

File note to

6321-140

Noel Reardon
Franklin District

F G Hosking and Son
Scheme Plan 1040

Section 306 Certificates

The section 306 certificates for lots 1, 10
5 and 8 have been withheld by this Council

The reason for this is that Council required the
relocation of sections of fence fronting lots 8
and 10 as per condition 1 of Council's consent
dated 16 December 1987 and amended by
the decision of 31 May 1988 after objection
pursuant to section 299.

This matter has been a long and hard battle
with Mr Hosking including a review by
the Ombudsman. The Ombudsman found that
Council had not acted unreasonably.

I have no doubt Mr Hosking will have already
made contact with the District Council to seek
release of the Section 306 Certificate.

The position of the Raglan County Council was
that until those sections of fence required to
be moved were moved we would not release
the section 306.

As background this condition is placed on all
subdivisions in the County. It has been generally
accepted. Council will generally not require relocation
on frontages of large Balance Areas but there are
situations where sections of fence are asked to be relocated.

31/5/88

S.P. 1002

Mr. Dean

31 May 1988

Messrs. Birch, Madsen & Partners,
P.O. Box 177,
PUKEKOHE.

Dear Sirs,

SCHEME PLAN NO. 1002 - HOSKING & SONS LTD.

You are advised that pursuant to Section 299 of the Local Government Act 1974, the Raglan County Council allows in part, the objection to the variation of Scheme Plan No. 1002 being the subdivision of Part Section 11 Blk. VI Awaroa S.D. and Lot 1 D.P.S. 33556 and Allotment 367-369 Parish of Whangape Blks. X & XI Awaroa S.D. insofar as:

- 1) The fencing condition be amended to read:
 - a) That a plan at a scale of 1:1000 showing the location of fences in relation to frontages and the existing road formation be provided at the time the land transfer plan is submitted to Council.
 - b) That fences located on legal road be removed unless approval is otherwise obtained in writing from the County Engineer for the fences to remain at the pleasure of the Council.
- 2) That the condition with regard to reserves contribution be amended to read that:
 - a) Reserves Contribution Two thousand and twenty five dollars (\$2,025) plus G.S.T. in total be paid in respect of three lots.

The reasons for Council's decision are that:

- a) The conditions relating to fencing allow the County Engineer some discretion and will enable some fences to remain on legal road at the pleasure of Council where this will not create difficulties for road maintenance or future upgrading. In addition, requirement for a plan showing the location of fences is considered desirable as the new owner must be aware of obligations with regard to roadside fencing.

BRING UP	
DATE	INITIALS
FILE	INITIALS

21/3/88

SP 1040

Mr Dean

21 March 1988

Messrs Birch Madsen & Partners
P.O. Box 177
PUKEKOHE

Dear Sirs

SCHEME PLAN NO. 1040 - F.G. HOSKING & SONS LIMITED

You are advised that pursuant to Section 296 of the Local Government Act 1974 the Raglan County Council approves Scheme Plan No. 1040 being a variation of Scheme Plan No. 1002 into ten lots, Lot 1 being resubdivided into two areas shown as Lot 1 of 39.72 hectares and Lot 10 of 7.68 hectares, subject to the following conditions:

- 1) That a copy of the survey plan showing fences in relation to frontages be provided when the land transfer plan is submitted for sealing and that any fences on road reserve be relocated on the boundary.
- 2) That a road upgrading contribution of \$4,500 be paid.
- 3) That Lots 2, 3, 4, 5, 8 and 10 be classified as Rural/Residential for rating purposes.
- 4) That a reserves contribution of \$4,500 be paid.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GSD:AB

BRING UP	
ON	
TO	
INITIALS	
FILE	
DATE	22/3/88
INITIALS	[Signature]

3/15/88

- b) The reserves contribution is required as in the opinion of the Council three lots will be used principally for residential purposes and the amount required is based on a building site value of 30% of the estimated land value and is consistent with reserves contributions required for subdivisions in the vicinity.

Yours faithfully,

A.H. Rogers,
Chief Executive Officer.

GSD:MP



Franklin
DISTRICT COUNCIL

Please address all correspondence to
the Chief Executive.

Our Ref:

Your Ref:

Enquiries To:

FAX MESSAGE TO: Turner Hopkins

ATTENTION: Barrie Hopkins

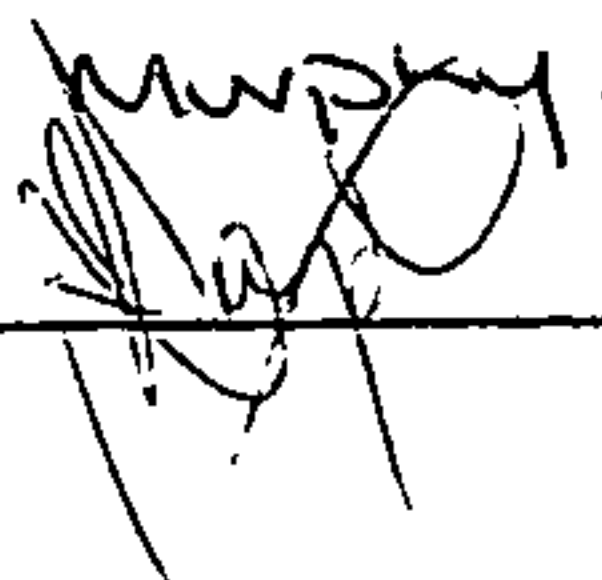
FAX NUMBER: 390 100

DATE: 2.02.90

NUMBER OF PAGES: 1
(including this page)

FROM: Liz Murphy.

DEPARTMENT: T.P.

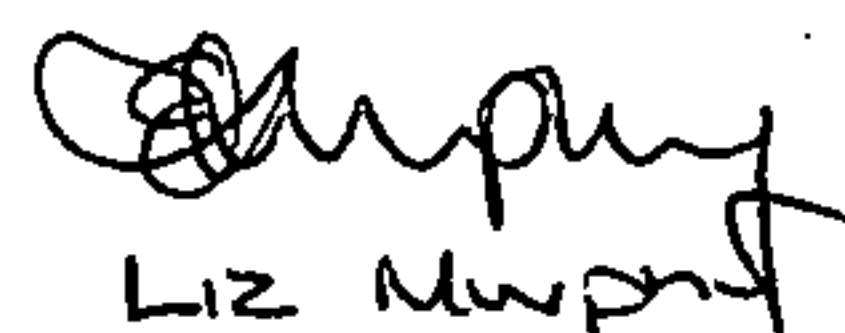
APPROVED: 

SUBJECT:

Hosking to Glenalvon Farms, Waikaretu Rd,
WAIKARETU. file 6321/140

Further to your fax dated 02.02.90 the
306 certificate for the abovenamed subdivision
was signed in December 1989.

All fencing requirements needed, in order
to complete the subdivision ~~to~~ to
the Franklin District Council's satisfaction
have been done.


Liz Murphy

Admin Assistant
Planning, Environment.

1990-02-02 11:19 BARRIE HOPKINS/D.R.HOOPER

064 9 390100

P.01

FACSIMILE TRANSMISSION

DATE: 2/2/90

TO: Franklin C.C.

FACSIMILE NO: (085) 83884

FROM: B. Hopkins : Tourkier

MESSAGE: Property Information

**TURNER HOPKINS
BARRISTERS & SOLICITORS**

Partners:

H. D. Kidd, B.A., LL.B.

R. B. Fickling, LL.B.

A. M. Storey, LL.B.

Consultants:

B. P. Hopkins, LL.B. Notary Public

C. J. Griffiths, B.A., LL.B.

J. McK. Geddes, B.A., LL.B.

Associates:

M. O. Newdick, LL.B.

I. M. Hutchison, LL.B.

From the office of B. P. Hopkins:

Ninth Floor, Downtown House

Queen Elizabeth Square

P.O. Box 1627, Auckland 1

Phone: 303-2376 and 303-2882

Facsimile: (09) 390-100

2 Pages (including this one) are being sent in this transmission.
If you do not receive this number of pages please telephone.

1990-02-02 11:20 BARRIE HOPKINS/D.R.HOOPER

064 9 390100

P.02

**TURNER HOPKINS
BARRISTERS & SOLICITORS***Partners:**H. D. Kidd, B.A., LL.B.
R. B. Fickling, LL.B.
A. M. Storey, LL.B.**Consultants:**B. P. Hopkins, LL.B. Notary Public
C. J. Griffiths, B.A., LL.B.
J. McK. Geddes, B.A., LL.B.**Associates:**M. O. Newdick, LL.B.
I. M. Hutcheson, LL.B.**From the office of B. P. Hopkins:
Ninth Floor, Downtown House
Queen Elizabeth Square
P.O. Box 1627, Auckland 1
Phone: 303-2576 and 303-2882
Facsimile: (09) 390-100*

Date : 2/2/90

To : Franklin County Council

Fax : (085) 83884

From : Barrie Hopkins Office/Jackie

Re : Property at : Waikaretu Road, Waikaretu
Legal Description : Lot 2 Deposited Plan S. 49688
Certificate of Title 44A/633 - 15.8900 ha
Owned by : F.G. Hosking & Son Limited
Our Client : Glenalvon Farms Limited

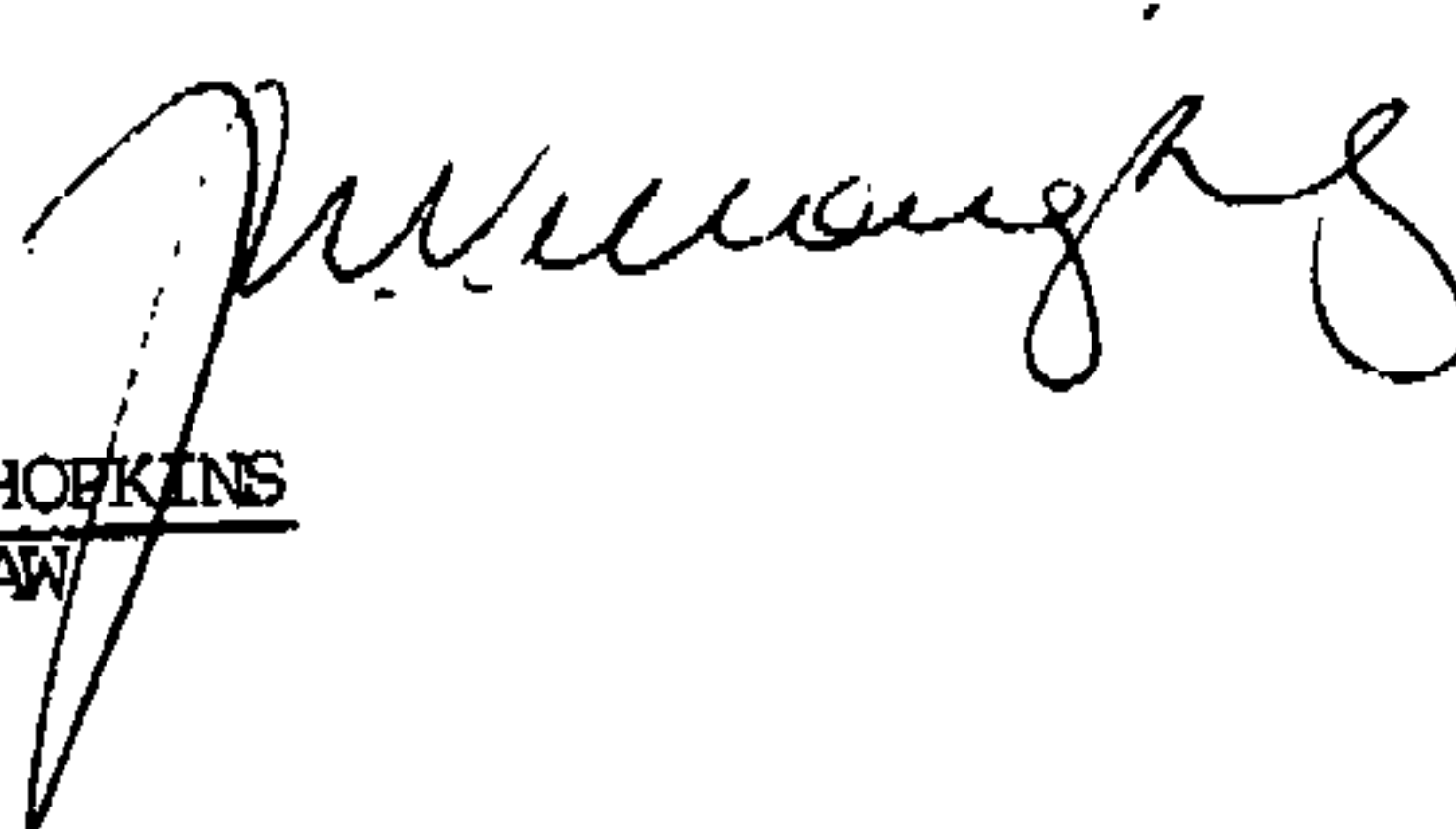
We act as solicitors for the purchaser and are due to settle.

We have been endeavouring, since 5th January, to ascertain from the Waikato District Council information as to any outstanding obligations to the County for road fencing.

The Waikato District Council advise today that the main file has been forwarded to your offices reference being part assessment # 6321/140.

Could you please assist with the above information as a matter of some urgency by return fax.

Per:


B.P. HOPKINS
BPH:JAW

DATED AT Pune THIS 22 DAY OF February 1999

(SIGNATURE)

Manager, Planning and
Environment. (DESIGNATION)

X AWAROA
S.D.

LOT 10
9.5240 ha

XI AWAROA
SURVEY DISTRICT

LOT 1
38.0440 ha.

2.
D.P.s. 49688

PT. ALLOT.
385 PSH
OF
WHANGAFE
CT 330/164
(PT)

PT. 1
D.P.# 33556
C.T 306/54 (PT.)

127
S.O. 7157

WHANGAPE
PARISH

1.
D.P.S.
17553

LOT

PROPOSED
R.O. #
900-
INTEGRATION COMMISSION
JUNE 1964
W. H. RAY
CRIMINAL
DIVISION

COMMON
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PURSUANT
TO AN ACT
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1928 APP
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AND CER
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THE REGU
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SCHEME:
THE SUR
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COUNTY
HERETO

THIS PLA
D.P.S. 496
D.P.S. 496

PROPO

PURPOSE	5
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ROW

R. O. W.

DIAG. A
NOT TO SCALE

Total Area.....

Comprised in
C.T 30

THYGE E
Registered Surveyor
may act as a registrar
of the Surveyors Act
from surveys taken
survey are correct
Regulations 1972
Dated at *Perth*
at *Perth*

Field Book

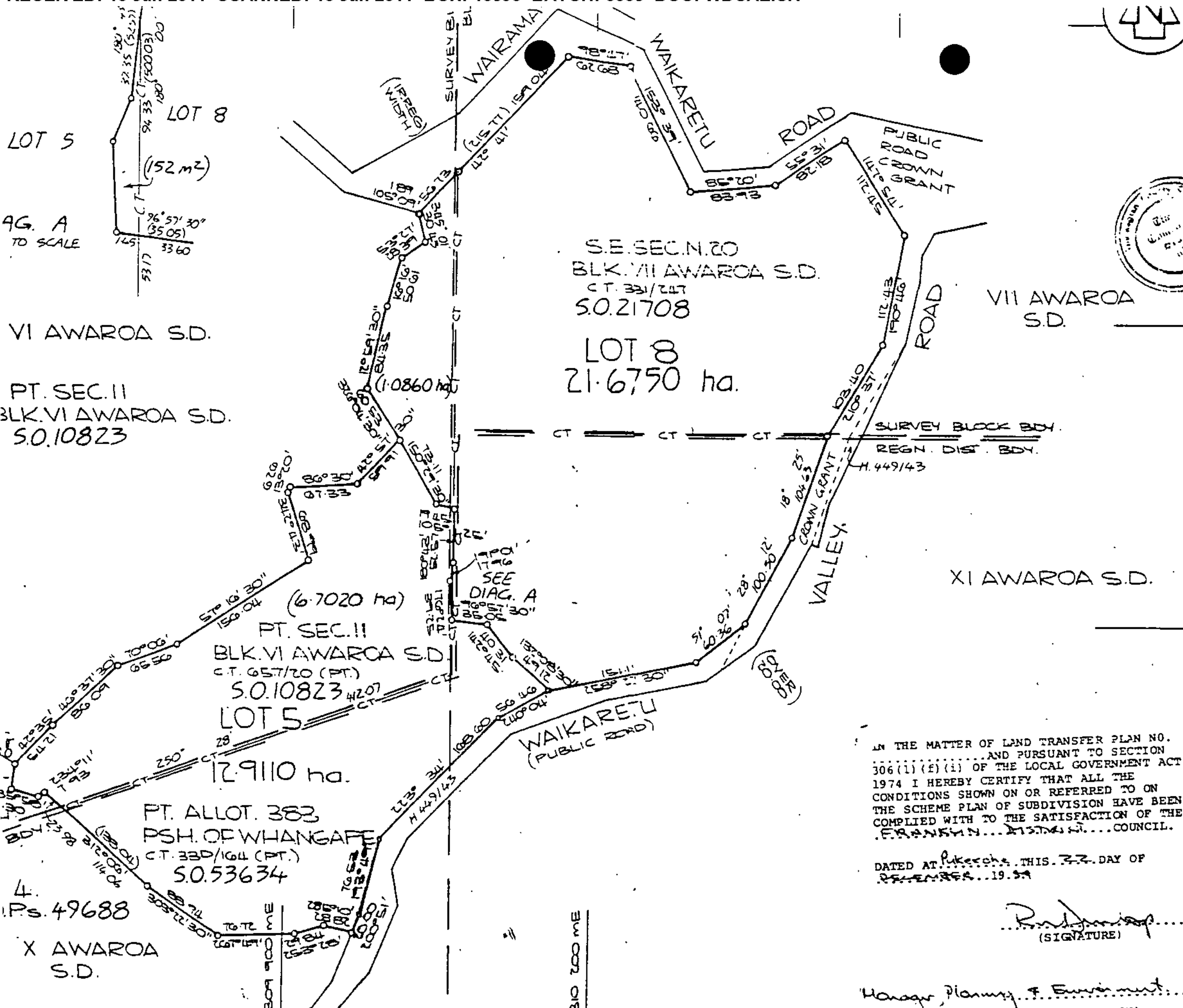
References Among . . .

