yours faithfully

Janet Stephenson
for AREA MANAGER

2/0 5th Kiriki Road
Whangarei
15th September 1989

6573

Miss J. Stephenson
Planning Officer,
Hokanga County Ctl.,
P.O. Box 3
Rawene

HOKANGA

26 SEP 1989

COUNTY COUNCIL

Dear Madam,
Proposed Subdivision
S.H. 12 Openen

discussion refers to my
discussion with you recently
in regard to your letter
of the 13th July 1989 in so
far as it refers to my
proposed subdivision.

I mentioned then
& would confirm the
following:

1. If the Council approved
that my accessway
would be via of as a
service crescent

3

was before) I would
be prepared to erect
& put a gate on it
would purely be a
private access road & not
a through access to provide
entrance to any other
properties. I would be
prepared so site is to
the satisfaction of
the County Engineer.
2. Providing what I have
outlined is given effect
to, I would have no
objection to having
the road that runs from
Tea-ta-tawewewi to Parire
Crescent being declared
a service lane & fully
yours faithfully
D.B. Cunneen

D.B. CUNNEEN

Cummeen
Change status thru Dept
Lands ? Gazette Notice
or SOA

or Local Govt Act.

on DP by transfer

Alan Weir - Solr Dept Land
Paul Keech. Property Officer.

Lot 63 DP 61763

Accessway to vest

Vested S 35(3)

Countries ^{Act} Act. 1961

PWA S 114

~~PWA~~ VIII

3 weeks -

consents reqd.

Declare S lane under S 114.
Gaz

? Approval of NRB? not nec.

or S52

With copy of original D.P.

SP 87

21 November 1989

Mr P Kennedy
PO Box 42
OPONONI

Dear Sir

RE : Accessway at Opononi

Thank you for your enquiry. The accessway you ask about is not adjacent to your property so it is unlikely to have any effect on your section. I enclose a plan that shows where it is in relation to your section.

Yours faithfully

Janet Stephenson (Planning Officer)
for AREA MANAGER

JS:JM

Far North District Council
Rangere Service Centre.
Rangere. Area Manager.
Ref: N° Accessway Opononi.

No.

189
Faiki Crescent
P.O. Box 614
Opononi
Nov 27 1989 28

Dear Sir,

Thank you for your letter about the proposed change in the Opononi accessway.

We have no objection of it becoming a service lane for Lots 1 & 2. But we think the owners should be responsible for future maintenance of the service lane since only their vehicles will use it - (Pedestrians will not damage it), and the cost should not be put on Rate payers, because after all they have their own driveways to maintain.

Yours faithfully
Hweletia.

(Ms A.M. VERKICH).

FAR NORTH
28 NOV 1989
DISTRICT COUNCIL

13th July 1989

D.B. Cunneen,
5A Kirikiri Road,
WHANGAREI

Dear Sir,

RE: PROPOSED SUBDIVISION S.H. 12 OPONONI

Your scheme plan of subdivision of Lot 1 DP55463 was forwarded to the National Roads Board for comment. They replied :

"The proposed driveway giving access to the two lots up the batter on the state highway is not acceptable. As discussed, the applicant must make alternative arrangements for access. The pedestrian access shown could be made into a mall or R.O.W."

At the rear of your property a pedestrian accessway runs from the end of Taumatawiwi Street to Fairlie Crescent. Council is considering altering its designation to a service lane, which is defined in the Local Government Act as :

"Any lane laid out or constructed ... by the authority of the Council ... for the purpose of providing the public with a side or rear access for vehicular traffic to any land."

Before taking any action, Council would like to know your opinion of this proposal. The formation of the lane as far as your property would be your responsibility. Access would probably be from the Taumatawiwi Street end, and would finish at proposed Lot 1. It would not be a through lane.

If you agree in principle to this proposal, Council will proceed to canvass the local community on altering the designation. The actual change in designation is a simple matter of a Gazette notice.

Your early reply would be appreciated.

Yours faithfully

Janet Stephenson
PLANNING OFFICER

No.