Examined and

Approved as to

Deposited this

AND DISTRICT SOUTH DAKOTA AND	LOTS 1-10 BEING SUBDIVISION OF A LOTS 2/7	TERRITORIAL AUTHORITY PAGE AND COUNTY
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OFF G. BLOMSKOV & SON LTD.
PURSUANT TO A RESOLUTION OF THE RAGLAN COUNTY COUNCIL PASSED ON THE 16th DAY OF JUNE 1988 APPROVING PURSUANT TO SECTION 305 OF THE LOCAL GOVERNMENT ACT 1974 THIS SURVEY PLAN AND CERTIFYING THAT THE SURVEY PLAN IS IN ACCORDANCE WITH THE REQUIREMENTS AND PROVISIONS OF THE OPERATIVE DISTRICT SCHEME FOR THE AREA TO WHICH THE SURVEY PLAN RELATES THE COMMON SEAL OF THE RAGLAN COUNTY COUNCIL WAS AFFIXED HERETO IN THE PRESENCE OF:
[Signature] CHAIRMAN
[Signature] CHIEF EXECUTIVE OFFICER

THIS PLAN IS CONCURRENT WITH D.P.S. 49687 & D.P.S. 49688

Total Area 34.5860 ha
Comprised in C.T. 331/247 (AII), C.T. 330/164, C.T. 657/20 (B91)

I, THYGE BLOMSKOV MADSEN
Registered Surveyor and holder of an annual practicing certificate for me may act as a registered surveyor pursuant to the provisions of section 332 of the Surveyors Act 1968 hereby certify that this plan has been made from surveys executed by me or under my directions, that each plan and survey are correct and have been made in accordance with the Survey Regulations 1972.
Dated at Pukekohe this 13th day of July 1988 Signed T. Blomskov Madsen

IN THE MATTER OF LAND TRANSFER PLAN NO. 306(1)(F)(1) OF THE LOCAL GOVERNMENT ACT 1974 I HEREBY CERTIFY THAT ALL THE CONDITIONS SHOWN ON OR REFERRED TO ON THE SCHEME PLAN OF SUBDIVISION HAVE BEEN COMPLIED WITH TO THE SATISFACTION OF THE FRANKLIN DISTRICT COUNCIL.
DATED AT Pukekohe THIS 22nd DAY OF SEPTEMBER 1988

[Signature]
(SIGNATURE)

Manager, Planning & Environment
(DESIGNATION)

TERRITORIAL AUTHORITY RAGLAN COUNTY

Field Book p. Traverse Book p.
Reference Plans
Examined *[Signature]* Correct
Approved as to Survey
...../...../..... Chief Surveyor
Deposited this day of 19
District Land Registrar

AUCKLAND
XSY Awaroa
LOTS 5 & 8 BEING SUBDIVISION OF ALLOT 383 PSH. OF WHANGAPE.

File note to

6321-140

Noel Reardon
 Franklin District

F G Hosking and Son
 Scheme Plan 1040

Section 306 Certificates

The section 306 certificates for lots 1, 10, 5 and 8 have been withheld by this Council.

The reason for this is that Council required the relocation of sections of fence fronting lots 8 and 10 as per condition 1 of Council's consent dated 16 December 1987 and amended by the decision of 31 May 1988 after objection pursuant to Section 299.

This matter has been a long and hard battle with Mr Hosking including a review by the Ombudsman. The Ombudsman found that Council had not acted unreasonably.

I have no doubt Mr Hosking will have already made contact with the District Council to seek release of the Section 306 Certificate.

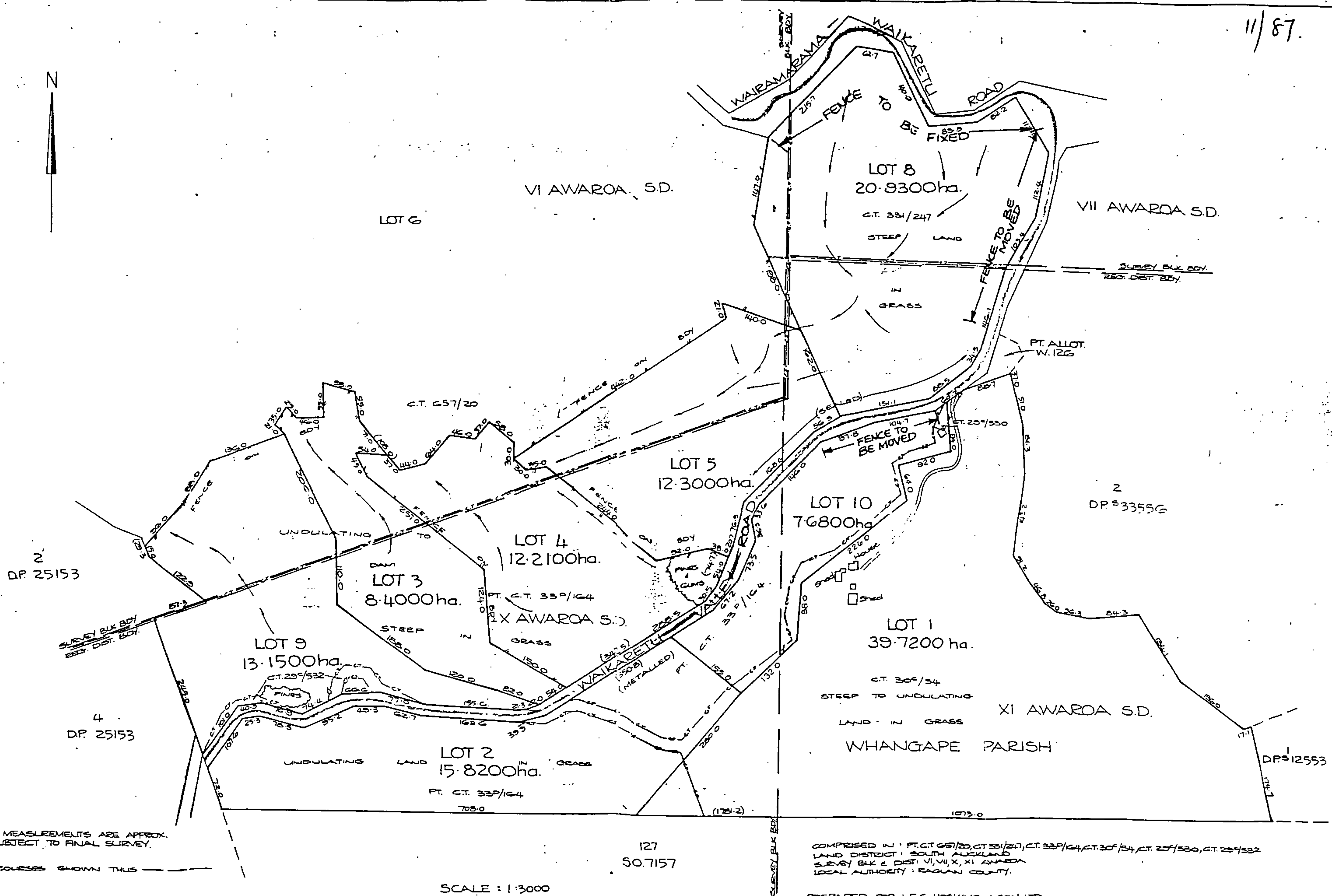
The position of the Raglan County Council was that until those sections of fence required to be moved were moved we would not release the Section 306.

As background this condition is placed on all subdivisions in the County. It has been generally accepted. Council will generally not require relocation on frontages of large Balance Areas but there are situations where sections of fence are asked to be relocated.

If you wish to discuss the policy further
I do not hesitate to call - as I know you will!

A Wilson
County Planner
Raylan County

11/87.



AREAS & MEASUREMENTS ARE APPROX.
ONLY & SUBJECT TO FINAL SURVEY.

WATER COURSES SHOWN THIS ———

SCALE : 1:3000

COMPRISED IN: PT. CT. 657/20, CT. 331/247, CT. 339/164, CT. 306/34, CT. 257/520, CT. 254/532.
LAND DISTRICT: SOUTH AUCKLAND
SURVEY BLK & DIST: VI, VII, X, XI AWAROA
LOCAL AUTHORITY: RAGLAN COUNTY.

PREPARED FOR: F.G. HOSKING & SON LTD.

BIRCH, MADSEN & PARTNERS.

Registered Surveyors
Consulting Civil &
Structural Engineers
Town Planners

41 King Street, Auckland
Queen Street, Whangape

In association with
D. E. POSE & PARTNERS

PROPOSED SUBDIVISION OF PT. SEC. 11, BLOCK VI, AWAROA S.D.,
S.E. 20, BLOCK VII, AWAROA S.D., LOT 1, D.P. 33556 & ALLOTS. 383 -
386 & ALLOTS 367-369, PARISH OF WHANGAPE

Amendment	Date	Done	File No.
LOTS 3, 4, 5, 6 & 9	11/87	Survey	
LOTS 1 & 10	1/88	Design	
		Trace	
		Check	
		Level Book	

Done SEPTEMBER 1987

S.2534

Sheet 1 of 2 Sheets



Please address all correspondence to
the Chief Executive.

Our Ref:

Your Ref:

Enquiries To: Mr McDonald

21 December 1989

Mr B A Hosking
Waikaretu Road
GLEN MURRAY

Dear Mr Hosking

RE: BOUNDARY FENCING AND 306 CLEARANCE

This letter confirms that, subsequent to the site inspection McDonald/Hosking on Wednesday 20 December 1989, in exercising a consistent interpretation based on similar properties and subdivisions in the general area which have been similarly affected by roading improvement works in the recent past, then Franklin District Council will not require the relocation of the two lengths of fencing on the subdivision as a condition of giving the approval under Section 306 of the Local Government Act.

Yours faithfully

A handwritten signature in dark ink, appearing to read "L McDonald", written over a horizontal line.

L McDonald
MANAGER: ENGINEERING AND WORKS



Please address all correspondence to
the Chief Executive.

Our Ref:

Your Ref:

Enquiries To:

REPORT OF THE MANAGER: ENGINEERING AND WORKS

SITE VISIT WEDNESDAY 20 DECEMBER 1989

MR BRIAN HOSINGS'S FENCE LINE

It extends from the Wairamarama and the Waikaretu Road intersection. There is a section from the junction of fencing that is required to be removed between the junction of those two roads and the Kawa school site which is Part Allotment W126. The fence is on the right hand side and 350 metres long. The road work took the biggest part of the Kawa school site which had Trustees but no owners.

At the time the Surveyors did not survey the length on the right hand side because the requirement was not there, mainly because in fact the other side Kawa school site, was a block and there was no off-set requirement.

Mr Hosking's contention is that the fence to be moved back up to the Kawa site then come back out on to the existing fence line presents some difficulty in interpretation and understanding as to the logic.

The far side of the Kawa school site the fence to be removed is on the left hand side starting from the Kawa school site and extending another 200 metres. About 100 metres beyond the Kawa school site is a gully planted in pines. At the base of this is a large culvert, the fence extends over the top of the culvert.

Mr Hosking contends that shifting the fence back would create complications right down to the bottom with the culvert. The pine planting is WVA.

The road was sealed before Council wanted the fence shifted.

To the right Mrs Garrick has got two blocks, she has been issued with a building permit and erected a relocated house and a goat shed. On the left the owners who are Walkleys are still waiting the building permit because in fact they need ownership prior to application. It was originally built by Smitz who resold to

2.

Walkleys. Ramarama Road bisects the property between Mr Brian Hosking and Mr Venimore. Mr Venimore has also subdivided and along the section of Wairamarama Road and the distance between the fence lines is similar. There is evidence of the fence line collapsing nearer the corner. The fence line along the frontage of the subdivisions has been standing securely since 1975.

No counter claims from those who have bought subdivisions from Mr Hosking with regard to fence lines or frontages.



L McDonald
MANAGER: ENGINEERING AND WORKS

21 December 1989

BIRCH, MADSEN & PARTNERS

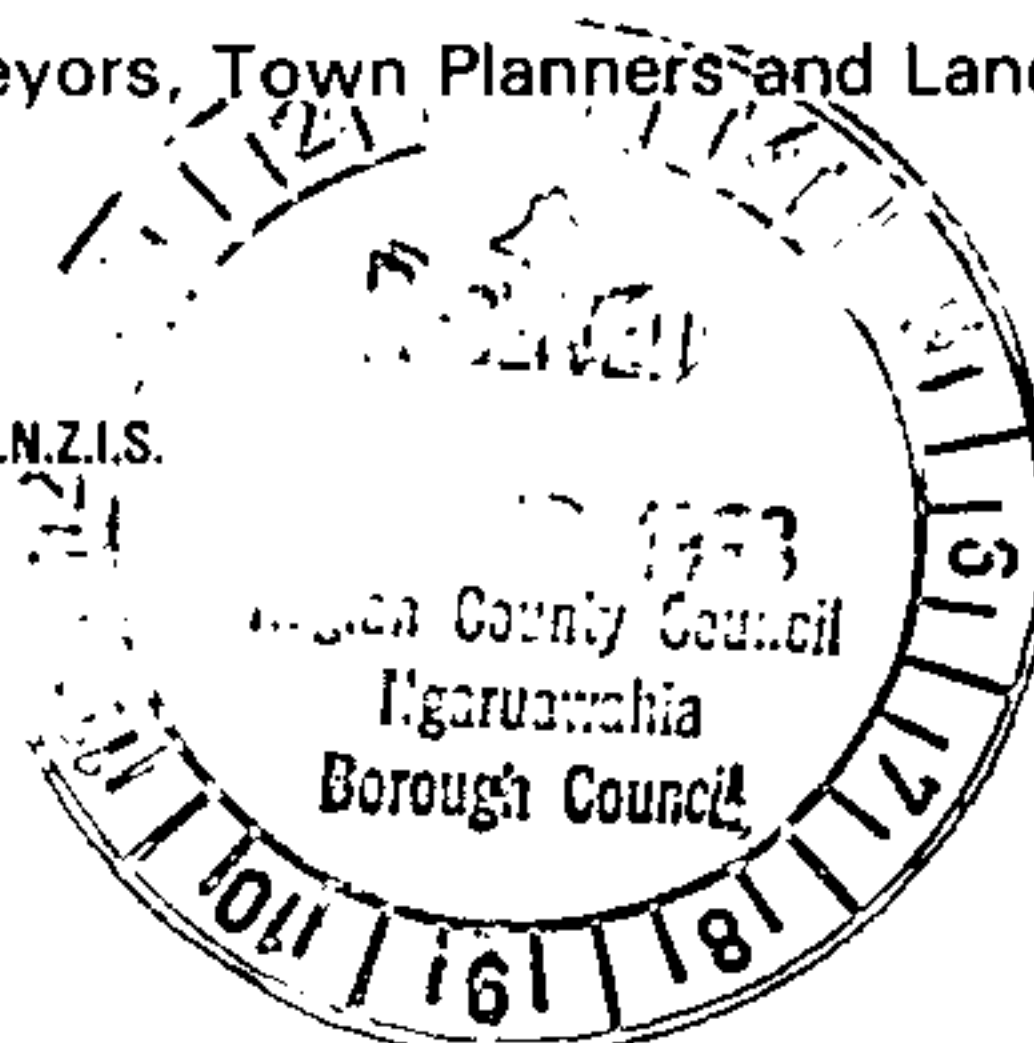
Registered Surveyors, Town Planners and Land Development Consultants

member of
D. N. BOAK
CONSULTANT
GROUP

Principals:
D. A. LAWRIE, Dip.Surv., Dip.T.P., M.N.Z.I.S.
T. B. MADSEN, M.N.Z.I.S.

84 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-389

File: 2534
Your Ref: SP 1002



23 September, 1988

The Chief Executive Officer,
Raglan County Council,
P.O. Box 1,
NGARUAWAHIA.

Dear Sir,

Re: Scheme Plan No. 1002/Hosking, and Sons Limited.

We are now forwarding our Section 306 Certificates in respect of the subdivision prepared for the above. We would request that these be signed and returned to us as soon as possible. In respect of Councils' Conditions of Approval, we report as follows:-

1. We are now forwarding a Plan showing the required portion of the property and the fences in this instance. This requirement has been discussed with the County Engineer. It has been agreed that the other fences on the road frontages are shown sufficiently accurately on the Survey Office Plan taking this land for road.
- 1b Our client has been negotiating directly with Council in respect of this requirement.
- 2a Our clients' solicitor has forwarded the required contribution for reserves.
3. We have noted the classification of this land. We are however, not aware of any significance that this may have for the new owners.
4. The required roading contribution has been paid by our client. This been in terms of the letter of 21st March, 1988.

We would now request an early release of the required documents. If further information is required, do not hesitate to contact us.

Yours faithfully,

T. B. Madsen

BIRCH MADSEN & PARTNERS

Per: T.B. Madsen

DATE

Encl.....

D. N. BOAK
CONSULTANT
GROUP

D. C. Airey
& Partners
Pukekohe
Takapuna
Howick

Birch, Madsen
& Partners
Pukekohe
Waiuku

D. N. Boak
& Partners
Takapuna

B. H. Brown
& Partners
Browns Bay

F. Easdale
& Partners
Howick

G. R. Matheson
& Partners
Te Aroha
Waihi

CONSULTING ENGINEERS



REGISTERED SURVEYORS



TOWN PLANNERS



VALUERS

CEO TC INSTRUCTION

TO:

ep
For your action

27/9

[Signature]

CEO/TC

J1B1

BIRCH MADSE

Per: T.B.

MEMORANDUM:

RAGLAN

COUNTY

MEMO TO: *C. Parnet.*
 FROM COUNTY ENGINEER
 COPY FOR:

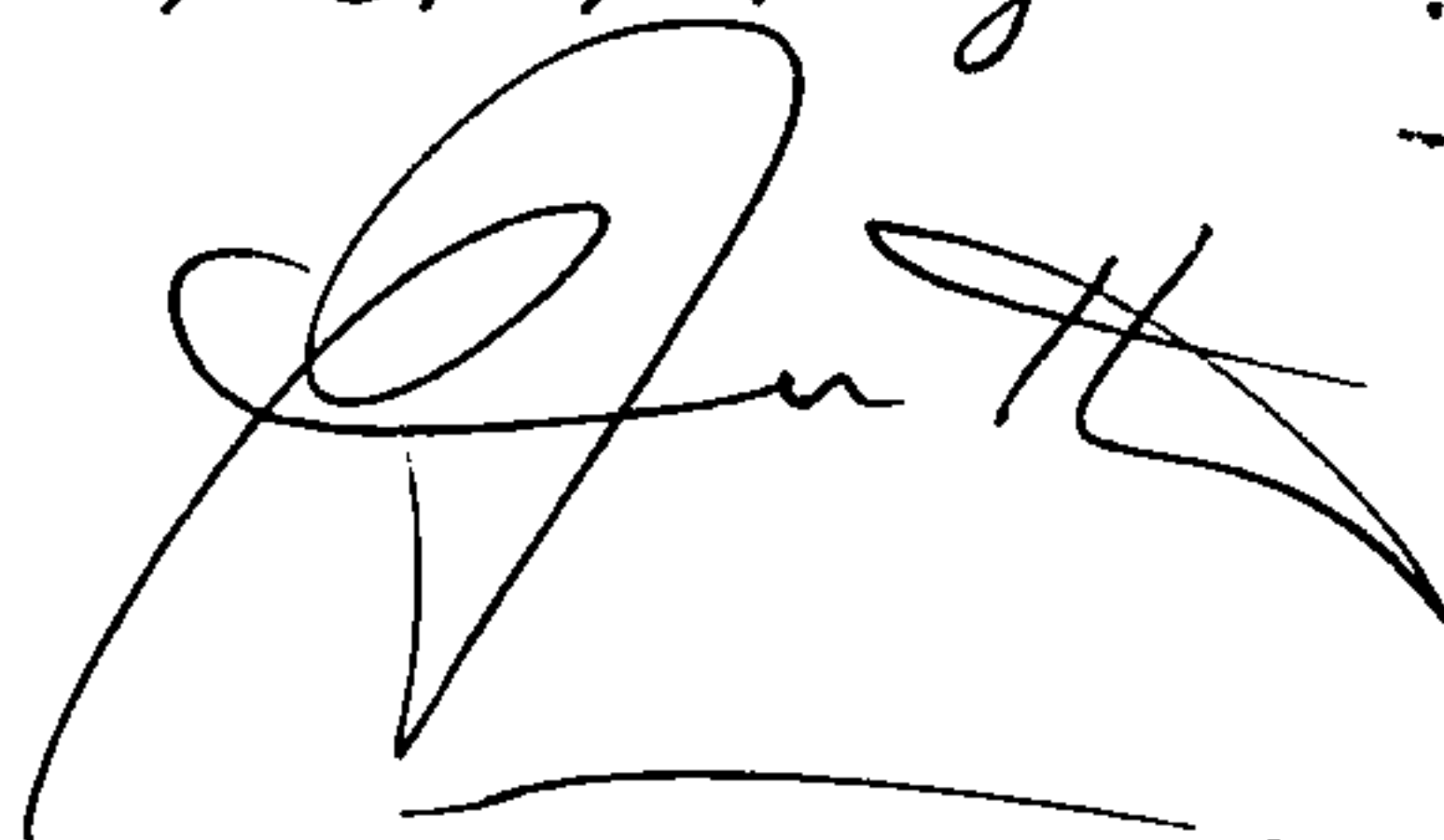
FILE:
 LETTER REF.:
 DATE:

SUBJECT:

Scheme Plan: Hasking

re. Lot 10 - culvert.

- C/° O'Connor's memo - attached refer.*
- ① Problems with a road culvert should not interfere with approvals of Sch. Plan.
 - ② If existing or proposed owner wishes to discontinue the discharge etc from culvert. He should be advised to contact Cty Eng at Nga Yond.
 - ③ Council does have a right to discharge but there may be some justified claim re damage None accepted at this stage.



Raglan County Council



If calling, ask for

B.M. O'Connor

8 September 1989

Our Ref:

Your Ref:

MEMO TO: COUNTY ENGINEER
FROM: COUNCILLOR O'CONNOR
SUBJECT: WAIKARETU FENCING (MR. B. HOSKING)

1. Copies of letters from Mr. G.M. Chitty and Mr. F. Finn re Mr. Hosking's fence are attached.

2. I have had a number of approaches from Mr. Hosking and others on this matter.

My clear understanding is that the point at issue is the quality of the agreement existing between Mr. Hosking and Council. I further understand that Council's right to have the fence relocated is not contested.

I believe that the precise point of the argument has not been addressed either by Council or the Ombudsman.

I have also had a couple of approaches from a Mr. Dave Wackley (Phone 248357) re the release of the 306 certificate for Lot 10 of Mr. Hosking's subdivision.

Mr. Wackley also expressed concern about possible liability upon him for a Council culvert which is eroding adjacent to Lot 10.

Mr. Wackley has an agreement to buy Lot 10.

Could you please respond to me on the following points:

- i) Council's position re Mr. Hosking's fence in light of the attached letters.
- ii) The requirements to secure the title release of Lot 10.
- iii) The situation regarding the culvert.

Please address all communications to the Chief Executive Officer

(All correspondence conveying offers on behalf of the Raglan County Council and all correspondence relating to property transactions and settlement of claim is entirely WITHOUT PREJUDICE)

GREAT SOUTH ROAD, NGARUAWAHIA

P.O. BOX 1 NGARUAWAHIA • TELEPHONE (07124) 8633 • FAX (07124) 8091

subject to ownership of land. accept. not being but does not stop us full length of fence. No firm agreement. Cl has full right to change & advise

wks 9/9/89
refer.

6. I am quite willing to have Item 5 (i) aired at Works Committee if you feel that is appropriate.

Barry O'Connor

BMO'C:MP

74 Gloria Ave
 Lehi, Idaho 83446
 Auckland 8
 10th Aug. 1987

Mr. B. Hosking
 P.O. 5 Invercargill.

Dear Sir Re Boundary Fences. Waikare Road.

Further to your telephoned request, I confirm that arrangements made with property owners on the above work was that fences would be placed on the most practical lines. Legal surveys followed later and where possible boundaries were fixed on fence lines on one side of the road and on the other side where the minimum road width necessary for the Council's legal requirements were satisfied.

In your case the road was completely relocated over a large length and the area concerned is unstable to a large extent making it undesirable to replace fence lines from the present position and extremely difficult if not impossible to maintain the fences if placed exactly on the legal survey line.

This policy was adopted to conserve funds then available and to avoid the Council being involved in refencing if slips or other drainage problems interfered with fences on the present locations.

Yours faithfully
 J. J. J. J.

DelphineANGUS
ROMNEY

G. M. CHITTY LTD.

Waikaretu,

R.D. 5,

R.D. 2
Tuakau, N.Z. Paketiahi,
15th Aug. 1960

84'237 Paketiahi

Phone: 755-0111 Murray

Mr B. Hooking
R.D. 5
TuakauDear Sir, Re Road fences Waikarehi Road.

In reply to your request as to the history of the road works on Waikarehi Road, I would like to state that all negotiations re the relocation of this road were in my opinion very co-operative and amiable. There was no compensation paid for the land to be taken and the right to enter was no trouble.

The fences were located and erected in the most suitable location taking into consideration the contour and lay of the land and where they would not interfere with the carriage way. This was done by the engineer of the Council and the fences were paid for by Raglan County.

The unstable nature of some areas close to the road were to be planted in trees and the fences were located to enable this to be done. 4, 10 000 were in place ~~some~~

Some two years or more before the
surveys were carried out.

The engineer was confident that
the location of the fences although encroaching
on the reserve to be would not hinder
any future maintenance.

Yours faithfully

G. B. Chitty



DEPARTMENT OF JUSTICE

Land Registry Office
Private Bag 3049
Hamilton
Telephone 82-959
DX 4032



1st Floor
Westpac House
Cnr Victoria and Alma Streets
Hamilton

In reply please quote

S.49688

27 July, 1989

County Clerk
Raglan County Council
PO Box 1
NGARUAWAHIA

Dear Sir

Plan Number S.49688 affecting the land described below, signed by F G Hosking & Son as the owner, was deposited on 21 July, 1989.

LAND

C'sT 29C/532, 33D/164, 657/20, 30C/54
Lots 2, 3, 4 and 9 being subdivision of Allotments 368, 369, 383 and 386 Whanghape Parish part Section II Block VI Awaroa Survey District and Lot 1 DPS.33556 being Allotment 370 and part Allotment W.126 Whanghape Parish.

Yours faithfully

R J McCarthy
for DISTRICT LAND REGISTRAR

FILE COPY

If calling, ask for

01/1
 Our Ref: **SP 1040**
6321/140
 Your Ref:

Mr Firth

MEMO TO: County Secretary
 FROM: County Engineer
 DATE: 10 April 1989
 SUBJECT: F.G. Hosking & Son - Appeal re Fencing Condition

The Ombudsman's letter of 17 March 1989 refers, together with Telecom Firth/Fisher of Ombudsman's office on 7 April 1989.

Additional information has been requested from Council and these are commented on as follows:

1. "The specific difficulties which the fence in question pose to traffic safety":

It is suggested by the Ombudsman that Mr Hosking "asserts that the fences are not a danger to traffic". Fences closer than approximately six metres to the seal edge can be a significant danger to traffic. Some fences, particularly where a strainer is located close to a corner can create a blind spot for traffic. The fence is an obstruction on the road reserve and should traffic leave the road it is likely to strike the obstruction thereby increasing the damage to the vehicle and/or person concerned. It is accepted that there are some fences located on the edge of hills which would also act as a minor barrier to the traffic should it loose control and may in exceptional circumstances contain the traffic within the road reserve rather than going down what may be a steep gully. However in this instance a proper safety barrier should be constructed if it is considered necessary.

Note Cf may have a liability where obstruction - road.

BRING UP	FILE
ON:	
TO:	DATE: 12/9
INITIALS:	INITIALS: <i>[Signature]</i>

2. "When reconstruction work is expected to commence another specific problem the fences may cause in this respect":

As indicated in the telecom with Mr Fisher the reconstruction work has accelerated within the last twelve to eighteen months and Mr Hosking will be given a formal notice to remove these fences regardless of the subdivision. This is as a result of a need to have the area tidy the location of watertables and berms in preparation for seal extension along this portion of Waikaretu Valley Road.

It is cost effective and necessary to have fences well back from the seal edge where at all possible to enable material to be placed on the berm and spread out, thus reducing the unnecessary cost of carting this material to a dump site.

In some instances the fences are so close that the proper construction of a watertable required for a sealed road is impeded.

3. The specific difficulties which the fence poses in relation to maintenance work":

Some of the specific difficulties have already been touched on in terms of the difficulties of the fences in relation to construction and this also applies to future maintenance of the road. Watertabling work progressively requires some tidy up of the adjacent berm and removal of excess material. Fences that are close to the watertable mean that such work requires excavation right to the fence itself which then becomes unstable and also the batter is generally cut on a much steeper slope than would normally be required. There are instances throughout the County where this work has been undertaken and the fences have been significantly undermined because they have remained located on the road reserve.

In some locations, for example in the Te Papatapu area, Kawhia area of the County the farmers have been so desirous of having some improvements to the road undertaken that this spoil material has been simply dumped over the side of the fence onto what is substantially road reserve but may also be private land. With the fences located on the road reserve this does not enable the excavator to easily spread this material and so this becomes an additional burden on the landowner. In most cases the landowners have accepted that responsibility and the work has been satisfactorily undertaken.

In this specific area some improvements were undertaken on a nearby road, Richardson Road. There was some difficulty in getting the fences removed before the work was undertaken and this is now resolved and a similar requirement and acceptance by the landowner to have to spread the excess material put on his property.

Mr Hosking further comments as per your letter "that no further reconstruction of the road is required". My Council is astounded at such a comment from Mr Hosking as he has promulgated the further works on Waikaretu Valley Road for a number of years. Mr Hosking also does not have the authority to make such a statement as that is Council's prerogative based on the good use of Council's funds to provide a good ~~surface~~ service to the commuters in this area.

I was interested to note that Mr Fisher commented on the ability for the Ombudsman to investigate this matter. He advised that because Council gave some discretion within the condition to an officer of Council, that is that the decision was subject to administrative discretion, then the Ombudsman had the right in terms of their Act to investigate the matter. However, had Council kept to its original decision that all fences shall be removed then the applicant, Mr Hosking would have had to utilise the statutory rights of appeal and the Ombudsman would not normally have investigated nor even considered he had the ability to do so.

Mr Fisher also seemed to be surprised when I advised him that Council regardless of the ability to impose a condition within the scheme plan of subdivision could require Mr Hosking to remove the fences from the road reserve as they were there at the pleasure of Council and that this power was pursuant to the Local Government Act.