203

27

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

FAR NORTH
129 NOV 1989
DISTRICT COUNCIL

Attn Jond Stephenson

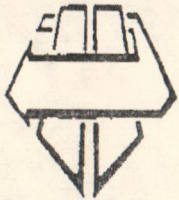
Re: Accessway from Fairlie Crescent to Tamatawini Street

Your letter dated 9-11-89 refers

The concerns I have about the above proposal are

- 1) I want no obstruction or intrusion within the boundaries of my section
- 2) I don't incur any costs or ongoing maintenance should this proposal be implemented
- 3) That this accessway isn't used as a public thoroughfare

Yours faithfully
P. H. Jimack



National Roads Board
New Zealand

Auckland District Office 8th floor, Bledisloe Bldg, Wellesley St, Akld

Telephone: (09) 777-092
Fax No.: (09) 376-843
P.O. Box 5747

FAX Number : 0887 57898
Organisation : Hokianga County
Your Reference : S.P. 87
Attention : Janet Stephenson

From : Trevor Polglase
Date : 5 July 1989
Our Reference : 12/1/5

Number of pages following : 1

Subject : Cunneen subdivision, S. H12, Opononi

Attached are my comments on the above.

Please accept my apologies for the delay in
commenting.

TJ Polglase

for District Roading Engineer.



National Roads Board
Auckland

Office:
Bledisloe Building
Wellesley Street
Telephone: (09) 777-092
Fax No.: (09) 376-843

P.O. Box 5747
Wellesley St West
Auckland
New Zealand

Inquiries to: A T Polglase

Date: 4 July 1989

Our ref: 12/1/5
Your ref: S.A. 87

The County Clerk,
Hokianga County Council,
PO Box 3
Rawene

Attention: Miss Janet Stephenson

Dear Miss Stephenson,

STATE HIGHWAY 12
SCHEME PLAN 87
FOR D.B. Cunneen

OF PROPOSED SUBDIVISION

1. I refer to your letter of 22 May 1989 for furnishing the papers. Thank you. I apologise for the delay in replying.
2. The section of state highway adjacent to the applicants property is not a limited access road.
3. I expect that you will be giving the planning implications of this proposal full consideration.
4. The proposed driveway giving access to the two lots up the batter on the State Highway is not acceptable. As discussed, the applicant must make alternative arrangements for access. The pedestrian access shown could be made into a mall or R.O.W.

A T Polglase
for DISTRICT ROADING ENGINEER

Yours faithfully,
A. T. Polglase

D.B. CUNNEEN
OPONONI

REPORT :

At the June planning meeting, Council asked if I could look into alternative access to Cunneen's property and the adjoining lot.

At present, both lots have legal frontage to S.H. 12 but physical access is not possible as there is a steep bank between the formed road and the properties.

At the rear of both properties, an accessway runs from Fairlie Crescent to the end of Taumatawiwi Street.

In the Local Government Act, an accessway is defined as being for the purposes of providing a convenient route for pedestrians (ie not for vehicles).

It is possible to change the accessway into a service lane, which is defined as :

'Any lane laid out or constructed ... by the authority of the Council ... for the purpose of providing the public with a side or rear access for vehicular traffic to any land.'

Since the accessway is only 6m wide, it cannot be made a legal road, so a service lane is the obvious answer.

To change the accessway into a service lane, Council is needed to consent to it as landowner, and the Department of Lands will thereupon issue a notice in the Gazette. This process takes approximately three weeks.

RECOMMENDATION : That pursuant to Section 114 of the Public Works Act 1981, Hokianga County Council gives its approval for Lot 63 DP 61763 to be declared a service lane and requests the Minister of Lands to carry out the required declaration in the Gazette.

A handwritten signature in black ink, consisting of several loops and a long horizontal line extending to the right.

Janet Stephenson
PLANNING OFFICER

4th July 1989

22nd May 1989

Ministry of Transport,
Roading Division,
P.O. Box 1445,
WHANGAREI

Dear Sir,

RE: SCHEME PLAN 87

The enclosed scheme plan has frontage on State Highway 12 at Opononi.

Do you have any comments on the plan?

Yours faithfully

Janet Stephenson
PLANNING OFFICER

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) NG 33-695
TREVOR SHAW, M.N.Z.I.S., RES. (089) 481-181

RAIHARA STREET,
KAIKOHE

P.O. BOX 149, KAIKOHE
PHONES (0887) 80-507 (Office)
(0887) 80-915 (Evenings)

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

31 March 1989

Planning Officer
Hokianga County Council
PO Box 3
RAWENE

Our Ref 3255

4774

HOKIANGA
13 APR 1989
COUNTY COUNCIL

Dear Janet

Re: PROPOSED SUBDIVISION - DB CUNNEEN, OPONONI

At the request of Mr Cunneen we submit this scheme plan for Council's consideration and approval. Attached please find four prints of our plan together with our client's cheque for \$220 to cover Council's processing fee.