In short it would appear that Council's reasonableness in this matter has backfired.

I did advise Mr Fisher that Council would have a reply to him during the week of 10 April 1989.

R.A. Firth
COUNTY ENGINEER

RAF:AB

FILE COPY

If calling, ask for

Our Ref: 321/141

Mr Colson

Your Ref:

7 April 1989

Birch Madsen & Partners
P.O. Box 177
PUKEKOHE

Dear Sirs

SCHEME PLAN 1002 - F.G. HOSKING & SON

Your letter dated 29 March 1989 refers.

Please find enclosed a further copy of the land transfer plan which has been signed pursuant to Section 306 of the Local Government Act as I understand you misplaced the original one.

Yours faithfully

A.H. Rogers
TOWN CLERK

per:

S.G. Colson
TOWN PLANNER

SGC:AB

BRING UP	FILE
ON:	
TO:	DATE:
INITIALS:	INITIALS:

NEW C.S.T. ALLOCATED:
 LOT 2:
 LOT 3:
 LOT 4:
 LOT 9:

629 100 MN

PT. SEC. II
 BLK. VI AWAROA S.D.
 S.O. 10823

VI AWAROA
 S.D.

(6.0920 ha)
 PT. SEC. II
 BLK. VI
 AWAROA S.D.
 CT 657/20
 S.O. 10823

2.
 D.P. 25153

LOT 9
 14.7120 ha

ALLOT 369
 PSH. OF
 WHANGAPE
 CT 294/532 (PT)
 S.O. 49679

4
 D.P. 25153

WHANGAPE
 PARISH

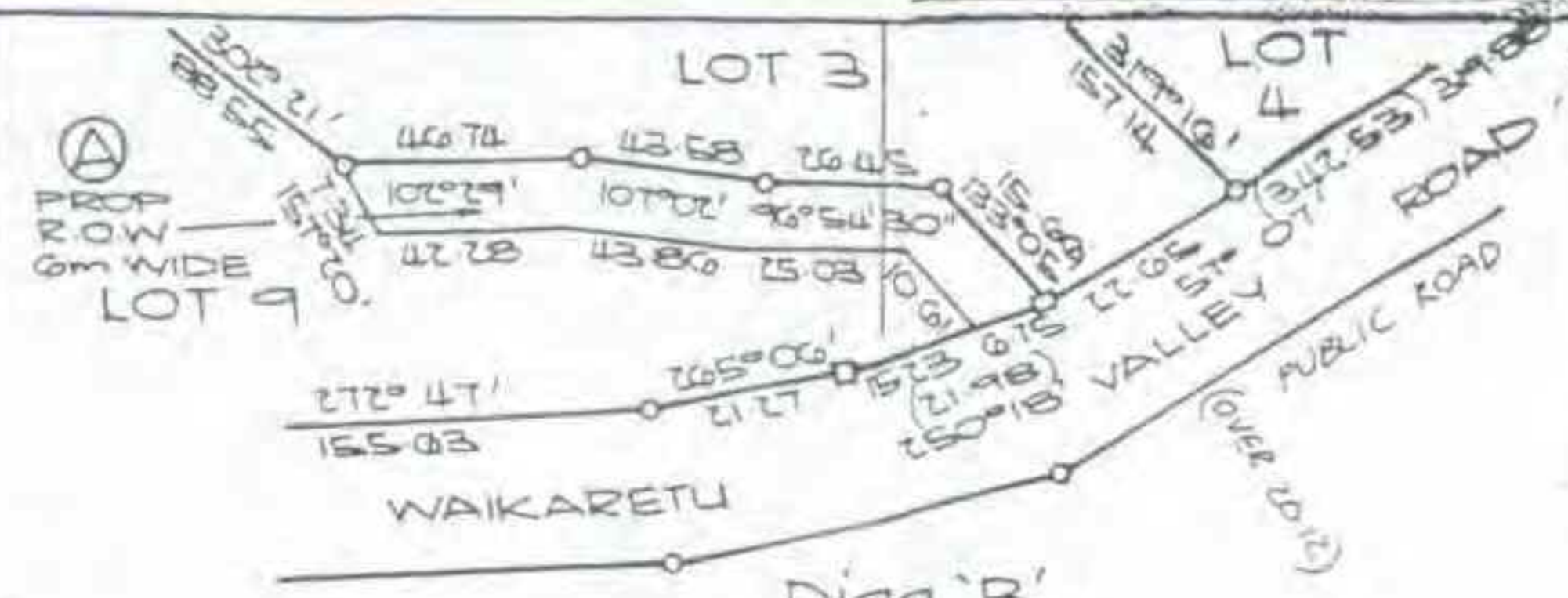
X AWAROA
 S.D.

72A2
 M.L. 15204

PT. ALLOT. 385
 PSH. OF WHANGAPE
 CT 33D/164 (PT)
 S.O. 53634

LOT 2
 15.8900 ha

127.
 S.O. 7157



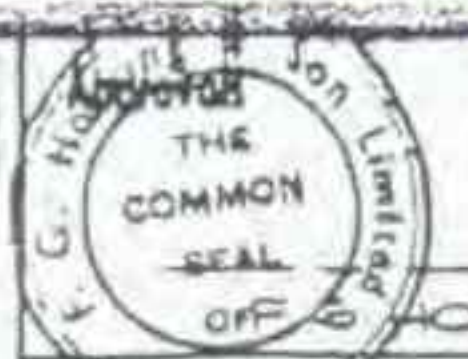
Diag. 'B'
 NOT TO SCALE

IN THE MATTER OF LAND TRANSFER PLAN NO.
 S. 49688 AND PURSUANT TO SECTION
 306(1)(f)(i) OF THE LOCAL GOVERNMENT ACT
 1974 I HEREBY CERTIFY THAT ALL THE
 CONDITIONS SHOWN ON OR REFERRED TO ON
 THE SCHEME PLAN OF SUBDIVISION HAVE BEEN
 COMPLIED WITH TO THE SATISFACTION OF THE
 Raglan County COUNCIL.

DATED AT Ngaruawahia THIS 21 DAY OF
March 1988

A. H. Rogers
 (SIGNATURE)

Chief Executive
 (DESIGNATION)



PURSUANT TO A RESOLUTION OF THE
 RAGLAN COUNTY COUNCIL PASSED
 ON THE 9th DAY OF June
 1988 APPROVING PURSUANT TO
 SECTION 305 OF THE LOCAL GOV-
 NMENT ACT 1974 THIS SURVEY PLAN
 AND CERTIFYING THAT THE SURVEY
 PLAN IS IN ACCORDANCE WITH
 THE REQUIREMENTS AND PROVI-
 SIONS OF THE OPERATIVE DISTRI-
 CT SCHEME FOR THE AREA TO WHICH
 THE SURVEY PLAN RELATES THE
 COMMON SEAL OF THE RAGLAN
 COUNTY COUNCIL WAS AFFIXED
 HERETO IN THE PRESENCE OF

A. J. McDonald CHAIRMAN
Dean CHIEF EXECUTIVE
 OFFICER

THIS PLAN IS CONCURRENT WITH
 D.P.s 49687 &
 D.P.s 49689

PROPOSED EASEMENT

PURPOSE	SHOWN	SERV. TEN	DOM. TE
RIGHT OF WAY	(A)	PT. LOT 1 HEREON	LOT 3 HEREON

Total Area 50.6500 ha

Comprised in CT 294/532 (A1), CT 53D/164 (P1)
 CT 657/20 (P1) & CT 304/54 (P1)

THYGE BLOMSKOV MADSEN
 Registered Surveyor and holder of an annual practicing certificate for me
 may act as a registered surveyor pursuant to the proviso to section 332
 of the Surveyors Act 1968 I hereby certify that this plan has been made
 from surveys executed by me or under my direction, that each plan in
 survey are correct and have been made in accordance with the Survey
 Regulations 1972.
 Dated at Raglan this 13th day
 of July 1988 Signature *T. Blomskov*

Field Book Traverse Book
 Reference Plans
 Examined *for* Contract

Approved as to Survey

..... 1..... Chief Surveyor

Deposited this day of 19

District Land Registrar

LAND DISTRICT SOUTH AUCKLAND
 SURVEY BLK. & DIST. VI & X AWAROA
 NZMS 261-SHT R.13 RECORD MAP No 63564

LOTS 2, 3, 4 & 9 BEING SUBDIVISION OF ALLOTS 368
 369, 383 & 386 WHANGAPE PARISH, PT SEC II BLK VI
 AWAROA S.D. & LOT 1 D.P.s 33556 BEING ALLOT 370
 & PT ALLOT. W126 WHANGAPE PARISH

TERRITORIAL AUTHORITY RAGLAN COUNTY
 Surveyed by BIRCH, MADSEN & PTRS.
 Scale 1:3000 Date FEB. 1988

File
 Received 18/7/88
 L T S 4968

6321-14

NEW C.S.T. ALLOCATED:
 LOT 2
 LOT 3
 LOT 4
 LOT 9

629 100 MN

PT. SEC. II
 BLK. VI AWAROA S.D.
 S.O. 10823

VI AWAROA
 S.D.

(6.0920 ha)
 PT. SEC. II
 BLK. VI
 AWAROA S.D.
 CT 657/20
 S.O. 10823

2.
 D.P. 25153

LOT 9
 14.7120 ha.

ALLOT 369
 PSH. OF
 WHANGAPE
 CT 294/532 (PT)
 D.P. 25153

4
 D.P. 25153

WHANGAPE
 PARISH

X AWAROA
 S.D.

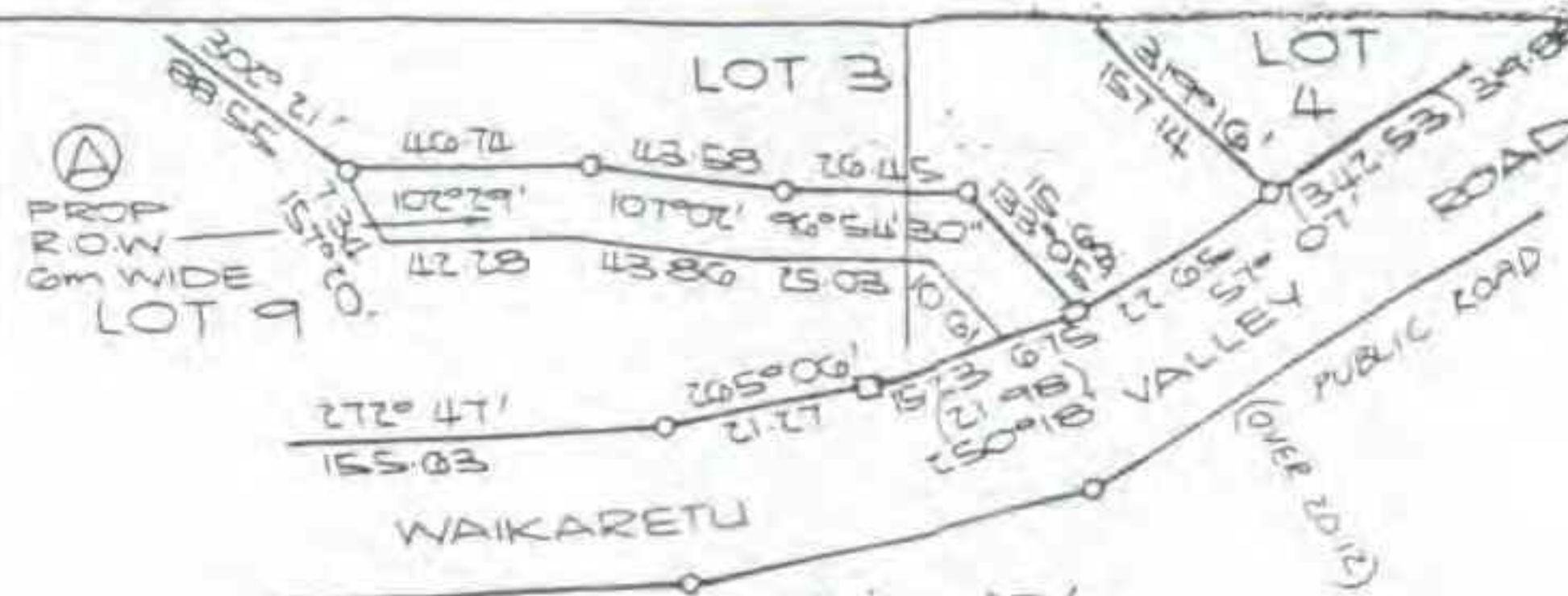
72A2
 M.L. 15204

ALLOT 368
 PSH. OF WHANGAPE
 CT 294/532 (PT)
 S.O. 49679

PT. ALLOT 385
 PSH. OF WHANGAPE
 CT 330/164 (PT)
 S.O. 53634

LOT 2
 15.8900 ha

127
 S.O. 7157



Diag. B
 NOT TO SCALE

5
 D.P. 49689

LOT 4
 12.2190 ha.

PT. ALLOT 382
 PSH. OF WHANGAPE
 CT 330/164 (PT)
 S.O. 53634

10
 D.P. 49687

S.O. 53634

D.P. 49687

IN THE MATTER OF LAND TRANSFER PLAN NO.
 306(1)(f)(i) OF THE LOCAL GOVERNMENT ACT
 1974 I HEREBY CERTIFY THAT ALL THE
 CONDITIONS SHOWN ON OR REFERRED TO ON
 THE SCHEME PLAN OF SUBDIVISION HAVE BEEN
 COMPLIED WITH TO THE SATISFACTION OF THE
 RAGLAN COUNTY COUNCIL.

DATED AT RAGLAN THIS 7TH DAY OF
 APRIL 1989.

A.H. Rogers
 (SIGNATURE)

CHIEF EXECUTIVE
 (DESIGNATION)

THIS PLAN IS CONCURRENT WITH
 D.P. 49687
 D.P. 49689

PROPOSED EASEMENT

PURPOSE SHOWN	SERV TEN	DOMN. T.
RIGHT OF WAY	(A) PT LOT 9 HEREON	LOT 3 HEREON

Total Area 50.6500 ha

Comprised in CT 294/532 (All), CT 330/164 (P)
 CT 657/20 (P) & CT 304/54 (P)

THYGE BLOMSKOV MADSEN
 Registered Surveyor and holder of an annual practicing certificate for 1
 may act as a registered surveyor pursuant to the provisions of section 3
 of the Surveyors Act 1968 I hereby certify that this plan has been
 from surveys executed by me or under my directions, that such plan
 survey are correct and have been made in accordance with the Sur
 Regulations 1972.
 Dated at Raglan this 13th day
 of July 1989 Signature T. Madsen

Field Book Traverse Book

Reference Plans

Examined by Correct

Approved as to Survey

Chief Surveyor

Deposited this day of 19 ..

District Land Regist

LAND DISTRICT SOUTH AUCKLAND
 SURVEY BLK. & DIST. VI & X AWAROA
 NZMS 261 SHT R.13 RECORD MAP No 63664

LOTS 2, 3, 4 & 9 BEING SUBDIVISION OF ALLOTS 368
 369, 383 & 386 WHANGAPE PARISH, PT. SEC II BLK VI
 AWAROA S.D. & LOT 1 D.P. 33556 BEING ALLOT 370
 & PT ALLOT W126 WHANGAPE PARISH

TERRITORIAL AUTHORITY RAGLAN COUNTY
 Surveyed by BIRCH, MADSEN & PTRS.
 Scale 1:3000 Date FEB. 1988

File
 Received 15/7/88
 L T S 4968

29/3/89

6321/141



member of
D. N. BOAK
CONSULTANT
GROUP

BIRCH, MADSEN & PARTNERS

Registered Surveyors, Town Planners and Land Development Consultants

Principals:
D. A. LAWRIE, Dip.Surv., Dip.T.P., M.N.Z.I.S.
T. B. MADSEN, M.N.Z.I.S.

64 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-369

TO *Mr Tony Rodgers*
Raglan County Council
P.O. Box 1, Ngaraawakia

DATE *29/3/89*
REF *2534*
Hosking

Would you please *find enclosed another section*
306 certificate for the plan recently
approved by you. We have lost
the signed copy and as such
we would request that you
sign this and return it to
us as soon as possible

Many thanks

T. Madsen

FILE COPY

6321-86
6321-140
6321-141

If calling, ask for

Our Ref:

Mr Willis

Your Ref:

23 March 1989

Birch Madsen & Partners
P.O Box 177
PUKEKOHE

ATTENTION: T.B MADSEN

Dear Sir

SCHEME PLAN 1040 (PART) - F.G HOSKING

You are advised that the land transfer plan for Lots 2,3,4 and 9 being subdivision of Allots 368,369,383 and 386 Whangape Parish Pt Section 11 Block VI Awaroa S.D. and Lot 1 DPS 33556 being Allot 370 and Pt Allot W126 Whangape Parish has been approved by council pursuant to Section 306 of the Local Government Act 1974.

The plan was unlifted from the Raglan County Council office by Mr Hosking on Tuesday 21 March 1989.

Yours faithfully

A.H.Rogers
CHIEF EXECUTIVE OFFICER

Per:

S.G.Colson
COUNTY PLANNER

SGC:AW

BRING UP	FILE
ON:.....	
TO:.....	DATE: 28-3-89
INITIALS:.....	INITIALS: SGC

Telephone: 796 102
796 103
Facsimile: 776 537

6324/140
Office of the Ombudsman

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

Ref: A/2743

Our contact: RICHARD FISHER

22 February 1989

The Chief Executive Officer
Raglan County Council
P O Box 1
NGARUAWAHIA

Dear Mr Rogers

RE: F G HOSKING AND SON

I am writing on behalf of the Ombudsman, Mrs Nadja Tollemache. Further comment has been received from Mr Hosking. When his reply has been considered by Mrs Tollemache she will write to you.

Yours sincerely

8/1/88
Graham H Tagg
SENIOR INVESTIGATING OFFICER

CEO TC	
TO:	<i>CS</i>
	<i>Nail!</i>
DATE	<i>1/3</i>
	<i>[Signature]</i>
	CEO/TC

DATE	<i>2/3/89</i>
INITIALS	<i>[Signature]</i>

KING GERRARD
BARRISTERS AND SOLICITORS

3210R:BAO:2

10th March 1989



John Victor Imperatrice, LL.B.
Peter John Rutherford, LL.B.
Paul Graeme Kenny, LL.B.
Cade Hubert Daroux, LL.B.

64 Edinburgh Street,
Pukekohe, New Zealand.
P.O. Box 327.
Telephone: (085) 86-339.
Fax: (085) 86-335.
DX 7901.

Our Ref: Mr Rutherford

Your Ref: Mr Rogers

The County Manager
Raglan County Council
P O Box 1
NGARUAWAHIA

Dear Sir

re: F.G. HOSKING & SON LIMITED

Further to the writer's telephone conversation with Mr Rogers in connection with this matter we confirm the request for the issue of the Section 306 Certificates. Indeed we make the request for all of them because as we have stated before we think the reason for withholding them is unreasonable and in the particular circumstances unjustifiable.

You have indicated that you are prepared to release one of the Certificates for one of the plans that does not have any of the fence line which you regard as necessary to be shifted and, without prejudice to rights of any description that our client Company may have we can certainly start the ball rolling with one Certificate issued. In some respects however it creates other problems for us.

Yours faithfully
KING GERRARD

per:

[Signature] C.P.

Use action.
Expedite

DATE

14/3

CEO/TC

[Signature]

BRING UP	
On	_____
TO	_____
INITIALS	_____
FILE	
DATE	_____
INITIALS	_____

ACTION SHEET

RCC

Document Number: C3791

File Reference:

Mail Sighted : DK Date: 14/3

Acknowledge YES/NO

Copies For : CEO ☐ CE ☐ CT ☐ CS ☐ CH ☐

Chairman ☐ Dep Chairman ☐

Other:

Head of Department Action

To: CP

Action by: 28/3

REFER CEO INSTRUCTION ON SOURCE DOCUMENT

Department Subordinate Officer

To:

Action by:

Agenda's

To: For Agenda

NOTES:

Was actioned on this basis

FILE COPY

If calling, ask for

Our ~~6321~~/140

Your Ref:

MEMO TO: Councillor O'Connor
 FROM: County Planner
 DATE: 6 October 1989
 SUBJECT: S G Hosking & Son - Scheme Plan 1040

Your Memo dated 8 September 1989 refers. Council has not released the Section 306 Certificates for Lots 1, 10, 5 & 8 of the above subdivision. Following the advice of the Ombudsman Council awaits advice from Mr Hosking that the two sections of fence which are required to be moved have been moved.

I have been advised by the County Engineer that Council's position has not changed in respect of the relocation of these sections of fence. Mr Finn's letter appears to relate to the entire frontage of Mr Hosking's land. It is not accepted that there is instability over the entire frontage and therefore over the full length of the fence line. Mr Finn's letter appears to have commented only in those general terms. Therefore in respect of Item 5 (ii) of your letter the Council still requires the relocation of the sections of fence identified on the attached plan. When this work has been done the Section 306 Certificates will be released.

CULVERT

It is considered that any problems which are related to the road culvert should not interfere with the Scheme Plan approval process. If the owner wishes to discuss the discharge from the culvert then he should be advised to contact the County Overseer at the Ngaruawahia yard.

BRING UP	FILE
ON:	
TO:	DATE:
INITIALS:	INITIALS:

Council does have a right to discharge stormwater to a property but there maybe some justified claim in respect of damage to the land. However none is accepted at this stage, the matter not having been investigated.

FUTURE OWNER

At this stage Council must still deal with Mr Hosking as the owner of the land. Mr & Mrs Wackley have contacted the Council officers to discuss their proposals. On the last visit Mrs Wackley indicated they would proceed to build a house on the property with or without title. Council will not issue a building permit until the Section 306 Certificate has been issued and Mrs Wackley has been advised of this position.

S G Colson



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

2/18.
0/1/1

Ref: A/2743

Our contact: RICHARD FISHER

16 February 1989

The Chief Executive Officer
Raglan County Council
P O Box 1
NGARUAWAHIA

Dear Mr Rogers

RE: F G HOSKING AND SON

I have sought further comment from Mr Hosking concerning his complaint against the Raglan County Council. When I have received his reply I shall write to you again.

Yours sincerely

Nadja Tollemache
OMBUDSMAN

CEO TC INSTRUCTION	
TO:	<i>CSO</i>
	<i>For info</i>

<i>20/2.</i>	<i>[Signature]</i>
DATE	CEO/TC

UP
DATE
<i>1/3/89</i>

ACTION SHEET

RCC

Value Let.

Document Number: C3587

File Reference: *[initials]*

Mail Sighted: *[initials]* Date: 2012

Acknowledge YES/NO

Copies For : CEO ☐ CE ☐ CT ☐ CS ☐ CP ☐

Chairman ☐ Dep Chairman ☐

Other: _____

Head of Department Action

To: *[initials]*

Action by: 313

*noted CP
off*

REFER CEO INSTRUCTION ON SOURCE DOCUMENT

Department Subordinate Officer

To: _____

Action by: _____

Agenda's

To: _____ For _____ Agenda

NOTES:

FILE COPY

If calling, ask for

Mr Colson

6321-86

Our Ref: C2037

Your Ref: _____

15 November 1988

Mr B.F. Hosking
 Glen Murray
 R.D.5.
 TUAKAU

Dear Sir

SCHEME PLAN 1002 - F.G. HOSKING & SONS LIMITED

Your letter of 26 August 1988 refers.

In your letter to the Chairman and in our subsequent discussions you have requested a further variation to Council's position with regard to the condition on your scheme plan of subdivision regarding fencing. I have further discussed this matter with the Chairman who has also consulted the riding member. I wish to advise you of Council's position following those discussions.

Fencing Condition

The original condition placed on the Council's approval of the subdivision in December 1987 was that fences would be relocated onto the boundary where requested by the County Engineer. A further variation to the scheme plan was made in March 1988 and this consent contained a requirement to relocate fences on the boundary. Both of these conditions were subject to the objection which was considered by Council in May 1988. As a result of the objection, Council varied the condition relating to fencing to:

- a. That a plan at a scale of 1:1,000 showing the location of fences in relation to frontages and the existing road formation be provided at the time the Land Transfer Plan is submitted to Council.

BRING UP	FILE
ON: _____	
TO: _____	DATE: _____
INITIALS: _____	INITIALS: _____

- b. That fences located on a legal road be removed unless approval is otherwise obtained in writing from the County Engineer for the fences to remain at the pleasure of Council.

This decision was made on the basis of the information which was provided at the hearing which indicated two sections of fence to be moved and the section of fence to be fixed on the Wairamarama Road. This advice was subsequently discussed with you on site. Council is still of the view that this is a reasonable requirement. You are advised that, other than the two sections of fence to be moved, all other fences may remain on legal road at the pleasure of Council. This was a significant change from the original decision.

A plan showing the location of fences in relation to the Wairamarama Road frontage and road formation has been received and meets that requirement.

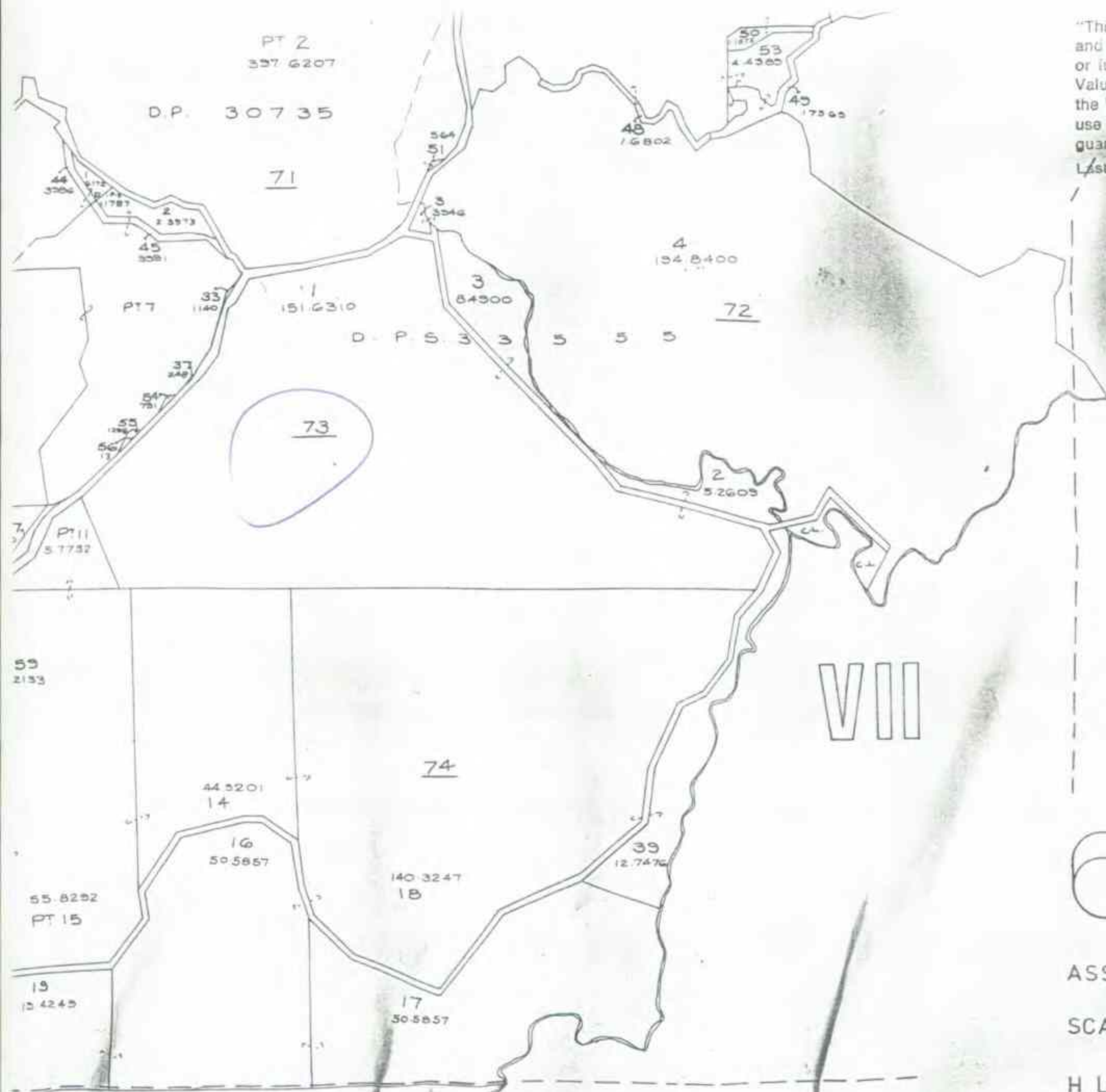
However, you are still requested to move the two sections of fence shown on the attached plan. Until this work is done, I am unable to certify the Land Transfer Plan pursuant to Section 306 of the Local Government Act 1974.

You comment that because Council paid for the erection of the fence and located its position in the first instance is the reason for not moving it at this stage. However, I would have to say that this is not a unique situation. Circumstances have changed in that a subdivision has been proposed for the land which creates a number of small lots which will all be owned by different owners. As the circumstances have changed, it is not unreasonable for the Council to request that the fences be removed. As far as I am aware, the sections concerned would not compromise the planting which has been carried out for soil conservation purposes, at the advice of the Waikato Catchment Board.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

SGC:TB



"This plan is subject to Crown and is not to be copied or used or filed without the express permission of the Valuer-General. The plan was made by the Valuation Department for its use and there is no express guarantee as to accuracy."

Last updated 24

VIII



632

ASSTS: 65

SCALE: 1:15,000

H L AVERY 15.4

RAGLAN COUNTY COUNCIL

Cash / Cheque

RECEIVED from

E. Garrick.

Details of Receipt:

*290.00 Bk 500.00 road damage dep.
36.00 research levy 110.00 P.D.*

A/c. No.

2958 3160

936.00 £

FILE COPY

If calling, ask for

Bronwyn Flemming

Our Ref:

Your Ref:

1 November 1988

Evelyn Garrick
29 Dominion Road
TUAKAU

Dear Madam

Please find enclosed a copy of Bank Bond executed by A.N.Z. Bank.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

Per:

S.G. Colson
COUNTY PLANNER

BF:TB

BRING UP	FILE
ON:	
TO:	DATE:
INITIALS:	INITIALS:

FILE COPY

If calling, ask for

Bronwyn Flemming

Our Ref:

Your Ref:

1 November 1988

A.N.Z. Bank
P.O. Box 25
PUKEKOHE

Dear Sir

Please find enclosed a copy of Bank Bond executed by Evelyn Francis Garrick.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

Per:

S.G. Colson
COUNTY PLANNER

SGC:TB

BRING UP	FILE
ON:	
TO:	DATE:
INITIALS:	INITIALS:

SPECIAL CONDITIONS

FOR MRS E.F. GARRICK, WAIKARETU VALLEY ROAD

1. That the building be sited in accordance with the plans submitted and approved by Council.
2. That the exterior be completely redecorated including the cleaning of the roof tiles.
3. That a potable water supply be provided with a minimum of 2700 litre storage capacity.
4. That a septic tank and effluent disposal system be provided in accordance with the Plumbing and Drainage Regulations 1978.
5. That 24 hours notice be given to Raglan County Council Overseer prior to the shifting of the house.
6. That the required work to be done by the above conditions be completed within **three calender months** of the building being placed upon the piles, provided that an extension may be granted for a further three months upon receipt of a written application.
7. That a bond of \$3,500.00 and a road damage deposit of \$500.00 be paid to Council, to be refunded on compliance with the above conditions.

RCC

ACTION SHEETNO: 4468FILE: SP1002Mail Sighted: CEO DA Date 13/7Part A: Records Officer ActionCopies: CEO ☐ CS ☐ CE ☐ CT ☐ CP ☐Chairman ☐ Dep Chairman ☐

Other: _____

Acknowledge: YES/NO

Part B: Department Action Initial

a. CE ☐	Action by _____	_____
b. CS ☐	Action by _____	_____
c. CT ☐	Action by _____	_____
d. CP ☒	Action by <u>13/7</u>	_____
e. CEO ☐	Action by _____	_____

(Refer Action Directive on Source Document)

ACTION COMPLETED _____ Initial _____ Date _____

FILE: ☐Part C: Department Subordinate to Action

To: (1) _____ (2) _____

a. Please _____

ACTION COMPLETED _____ Initial _____ Date _____

FILE: ☐Part D: AgendaCS ☐ for _____ AgendaCP ☐ for _____ AgendaRC ☐ for _____ Agenda

C2037



Glen Murray
R.O. 5 Invercargill
26 Aug 1988

The Chairman,
Haglan County Council.
Dear Sir,

In reference to Scheme Plan No 1002,
J.G. Hosking & Son Ltd, Road fencing.