Approval of this application will allow our client to provide two attractive sections with views over the lower Hokianga Harbour.

The land is zoned Residential 1 and sewerage connections are available, so both lots comply with area, frontage and shape factor requirements. Water supply reticulation is readily available.

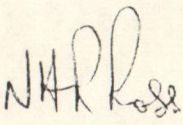
Vehicular access onto the two lots can be formed a short distance up Fairlie Crescent from the SH 12 intersection, running Southwards on the wide strip of legal road West of Section 62, then over the triangle of Right of Way shown (A) on our plan. This will avoid another access point onto the State Highway so should not create a potential traffic hazard. The grade of this access will not exceed a slope of 1:5.

The property is subject to a building line restriction which we believe is 5.03m from the Western boundary. However this will not affect a new owners building plans, as other factors dictate that buildings will be constructed further away from the Roadside boundary.

We thank you for inspecting the site with us last Tuesday, and later advising that the Accessway East of the property is intended for pedestrian traffic only.

Please contact us if you require further information.

Yours faithfully
SIMPSON SHAW & CO

Per: 
NHR Ross

Planning fees

SP 87

OFFICIAL RECEIPT

Hokianga County Council

P O BOX 3

RAWENE

Date: 03 May 89

JB DB CUNNEEN

WHANGAREI

SP 87.

Receipt : C 14640 1

TAX INVOICE
GST No 10-587-964

TAX INCLUSIVE

Received
\$220.00

G/ 2450/

/131

PLANNING FEES



Fraser Thomas Partners

INCORPORATING FRASER THOMAS LTD AND FRASER THOMAS ARCHITECTS LTD

CONSULTING ENGINEERS : REGISTERED SURVEYORS : ARCHITECTS : TOWN PLANNERS
BROADWAY, KAIKOHE, NEW ZEALAND P.O. BOX 17 TELEPHONE: (0887) 80441

Your Reference:
9 November 1986

Our Reference:

The County Clerk
Hokianga County Council
P O Box 3
RAWENE

Dear Sir

STATE HIGHWAY No1 AT OPONONI

We refer to your letter of the 6 November 1986 regarding the status of lot 63.

The subdivision application referred to by Mr Clemmett was one made by Mr Doug Cunneen, whereas Mr Jack Davidson had been enquiring about the adjoining section to the south as shown coloured on the plan attached to your letter. Mr Cunneen's subdivision did not proceed because the Ministry of Works and Development required access to be provided from lot 63.

Mr Garlick's report to the County Engineer dated 13 June 1984 stated that to be able to provide vehicular access, the accessway would need to be stopped as outlined in the Tenth Schedule to the Local Government Act 1974 and then vested by Council as a service lane; this would permit vehicles to pass over it.

The two large lots, lots 1 & 2 D.P.55463, were subdivided prior to the Council subdivision and at that time a strip of land over 5 m wide, running along the top of the bank, was vested as road, no doubt to provide access to the lots as similar widening was not required when the Council subdivision was surveyed.

The writer believes that both lots should be allowed vehicular access onto the State Highway as no alternative exists at present.
Yours faithfully

FRASER THOMAS LIMITED

M R WRIGHT

FRASER THOMAS LTD
Directors: L. RHYS THOMAS, BE, MICE, FIPENZ PETER E. FRASER, BE, MICE, FIPENZ, ACIArb DAVID CALDWELL, BE, MICE, MSTRUCTE, MIPENZ GERALD M. GUNMAN, MNZIS, MPMI
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Associates: JOHN N. McCALLUM, BE, MIPENZ J. PATRICK M. SHORTEN, BSc(Hons), MSc(Eng. Geol.), FGS WALTER K. MOFFAT, BSc, MNZIS
FRASER THOMAS ARCHITECTS LTD
Directors: I. BRADLEY SHAW, BArch, ARIBA, ANZIA MICHAEL R. WIGGINS, ARIBA, ANZIA Associate: COLIN C. FLEMING, ANZIA
Associated Town Planning Consultant: A.O. PARTON, MNZIS, DipTP, MNZPI

MEMBERS OF THE ASSOCIATION OF CONSULTING ENGINEERS N.Z. AND CONSULTANTS DIVISION OF N.Z. INSTITUTE OF SURVEYORS



Fraser Thomas Partners

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BROADWAY, KAIKOHE, NEW ZEALAND

: ARCHITECTS : TOWN PLANNERS
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OFFICES ALSO AT: PAPATOETOE - Ph (09) 278 7078 NEWMARKET - Ph (09) 502 900 PAIHIA - Ph (0885) 27838



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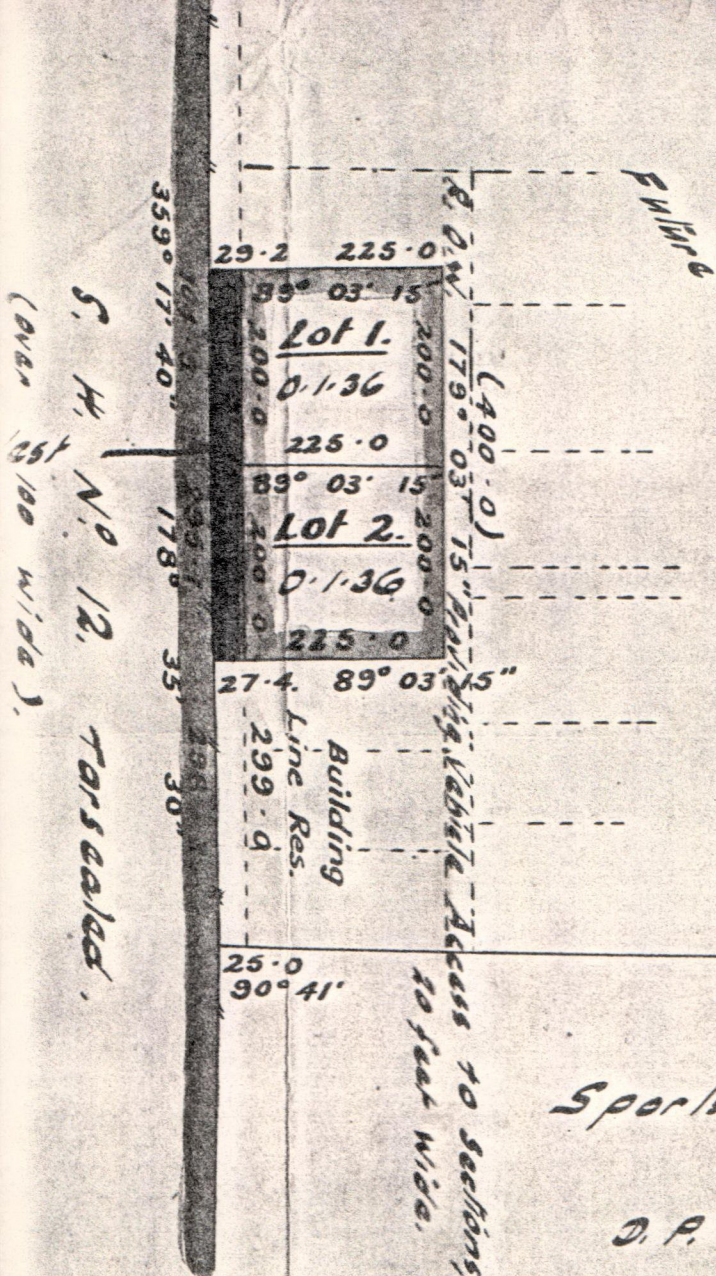
WALTER K. MOFFAT, BSc, MNZIS

Associate: COLIN C. FLEMING, ANZIA

Associated Town Planning Consultant: A.O. PARTON, MNZIS, DipTP, MNZPI

I hereby certify pursuant to Sec 22 of the Counties Ammendment Act 1961 that the Hokianga County Council on the day of 1965 approved Scheme Plan N^o 13 as shown hereon subject to the conditions set out in the notice annexed hereto

.....
County Clerk.



proposed
subdivision.

Sports Ground.

D.P. 52974

osed subdivision
5 & 16 D.P. 5101,
motawivi Block.

Lots 1 & 2 : 0 - 3 - 24.0
Lot 3 To Vest : 0 - 0 - 18.2
Total Area : 1 - 0 - 02.4

I hereby certify pursuant to Sec 22 of the Counties Ammendment Act 1961 that the Hokianga County Council on the day of 1965 approved Scheme Plan No 13 as shown hereon subject to the conditions set out in the notice annexed hereto

.....
County Clerk.