After receiving a reply from the hearing of our objections, as regards the removing of fences on the Waikare Valley road, we wrote on the 8th of July to the Engineer Mr. Firth, asking that the fences remain at Council's pleasure, received acknowledgement on the 15th July, rang County Office on the 12th August seeking a reply, received written reply on the 26th August, written on the 16th August, post marked Ngabawaka 26th August from the County Planner first, reiterating what was approved at the hearing of the objections.

On the day of the hearing of the objections we particularly, had our lawyer present because of this fencing clause, we pointed out quite clearly that we had no legal obligation to shift those portions of fencing, which were erected over a period of three years.

We point out again that those fences were sighted, and erected by the Council and supervised by the Engineer, the fences were so erected for W.V.A. tree planting projects to hold certain sections of road.

The surveying was carried out 18 months after the last of the fencing was erected, as also point out that this surveying has never been completed.

We have explained to both Mr. Loughagh and Mr. Colson the position, and the desire to avoid legal confrontation, but it appears to have fallen on deaf ears.

Therefore, we are appealing to you as Chairman to intervene, as these fences were

erected in unusual circumstances, that they remain at Council's pleasure.

As the plans are now being presented for final 306, we would appreciate the matter be given urgency.

We would also like to point out that it took exactly five months for objections to be heard, because the original copy was lost in Council Office.

Thanking you.

Yours Faithfully,
P. F. Hocking
for F. G. Hocking & Son Ltd

CEO TC INSTRUCTION

TO: C.P.
Pse liaise with
CE and reply
to Mr Hocking
setting out in
detail Council's
decision.

DATE 30/1/8

CEO/TC

BRING UP	
On	
TO	
INITIALS	
FILE	
DATE	
INITIALS	

FILE COPY

If calling, ask for

SP 1002

Our Ref: C 1468

Mr Colson

Your Ref:

16 August 1988

F.G. Hosking & Son Ltd
 Glen Murray
 R.D. 5
 TUAKAU

Dear Sirs

SCHEME PLAN NO. 1002 - F.G. HOSKING & SON LTD

Thank you for your letter dated 8 July 1988. Council advised you in its decision of 31 May 1988 that it agreed to vary the original conditions made on its approval of your scheme plan of subdivision. The first of those amendments related to the fencing condition. This was to enable the County Engineer to have some discretion over the sections of fence located on legal road reserve which may be able to remain at the pleasure of Council. At the hearing a plan was presented to Council indicating the sections of fence which the County Engineer considered should be relocated. A copy of this plan is attached.

The current position therefore is that you are requested to relocate the sections of fence shown as fence to be moved on the attached plan. Further a plan is to be provided at the time that the land transfer plan is submitted showing the relationship between the existing fence and the legal boundary and road formation for the section shown as fence to be fixed. The completion of this work is necessary before Council is able to certify that the conditions have been complied with and a Section 306 Certificate signed.

Yours faithfully

A.H. Rogers
 CHIEF EXECUTIVE OFFICER

per:

S.G. Colson
 COUNTY PLANNER
 SGC:AB

BRING UP	FILE
ON:	
TO:	DATE:
INITIALS:	INITIALS:



Glen Murray
RDS Inland
8-7-88

The Raglan County Council Engineer.

Dear Sir,

In respect to scheme Plan No 1002
J.G. Hosking & Son Ltd.

Owing to the unusual circumstances in which
these fences were authorized to be erected,
we ask that you give in writing that the
fences remain at the pleasure of the Council
Thanking you.

Yours faithfully
B. F. Hosking
J.G. Hosking & Son Ltd

TO: C.R.

152 reply

13/7 DR

BRING UP	
On	_____
TO	_____
INITIALS	_____
FILE	
DATE	_____
INITIALS	_____

KING GERRARD
BARRISTERS AND SOLICITORS

LGS:2680R:11

18th May 1988



John Victor Imperatrice, LL.B.
Peter John Rutherford, LL.B.
Paul Graeme Kenny, LL.B.
Cade Hubert Daroux, LL.B.

64 Edinburgh Street,
Pukekohe, New Zealand
P.O. Box 327.
Telephone: (085) 86-339.
Fax: (085) 86-335.
DX 7901.

Our Ref: **Mr Rutherford**
44625-014
Your Ref:

The County Manager,
Raglan County Council,
P.O. Box 1,
NGARUAWAHIA.

Dear Sir,

re: F.G. HOSKING & SON LIMITED - RUSSELL (AMAKIWI FORESTS LIMITED)

You had previously provided us with a certificate as to the matters contained in Section 35H of the Land Settlement Promotion and Land Acquisition Act 1952 in respect of the possible sale to Mr and Mrs Gascoigne and now we need a similar certificate in respect of the conditional sale to Amakiwi Forests Limited. We enclose a form of certificate which we would be pleased if you would sign and return to us assuming of course that you are satisfied that the certificate is correct.

Yours faithfully
KING GERRARD

per:

encl

[Handwritten signature]

CS

*Pse check then
present for
signature
[Signature]
24/5.*

ACTION SLIP	
No.	6952
File :	2/3
Mail sighted:	HA CEO
	24/5 Date
Part A Records Clerk Action	
1. Send Acknowledgement Letter	
YES/NO	
2. Copies For:	
CS ☐ CT ☐ CE ☐ CP ☐ CSO ☐	
Other: _____	
Part B Department Head Action	
For: _____	
1. Reply by 7/6	
2. Report required by _____	
3. Discuss with _____	
Part C Department Subordinate	
To: _____	
Action Required: _____	
Part D Agenda's	
To: CS / RC	
For: _____	Agenda
Part E Action Completed	
1. For Filing ☐	
2. For Bring Up _____	

C952

L 2/3

Mr. Dean

31 May 1988

Messrs. King, Gerrard,
P.O. Box 327,
PUKEKOHE.

Attention : Mr. Rutherford

Dear Sirs,

F.G. HOSKING & SONS LTD. - RUSSELL

In reply to your LGS:2680:11 of 18 May 1988, the certificate pursuant to Section 35H of the Land Settlement Promotion and Land Acquisition Act is returned herewith.

Yours faithfully,

GSD:MP

A.H. Rogers,
Chief Executive Officer.

BRING UP	
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FILE	
DATE 2/6/88	
INITIALS	

6/5/88

Road reconstructed mid 1970's

the County paid for fence and put it up. then fixed
road boundary, did the survey.
some road legalisation not complete.

2 sections 200 m 

6/5/85

Horking & Son SL.

① Fences.

② Waikaretu Valley Rd put through 7-8 years ago.
then fences put up to CE Finn requirements
survey done 2 years later

③ Reserve Contribution

Existing titles exist

Can't say people don't make living off them

④ S 305.

6/5/88

Working & Son

Fences.

County Engineer will be meeting with the applicant & surveyor to determine which fences may remain on legal road at Council pleasure.

Some sections which may need to be relocated for maintenance of road or future upgrading.

Condition gave some delegated authority to CE.

Can positions will be indicated at the hearing.

Reserves.

- Principal use for Res.

- Justification of amount. G57.

6/5/88

John Please find
correspondence reference
and acknowledgement
letter reference
for Mr B Hooking & son
Behemo Plan 1002 after
16 December 1997.

Nothing logged.
IN
after 16/12

MAY 13 '88 11:38 PUKEKOHE TRAVEL NZ 0064 85 83613

F.1 23/12/87



member of
D. N. BOAK
CONSULTANT
GROUP

BIRCH, MADSEN & PARTNERS

Registered Surveyors, Town Planners and Land Development Consultants

Principals:
D. A. LAWRIE, Dip.Surv., Dip.T.P., M.N.Z.I.S.
T. B. MADSEN, M.N.Z.I.S.

Our Ref. 2534
Your Ref. SP1002

64 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-369



23rd December, 1987.

CP



The Chief Executive Officer,
Raglan County Council,
P.O. Box 1,
NGARUAWAHIA.

Dear Sir,

RE: SCHEME PLAN NO. 1002/F.G. HOSKING & SON, LTD.:

We thank you for your letters giving approvals to our Scheme Plans prepared for the above.

We would now request that Council reconsider some of the conditions imposed on this development. The points referred to are as follows:-

1. Our client is concerned about the cost of having to fix the position of fences in respect of this property. He is also worried about the cost of shifting these, if required by the engineer. It is our understanding that the fences were placed in their present position after instructions by the County Engineer. This being at the time when the road was moved and upgrading work was carried out by Council. In view of this fact, we believe that this condition is unreasonable.
2. Our client is also concerned about the requirement for a reserve contribution payment. We believe that Council can only charge reserves on sites which are to be used predominantly for residential purposes. As the smaller site has above 8 hectares in area, we would state that this can only be considered as a rural block, and not mainly for residential use.

Our client also held a number of original titles. It is the normal practice to only charge the reserve contribution on the number of new titles to be used for residential purposes above those already existing. In this case, our client held six titles which were available for separate purchase.

D. N. BOAK
CONSULTANT
GROUP

D. C. Alrey
& Partners
Pukekohe
Takapuna
Howick

Birch, Madsen
& Partners
Pukekohe
Waiuku

D. N. Boak
& Partners
Takapuna

B. H. Brown
& Partners
Brown Bay

F. Easdale
& Partners
Howick

G. R. Matheson
& Partners
Te Araroa
Wainui

MAY 13 '88 11:39 PUKEKOHE TRAVEL NZ 0064 85 83613

P.2/2

23/12/87

2)

In this case, we are not sure how the contribution was assessed, and we would, therefore, request that information on the method of calculation be provided to us. We would also request that Council review this charge.

We would be happy to supply further information on any of the above points, or attend at a Council Meeting to give our client's views on this matter.

Yours faithfully,
BIRCH, MADSEN & PARTNERS



per: T.B. Madsen

Encl.

23/12/87

480 m of fences.

March condition

6 titles

How many of those titles are contained in lots 6 and 7. - Only one C.T. 657/20

5 titles. 331 / 247
 that 30C / 54
 33D / 164

29C / 530
 29C / 532

that the areas sections

6 titles which could be used for residential purposes

Rutherford
 Average land value \$9,000

\$6,000 - 7,000 building site value

Total value of lot not in question

Rutherford
 Fencing

imposition of such a condition not generally questioned

Was not able to check location of boundary at time because legal survey done afterwards

23/12/87

Producing
~~Showing~~ a plan showing location of fences
 in relation to road formation.

Not possible to put fence anywhere else.

Residential figure too high for this area
 too far from town

Figure should be multiplied by 3 in
 number of new titles

Two titles previously closed road.

5 ~~to~~ additional lots

~~#050~~

\$675

\$ 2025

That the sections of road shown on the
 plan be removed from legal road:

23/12/85

How many titles relate to lots
6 and 7.

23/12/87

IN THE MATTER of an objection to
the Raglan County
Council

A N D

IN THE MATTER of a Subdivision by
F.G. HOSKING & SON
LIMITED

I THYGE BLOMSKOV MADSEN of Pukekohe, Surveyor will state that I have had an on-site meeting with the County Engineer with regard to the condition imposed by Council that a survey plan be provided showing fences in relation to frontages and the engineer has suggested:

1. THAT on the Waikaretu Valley Road, there is approximately 480 lineal metres which need the existing fence pulled down and a new one erected. Mr Hosking has already covered the circumstances in which the existing fence line was fixed and I believe that I need add nothing further to that.

2. AS to the frontage to the Wairamarama-Waikaretu Road, the engineer has indicated that the existing fence line can remain where it is but the plan showing fences in relation to the legal boundary is still required. Such a plan would cost something in the order of \$800.00 to \$900.00 and in the particular circumstances would really seem to be a waste of the applicant company's money. On account of contour the fence would undoubtedly stay where it is and having regard to the amount of traffic which uses this stretch of road I would suspect it would be most unlikely that Council would do any upgrading of this particular stretch of road.

3. AS to the reserves contributions to be made I had made two points in my objection. The first was my belief that Council could only charge reserves on sites that are to be used predominantly for residential purposes and secondly, that in any event the reserve contribution could only be charged on the new titles to be issued and to be used for residential purposes. Prior to this subdivision which has six titles with areas respectively of 1,252 square metres, 5,219 square metres, 12.4 hectares, 41 hectares, 58 hectares and 170 hectares. As

23/12/87

- 2 -

will be seen from the plans of subdivision we will end up with 9 new titles, 3 of which are above 20 hectares (with the biggest about 152 hectares) and the other 6 range in the 8 to 15 hectare range. Having regard to shape and contour I believe every one of those titles had a suitable site at least for a dwelling. I am therefore of the view that there could only be a reserve contribution charged on 3 Lots and not on 5 Lots being Lots 2, 3, 4, 5 and 8 as has now been required by you.

2683R:BAO:9-10

23/12/87

IN THE MATTER of an objection to
the Raglan County
Council

A N D

IN THE MATTER of a Subdivision by
F.G. HOSKING & SON
LIMITED

I BRIAN FREDERICK HOSKING of Waikaretu, Company Director, will
state:

1. THAT I am a Director of F.G. HOSKING & SON LIMITED and am
authorised to make this statement on behalf of the Company.

2. THAT an objection to certain conditions imposed by Council
was lodged by Messrs Birch Madsen & Partners on behalf of the
Company on 23rd December 1987. I will deal with the condition
regarding the requirement for survey plans showing fences in
relation to frontages and also as to the requirement that
fences on road reserve be relocated on the boundary.

3. IN this instance the fence line was stipulated by the then
County Engineer employed by your Council. The road had been
upgraded and the line of it changed over a period of something
like 2 years prior to 1975. The engineer arranged for the
fence line to be levelled off with a bulldozer, the fence line
was fixed by the engineer and the materials were provided by
Council and I then built a fence at Council's expense. At the
particular time the final survey plan had not been completed so
there was no way that I could check to see that the fence was
being erected on my legal boundary. In these particular
circumstances I believe that it is an unreasonable condition to
impose on me that I should now shift two separate lines of
fence amounting to approximately 480 metres when the original
fence line was actually fixed by an officer of your council.
The fence fronting the Waikaretu Valley Road, is still in good
condition.

31/5/88

S.P. 1002

Mr. Dean

31 May 1988

Messrs. Birch, Madsen & Partners,
P.O. Box 177,
PUKEKOHE.

Dear Sirs,

SCHEME PLAN NO. 1002 - HOSKING & SONS LTD.

You are advised that pursuant to Section 299 of the Local Government Act 1974, the Raglan County Council allows in part, the objection to the variation of Scheme Plan No. 1002 being the subdivision of Part Section 11 Blk. VI Awaroa S.D. and Lot 1 D.P.S. 33556 and Allotment 367-369 Parish of Whangape Blks. X & XI Awaroa S.D. insofar as:

1) The fencing condition be amended to read:

- Received 24/12/88
See letter of 24/12/88
from Manager
Engineering
re: Hosking*
- a) That a plan at a scale of 1:1000 showing the location of fences in relation to frontages and the existing road formation be provided at the time the land transfer plan is submitted to Council.
 - b) That fences located on legal road be removed unless approval is otherwise obtained in writing from the County Engineer for the fences to remain at the pleasure of the Council.

2) That the condition with regard to reserves contribution be amended to read that:

- Paid 11/1/88
Receipt 4593*
- a) Reserves Contribution Two thousand and twenty five dollars (\$2,025) plus G.S.T. in total be paid in respect of three lots.

The reasons for Council's decision are that:

- a) The conditions relating to fencing allow the County Engineer some discretion and will enable some fences to remain on legal road at the pleasure of Council where this will not create difficulties for road maintenance or future upgrading. In addition, requirement for a plan showing the location of fences is considered desirable as the new owner must be aware of obligations with regard to roadside fencing.

RING UP	
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DATE	2/6/88
INITIALS	

31/5/88

- b) The reserves contribution is required as in the opinion of the Council three lots will be used principally for residential purposes and the amount required is based on a building site value of 30% of the estimated land value and is consistent with reserves contributions required for subdivisions in the vicinity.

Yours faithfully,

GSD:MP

A.H. Rogers,
Chief Executive Officer.

6/5/88

SP 100 2

Mr Colson

6 May 1988

Birch Madsen & Partners
P O Box 177
PUKEKOHE

Dear Sir

Re: Scheme Plan No: 1002 - F G Hosking & Son

The objection to the above scheme plan of subdivision will be heard at the Raglan County Council meeting on 23 May 1988 at 11.30 am at the Council Offices, Ngaruawahia.