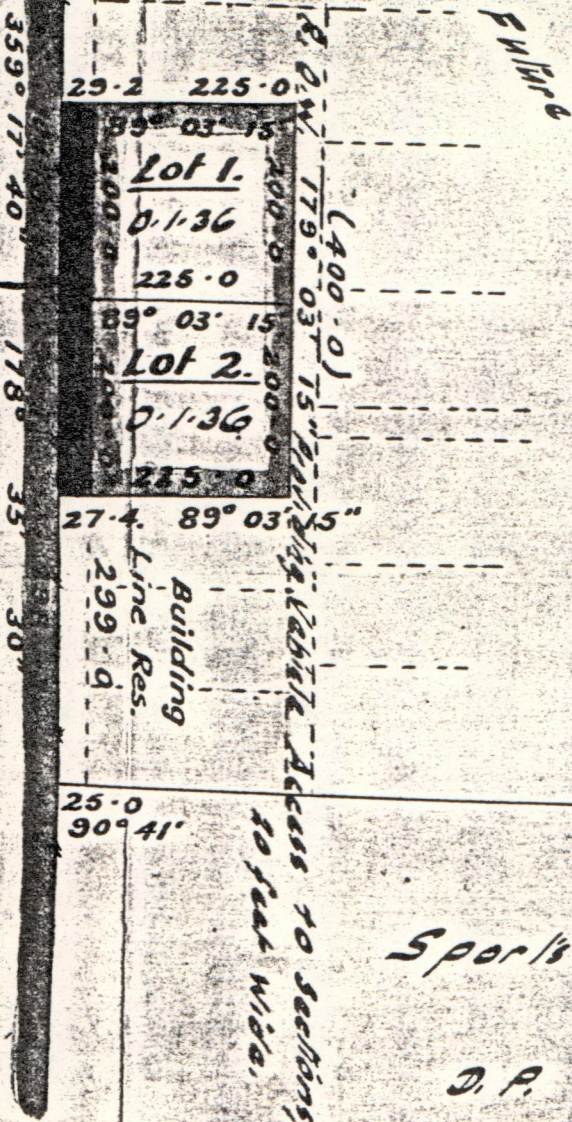
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D.P. 52974

Lots 1 & 2 : 0 - 3 - 24.0
Lot 3 To Vest : 0 - 0 - 18.2
Total Area : 1 - 0 - 02.4

S. H. No 12, Tarsalad.
(over 1500 wide)



29.2 225.0

Lot 1.

0.1.36

225.0

Lot 2.

0.1.36

225.0

27.4 89° 03' 15"

299.9

Building Line Res.

25.0 90° 41'

Access to sections, to feet wide.

sed subdivision
& 16 D.P. 5101,
motawiri Block.



Ministry of Works
and Development

P.O. Box 262
Kaikohe

Telephone 80063

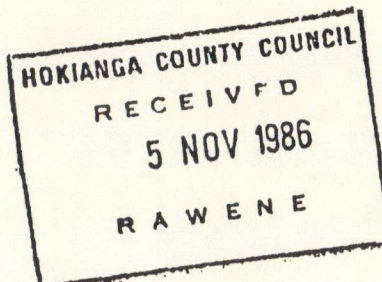
Inquiries to G J Clemmett

Date 3 November 1986

Our ref

Your ref

The County Clerk
Hokianga County Council
P O Box 3
RAWENE



Dear Sir

S H No 12 OPONONI

Mr Jack Davidson, P O Box 17 Kawakawa, called here recently, to inquire about access to a section at Opononi, adjacent to S H No 12 at approximately Route Position 61/3.7, near Fairlie Rd.

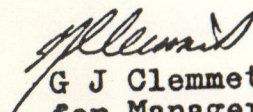
The section is separated from the highway by a steep bank approximately 6 metres high.

I recall the subdivision application, passed to this office for comment, but do not have a copy. I remember that the access was to be via a local road passing to the rear of the sections, ... as shown on the attached plan.

Mr Davidson says he has been told by Mr Carter that access is to be direct from S H No 12.

This is not going to be satisfactory, and I would be pleased if you would confirm that legal access is available via the R.O.W provided.

Yours faithfully


G J Clemmett
for Manager
Whangarei Residency