Yours faithfully

A H Rogers
CHIEF EXECUTIVE OFFICER

SC:VH

IN THE MATTER of an objection to
the Raglan County
Council

A N D

IN THE MATTER of a Subdivision by
F.G. HOSKING & SON
LIMITED

I BRIAN FREDERICK HOSKING of Waikaretu, Company Director, will
state:

1. THAT I am a Director of F.G. HOSKING & SON LIMITED and am
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2. THAT an objection to certain conditions imposed by Council
was lodged by Messrs Birch Madsen & Partners on behalf of the
Company on 23rd December 1987. I will deal with the condition
regarding the requirement for survey plans showing fences in
relation to frontages and also as to the requirement that
fences on road reserve be relocated on the boundary.

3. IN this instance the fence line was stipulated by the then
County Engineer employed by your Council. The road had been
upgraded and the line of it changed over a period of something
like 2 years prior to 1975. The engineer arranged for the
fence line to be levelled off with a bulldozer, the fence line
was fixed by the engineer and the materials were provided by
Council and I then built a fence at Council's expense. At the
particular time the final survey plan had not been completed so
there was no way that I could check to see that the fence was
being erected on my legal boundary. In these particular
circumstances I believe that it is an unreasonable condition to
impose on me that I should now shift two separate lines of
fence amounting to approximately 480 metres when the original
fence line was actually fixed by an officer of your council.
The fence fronting the Waikaretu Valley Road, is still in good
condition.

IN THE MATTER of an objection to
the Raglan County
Council

A N D

IN THE MATTER of a Subdivision by
F.G. HOSKING & SON
LIMITED

I THYGE BLOMSKOV MADSEN of Pukekohe, Surveyor will state that I have had an on-site meeting with the County Engineer with regard to the condition imposed by Council that a survey plan be provided showing fences in relation to frontages and the engineer has suggested:

1. THAT on the Waikaretu Valley Road, there is approximately 480 lineal metres which need the existing fence pulled down and a new one erected. Mr Hosking has already covered the circumstances in which the existing fence line was fixed and I believe that I need add nothing further to that.

2. AS to the frontage to the Wairamarama-Waikaretu Road, the engineer has indicated that the existing fence line can remain where it is but the plan showing fences in relation to the legal boundary is still required. Such a plan would cost something in the order of \$800.00 to \$900.00 and in the particular circumstances would really seem to be a waste of the applicant company's money. On account of contour the fence would undoubtedly stay where it is and having regard to the amount of traffic which uses this stretch of road I would suspect it would be most unlikely that Council would do any upgrading of this particular stretch of road.

3. AS to the reserves contributions to be made I had made two points in my objection. The first was my belief that Council could only charge reserves on sites that are to be used predominantly for residential purposes and secondly, that in any event the reserve contribution could only be charged on the new titles to be issued and to be used for residential purposes. Prior to this subdivision which has six titles with areas respectively of 1,252 square metres, 5,219 square metres, 12.4 hectares, 41 hectares, 58 hectares and 170 hectares. As

- 2 -

will be seen from the plans of subdivision we will end up with 9 new titles, 3 of which are above 20 hectares (with the biggest about 152 hectares) and the other 6 range in the 8 to 15 hectare range. Having regard to shape and contour I believe every one of those titles had a suitable site at least for a dwelling. I am therefore of the view that there could only be a reserve contribution charged on 3 Lots and not on 5 Lots being Lots 2, 3, 4, 5 and 8 as has now been required by you.

2683R:BAO:9-10

RAGLAN COUNTY COUNCIL

SCHEME PLAN HOSKING & SONS LTD

REF: SP 1002
DATE: 13.5.88

1. INTRODUCTION

Council approved a variation to this scheme plan in December 1987. A further variation to the scheme plan was approved in March 1988.

2. OBJECTION

An objection was lodged to the December approval pursuant to Section 299 of the Act. The objection related to the conditions concerning fences and reserves contributions.

3. FENCES

The condition stated that a plan was to be submitted showing fences and that fences on road reserve be relocated where required by the County Engineer.

The subsequent variation in March has been approved subject to the same condition.

The County Engineer will be meeting with the applicant and his surveyor on site to determine which fences may remain on legal road at the pleasure of Council. Some sections may need to be relocated either to enable satisfactory maintenance of the road or to allow future upgrading.

The sections of fence to remain will be identified for Council at the hearing.

4. RESERVES CONTRIBUTION

A reserves contribution of \$4300 was required in Council's December decision and this was varied to \$4850 in its March decision.

The land is currently held in three Certificates of Title. Ten (10) lots are being created resulting in seven additional Lots. Lots 1, 6, 7 and 8 are farming lots, Lots 2-5 and 9-10 could be considered to be used principally for residential purposes because the topography would preclude each lot from supporting a land productive use.

On this basis Council could require a reserves contribution for the seven additional lots to be used for rural residential purposes. The reserves contribution has been reassessed in view of the contribution required for Awariri Lands SP 979.

Based on an average land value of \$30,000 and a building site value of \$9000 the reserve contribution would be \$4725 or \$675 per lot. It is therefore recommended that Council vary its decisions of December and March to require a reserves contribution of \$4275. Bearing in mind the amount previously required Council may decide to make this GST inclusive.

5. RECOMMENDATION

That pursuant to Section 299 of the Local Government Act 1974 the Raglan County Council allows in part the objection to the variation of Scheme Plan Number 1002 being the subdivision of Part Section 11 Block VI Awaroa Survey District and Lot 1 DPS 33556 and Allotments 367-369 Parish of Whangape Blocks X and XI Awaroa Survey District in so far as

The conditions relating to fencing in its consents of December and March remain unchanged.

That a reserves contribution of \$4725 be paid.

6. REASONS

The reasons for Council's decision are that

- a) the conditions relating to fencing allowed the County Engineer some discretion and would enable some fences to remain on legal road at the pleasure of the Council where this would not create difficulties for road maintenance or future upgrading.
- b) The reserves contribution is required as in Council's opinion Lots 2-5 and 9-10 will be used principally for residential purposes. The amount required is based on a building site value of 30% of the estimated land value and is consistent with reserve contributions required for subdivisions in the vicinity.

Stephen Colson
S.G. Colson
COUNTY PLANNER

March 1988

- - 156

4.6. Scheme Plan No. 1040 - F.G. Hosking & Sons:

4.6.1. RESOLUTION T88/31/3:

"That pursuant to Section 296 of the Local Government Act 1974, the Raglan County Council approves the variation of Scheme Plan No. 1002 into 10 lots, lot 1 being re-subdivided into two areas shown as Lot 1 of 39.72 ha and Lot 10 of 7.68 ha, subject to the following conditions:

- 1) That a copy of the survey plan showing fences in relation to frontages be provided when the land transfer plan is submitted for sealing and that any fences on road reserve be relocated on the boundary.
- 2) That a road upgrading contribution of \$4,500 be paid.
- 3) That Lots 2, 3, 4, 5, 8 and 10 be classified as rural residential lots for rating purposes.
- 4) That a reserves contribution of \$4,500 be paid."

Sherlock/Brosnan

4.7. Scheme Plan No. 1041 - I. McRobbie:

4.7.1. The County Planner reported that after discussions with Mr. McRobbie, indications were that amendments were envisaged to one of the lots on the scheme plan.

4.7.2. RESOLUTION T88/32/3:

"That consideration of this scheme plan be deferred until further information is received with regard to any possible amendments."

Orr/Brosnan

4.8. Scheme Plan No. 1042 - P.J. & S.E. Ancell:

4.8.1. RESOLUTION T88/33/3:

"That pursuant to Section 279 of the Local Government Act 1974, the Raglan County Council hereby declines approval of the scheme plan of the proposed subdivision of Part Allotment 121 Pirongia Parish, being Part D.P. 2151 and held in Certificate of Title 26D/1171 as in the opinion of the Council it does not meet

SP 1002.

Refer SO 49675 - 49680

SUBDIVISION FOR BRIAN HOSKING

I have requested two sections of fence be moved back and relocated on the boundary. These are from the intersection with the Wairamarama Road heading towards Waikaretu for a length of approximately 200 metres on the right hand side and then further along the job adjacent to the existing seal, a further length of about 200 metres on the left hand side going partially through a gully with pine trees planted for stability. There are one or two other sections on the road to Waikaretu where the fence was out but I did not request relocation.

On the road frontage to Wairamarama Road I would recommend that Council allow the fence to remain in its existing position at Council's pleasure to be relocated if and when road works are carried out in the future.

Brian Hosking has advised he is going to object to Council's conditions on the basis that Council fixed the fence line after the construction in the 1970's and it should take responsibility for the location of the fence.

When first told of being required to move one section of fence, Mr Hosking said he would go to the Ombudsman. After further discussion his attitude was more conciliatory in that he would argue and fight the Council.

On the Wairamarama frontage I have requested a plan of fences in relation to boundary. Surveyor Masden claimed this was difficult. I didn't agree.

JM Lavanagh 18/5.

MAY 13 '88 11:38 PUKEKOHE TRAVEL NZ 0064 85 83613



member of
D. N. BOAK
CONSULTANT
GROUP

BIRCH, MADSEN & PARTNERS

Registered Surveyors, Town Planners and Land Development Consultants

P.1/2

64 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-369

Principals:

D. A. LAWRIE, Dip.Surv., Dip.T.P., M.N.Z.I.S.
T. B. MADSEN, M.N.Z.I.S.

Our Ref. 2534
Your Ref. SP1002

23rd December, 1987.

The Chief Executive Officer,
Raglan County Council,
P.O. Box 1,
NGARUAWAHIA.

Dear Sir,

RE: SCHEME PLAN NO. 1002/F.G. HOSKING & SON, LTD.:

We thank you for your letters giving approvals to our Scheme Plans prepared for the above.

We would now request that Council reconsider some of the conditions imposed on this development. The points referred to are as follows:-

1. Our client is concerned about the cost of having to fix the position of fences in respect of this property. He is also worried about the cost of shifting these, if required by the engineer. It is our understanding that the fences were placed in their present position after instructions by the County Engineer. This being at the time when the road was *moved* and upgrading work was carried out by Council. In view of this fact, we believe that this condition is unreasonable.
2. Our client is also concerned about the requirement for a reserve contribution payment. We believe that Council can only charge reserves on sites which are to be used predominantly for residential purposes. As the smaller site has above 8 hectares in area, we would state that this can only be considered as a rural block, and not mainly for residential use.

Our client also held a number of original titles. It is the normal practice to only charge the reserve contribution on the number of new titles to be used for residential purposes above those already existing. In this case, our client held six titles which were available for separate purchase.

*fax to
R.C.C.
(07124) 8091*

MAY 13 '88 11:39 PUKEKOHE TRAVEL NZ 0064 85 83613

P.2/2

2)

In this case, we are not sure how the contribution was assessed, and we would, therefore, request that information on the method of calculation be provided to us. We would also request that Council review this charge.

We would be happy to supply further information on any of the above points, or attend at a Council Meeting to give our client's views on this matter.

Yours faithfully,
BIRCH, MADSEN & PARTNERS



per: T.B. Madsen

Encl.

SP 1002

Mr Dean

16 December 1987

Messrs Birch Madsen & Partners
PO Box 177
PUKEKOHE

Dear Sirs

RE: SCHEME PLAN No. 1002 - F G HOSKING & SON LTD

You are advised that pursuant to Section 296 of the Local Government Act 1974, the Raglan County Council approves the variation of Scheme Plan No. 1002 into Lots 1-8 by the sub-division into Lot 1 of 47.4 ha, Lot 2 of 15.82 ha, Lot 3 of 8.4 ha, Lot 4 of 12.21 ha, Lot 5 of 12.3 ha, Lot 6 of 66.56 ha, Lot 7 of 86.19 ha, Lot 8 of 20.93 ha and Lot 9 of 13.15 ha, subject to the following conditions:

1. That a copy of the Survey Plan showing fences in relation to frontages be provided when the Land Transfer Plan is submitted for sealing and that where required by the County Engineer, fences on Road Reserve be re-located on the boundary.
2. That a Road up-grading contribution of \$4,000.00 be paid.
3. That a Reserves contribution of \$4,300.00 be paid.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GD:PEPA

SP 1002 9062

Mr Dean

1 December 1987

Messrs Birch Madson & Partners
P.O. Box 177
PUKEKOHE

Dear Sirs

SCHEME PLAN NO. 1002 - F.G. HOSKING & SON LIMITED

In reply to your letter of 19 October 1987 you are advised that pursuant to Section 279 of the Local Government Act 1974 the Raglan County Council approves the Scheme Plan of the proposed subdivison of part Section 10 and part Section 11 Block VI Awaroa Survey District SC 20 Block VII Awaroa Survey District Lot 1 DPS 33556 and Allotment 383-386 and Allotments 367-369 Parish of Whangape subject to the following conditions:

1. That a copy of the Survey Plan showing fences in relation to frontages be provided when the Land Transfer Plan is submitted for sealing and that where required by the County Engineer fences on road reserve be re-located on the boundary.
2. That a road upgrading contribution of \$3,000 be paid.
3. That Lots 2, 3, 4, 5 and 8 be classifed as Rural Residential for rating purposes.
4. That a reserves contribution of \$3,750 be paid.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GSD:AB

BRING UP	
ON	
TO	
INITIALS	
FILE	
DATE 8/1/88	
INITIALS	

1/3/88

RAGLAN COUNTY

SCHEME PLAN: Hosking, F.G. & Sons

S.P. 1040

Date: 1/3/88

1. Previous Subdivision S.P. 1002

The applicants' land is located to the west of the intersection of Wairamarama-Waikaretu Road and Waikaretu Valley Road. Council approved a subdivision of the applicants' land into 8 lots on 23 November 1987. Council subsequently approved a variation to the scheme plan to create 9 lots on 10 December 1987. Council's consultant planner prepared reports on these proposals dated 5 November and 25 November 1987.

2. Current Proposal:

It is now proposed to create a further lot shown as Lot 10 on Scheme Plan No. 1040. This area was previously shown as being part of Lot 1.

3. Variation of Consent:

Council can consider the proposal as a variation to its approval of Scheme Plan No. 1002 pursuant to Section 296.

4. Legal Description:

Part Section 11 Block VI Awaroa S.D. S.E. 20 Block VII Awaroa S.D., Lot 1 D.P.S. 33556 and Allotments 383-386 and Allotments 367-369 Parish of Whangape Block X and XI Awaroa S.D.

5. Area of Land to be Subdivided:

Lots subject to Variation 47.4 ha.

6. Number of Lots to be Created:

Previous S.P.	9
Variation to S.P.	10

7. Area of Lots to be Created:

Lot 1	39.7200 ha
Lot 10	7.6800 ha.

8. Frontages:

The revised Lots 1 and 10 have frontage to Waikaretu Valley Road.

1/3/88

9. Description of Land to be Subdivided:

The M.W.D. Land Resource Inventory Worksheets (N51,N55) describe the land as being mainly Class VIe11 and mainly VIe14. Class VIe11 is strongly rolling to steep slopes on basalt with 'Hamilton Ash' in places. Potential uses are intensive grazing and production forestry.

Class VIe14 is moderately steep to steep slopes on deeply weathered 'greywacke'. Potential uses are semi-intensive grazing and production forestry.

10. Description of Roads:

Waikaretu Valley Road is classified in the District Scheme as a Group B1 road, being a collector road which is or should be of a generally good standard and which provides important access into parts of the County.

11. Proposed Use of Lots to be Created:

The surveyor states that it has been difficult to sell Lot 1 because of its size. Lot 10 is physically separated from the remainder of the block and it is suggested that it could be used for a variety of grazing uses.

LOCAL GOVERNMENT ACT

12. Land Stability:

No information provided.

13. Services and Cash Contributions:

As a further lot is to be created an increased road upgrading contribution can be required under Section 321A. Based on the amount required under the previous consent an additional 500 could be required to give a total of \$4,500.

14. Frontage:

The requirements of Section 321 can be met.

15. Reserves Contribution (Sections 285, 286):

A further lot which would be used principally for residential purposes is being created and a reserves contribution under Section 285 can be required. Based on the previous consent the additional reserve contribution would be \$550 to give a total of \$4,850.

1/3/88

16. Zoning:

Rural

17. Subdivisional Standard:

The subdivisional standards for the rural zone are contained in Ordinance 01512 of the District Scheme and are commented on as follows:

The proposed variation does not affect compliance with the subdivisional standards contained in the District Scheme.

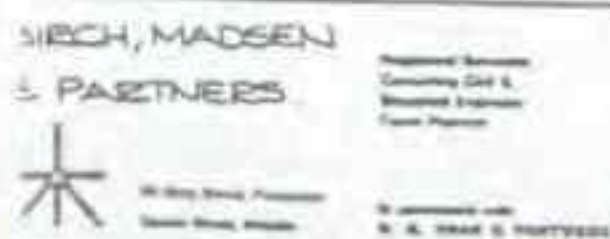
The proposed variation meets the requirements of the Local Government Act 1974 and the District Scheme and can be recommended for approval.

RECOMMENDATION:

"That pursuant to Section 296 of the Local Government Act 1974, the approval of Scheme Plan No. 1040 being a variation of Scheme Plan No. 1002 into 10 lots, Lot 1 being re-subdivided into two areas shown as Lot 1 of 39.72 ha and Lot 10 of 7.68 ha, subject to the following conditions:

- 1) That a copy of the survey plan showing fences in relation to frontages be provided when the land transfer plan is submitted for sealing and that where required by the County Engineer, fences on road reserve be relocated on the boundary.
- 2) That a road upgrading contribution of \$4,500 be paid.
- 3) That Lots 2, 3, 4, 5, 8 and 10 be classified as Rural Residential for rating purposes.
- 4) That a reserves contribution of \$4,500 be paid."

Stephen Colson
S.G. Colson,
County Planner.



COMPRISED IN: PT. CT 351/20, CT 351/22, CT 320/124, CT 309/24, CT 227/330, CT 224/332
LAND DISTRICT: SOUTH AUCKLAND
SEVEN/BLK 2 DIST. VI, VII, XI AHHUA
LOCAL AUTHORITY: RAGLAN COUNTY.
PREPARED FOR: F.G. HOSKING & SONS LTD

Advertisement	Date		No. Rep.
KITA 345068	11/97	Time SEPTEMBER 1987	
LITA 1210	1/88	Name _____	
		Genre _____	
		Talent _____	
		Chorus _____	S.2534
		Lead Song _____	

21/3/88

SP 1040

Mr Dean

21 March 1988

Messrs Birch Madsen & Partners
P.O. Box 177
PUKEKOHE

Dear Sirs

SCHEME PLAN NO. 1040 - F.G. HOSKING & SONS LIMITED

You are advised that pursuant to Section 296 of the Local Government Act 1974 the Raglan County Council approves Scheme Plan No. 1040 being a variation of Scheme Plan No. 1002 into ten lots, Lot 1 being resubdivided into two areas shown as Lot 1 of 39.72 hectares and Lot 10 of 7.68 hectares, subject to the following conditions:

- Paid 4/4/89.
Receipt 4543*
- 1) That a copy of the survey plan showing fences in relation to frontages be provided when the land transfer plan is submitted for sealing and that any fences on road reserve be relocated on the boundary.
 - 2) That a road upgrading contribution of \$4,500 be paid.
 - 3) That Lots 2, 3, 4, 5, 8 and 10 be classified as Rural/Residential for rating purposes.
 - 4) That a reserves contribution of \$4,500 be paid.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GSD:AB

BRING UP	
ON	
TO	
INITIALS	
FILE	
DATE	22/3/88
INITIALS	

21/2/88

SP NO: 1040

Carol Mitchell

21 January 1988

Birch Madsen & Partners
P.O. Box 177
PUKEKOHE

Dear Sir

RE: SCHEME PLAN NO: 1040 - F.G. HOSKING & SON LIMITED

Pursuant to Section 275 (3) of the Local Government Act 1974, receipt is acknowledged of Scheme Plan No: 1040 in respect of the proposed subdivision of PT. Sec. 11, Block VI, Awaroa S.D., S.E. 20, Block VII, Awaroa S.D., Lot 1, D.P.s. 33556 & Allots 383 - 386 & Allots 367 - 369, Parish of Whangape.

The payment for the inspection fee of \$55.00 is acknowledged.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

CM:TB

21/2/88

MEMO TO: County Engineer
FROM: Senior Administration Officer
DATE: 21 January 1988
SUBJECT: SCHEME PLAN NO: 1040 - P.G. HOSKING
& SON LIMITED

Please find attached a copy of the above scheme plan for your information and comment for the February Meeting.

Carol Mitchell
SENIOR ADMINISTRATION OFFICER

CM:TB

21/7/88

SP 1040

Carol Mitchell

21 January 1988

Messrs Murray North Partners Limited
P.O. Box 9041
HAMILTON

ATTENTION: J. OLLIVER

Dear Sirs

RE: SCHEME PLAN NO: 1040 - F.G. HOSKING & SON LIMITED

Please find enclosed a copy of the above scheme plan for
your perusal and report for the February Meeting.

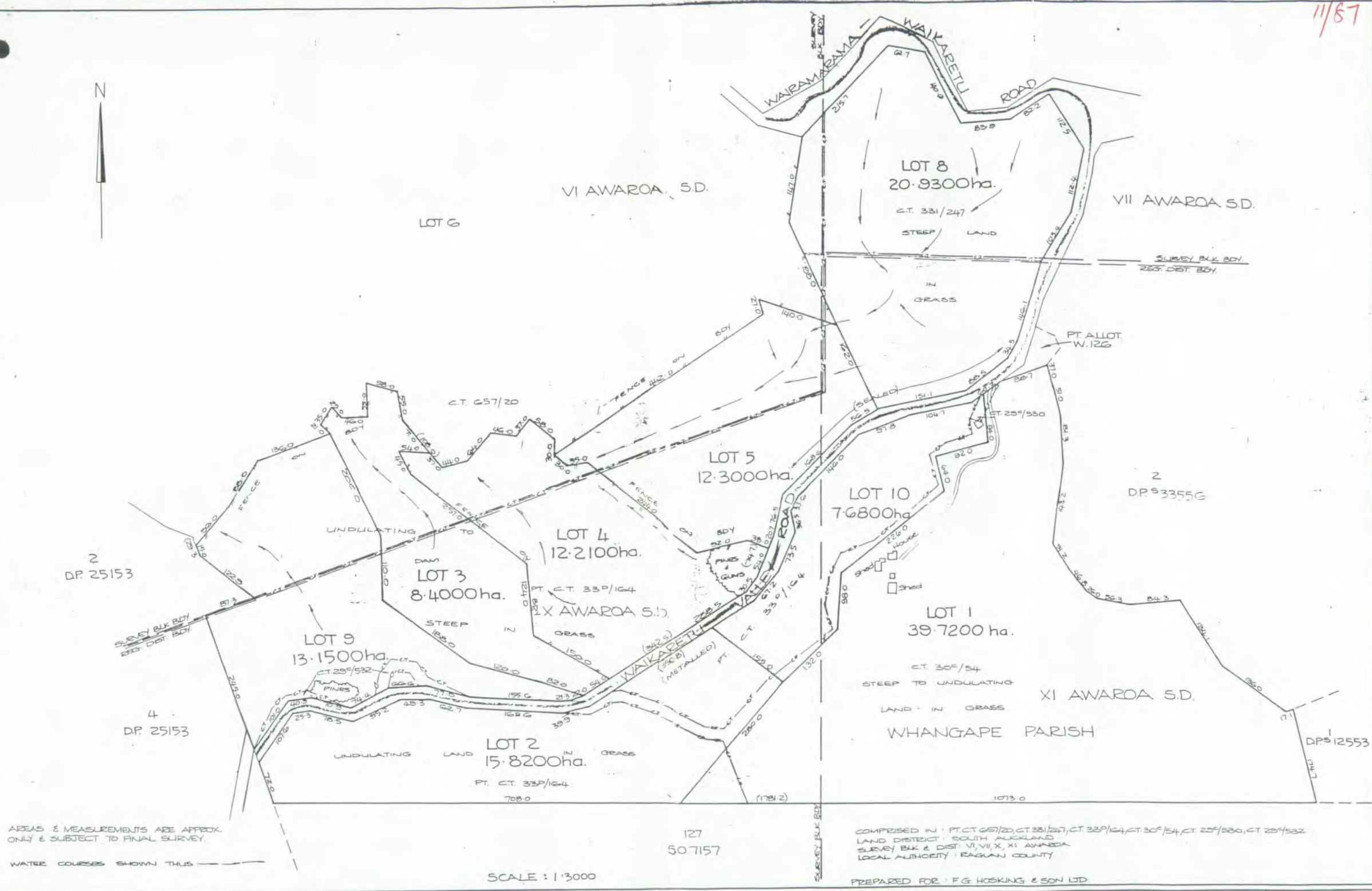
Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

CM:TB

Encl

11/87



AREAS & MEASUREMENTS ARE APPROX.
ONLY & SUBJECT TO FINAL SURVEY.
WATER COURSES SHOWN THUS ———

SCALE: 1:3000

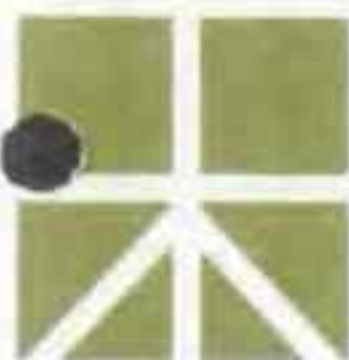
COMPRISED IN: PT. CT. 657/20, CT. 331/247, CT. 330/164, CT. 306/54, CT. 250/530, CT. 254/532.
LAND DISTRICT: SOUTH AUCKLAND
SURVEY BLK & DIST. VI, VII, X, XI AWAROA
LOCAL AUTHORITY: RAGLAN COUNTY
PREPARED FOR: F.G. HOSKING & SON LTD.

BIRCH, MADSEN & PARTNERS.
Registered Surveyors
Consulting Civil & Structural Engineers
Town Planners

84 King Street, Auckland
In association with
S. E. SOAR & PARTNERS

PROPOSED SUBDIVISION OF PT. SEC. 11, BLOCK VI, AWAROA S.D.,
S.E. 20, BLOCK VII, AWAROA S.D., LOT 1, D.P. 33556 & ALLOTS. 383 -
386 & ALLOTS 367-369, PARISH OF WHANGAPE

Amendments	Date	Date	File No.
LOTS 3, 4, 5, 8, 9	11/87	SEPTEMBER 1987	
LOTS 1 & 10	1/88		
		Survey	
		Design	
		Traced	
		Checked	
		Level Book	
			S.2534
			Sheet 1 of 2 Sheets



member of
D. N. BOAK
CONSULTANT
GROUP

BIRCH, MADSEN & PARTNERS

Registered Surveyors, Town Planners and Land Development Consultants

20/1/88
64 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-369

Principals:
D. A. LAWRIE, Dip.Surv., Dip.T.P., M.N.Z.I.S.
T. B. MADSEN, M.N.Z.I.S.

Our Ref. 2534
Your Ref. SP1002

20th January, 1988.

The Chief Executive Officer,
Raglan County Council,
P.O. Box 1,
NGARUAWAHIA.

Dear Sir,

RE: SCHEME PLAN NO. 1002 - F.G. HOSKING & SON, LTD.:

Further to our previous letters on the above subdivision, we are now forwarding a copy of our amended plan showing one additional lot.

This has been obtained by subdividing the land previously shown as Lot 1.

The agents working for our clients have found some purchasers' resistance to the size of the previous Lot 1. From this, it is evident that the Lot 1 shown on the amended plan will satisfy purchasers' requirements better than the larger lot. It has, therefore, been suggested that we remove the land adjoining the road from this block. This land is physically separated from the remaining portion of the property, and as such, would have been more difficult to farm as one unit.

It is, therefore, our client's request that Council approves the creation of Lot 10 as shown on this plan.

This new lot would have a number of grazing uses. It slopes to the north, and as such, will form sheltered and warm paddocks. We see this as being suitable for a number of grazing uses.

We now request that this proposal be placed before Council for their approval.

Yours faithfully,
BIRCH, MADSEN & PARTNERS

per: T.B. Madsen

Encl.

D. N. BOAK
CONSULTANT
GROUP

D. C. Airey
& Partners
Pukekohe
Takapuna
Howick

Birch, Madsen
& Partners
Pukekohe
Waiuku

D. N. Boak
& Partners
Takapuna

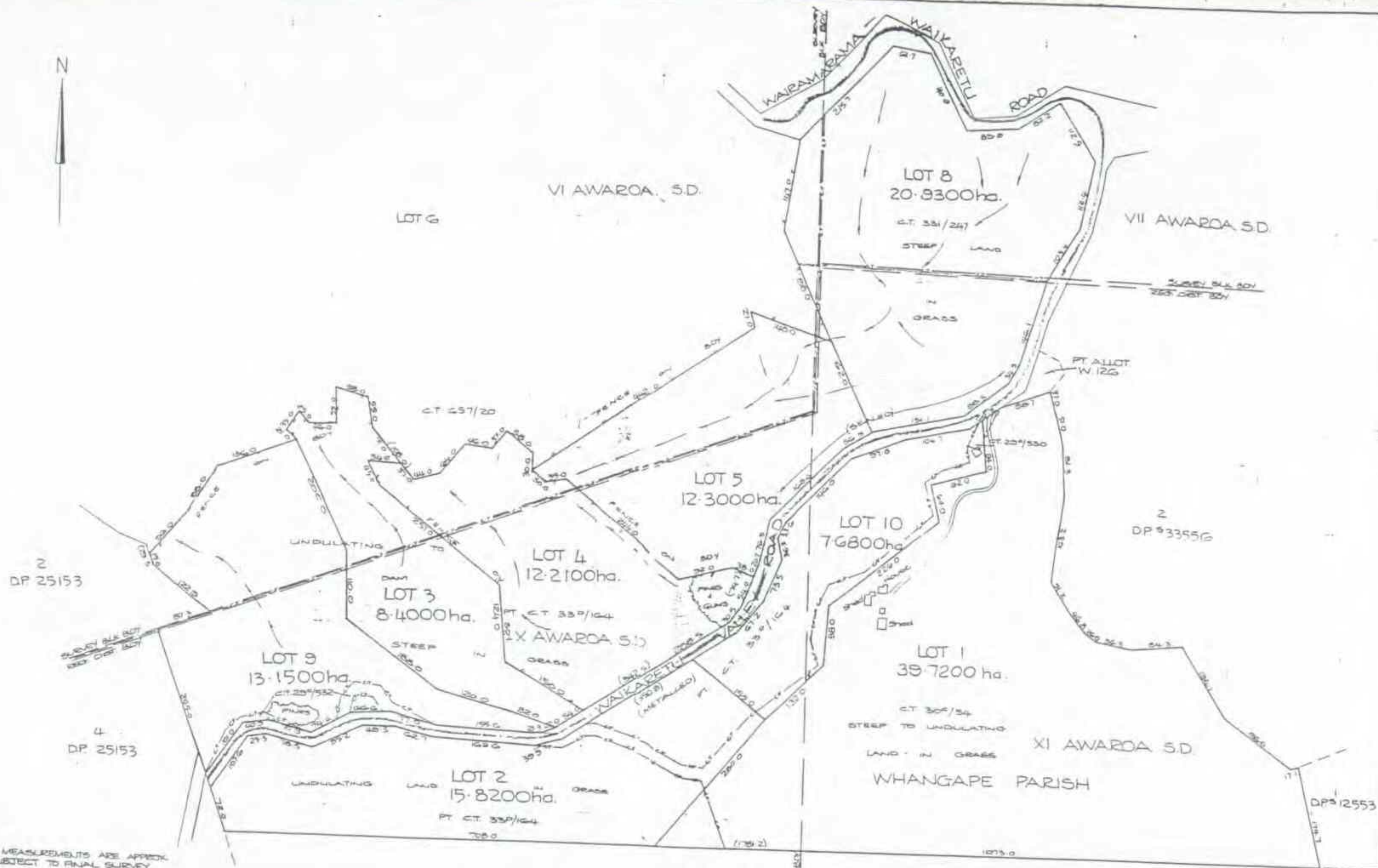
B. H. Brown
& Partners
Browns Bay

F. Easdale
& Partners
Howick

G. R. Matheson
& Partners
Te Aroha
Waihi

CONSULTING ENGINEERS • REGISTERED SURVEYORS • TOWN PLANNERS • VALUERS

11/87



AREAS & MEASUREMENTS ARE APPROX.
ONLY & SUBJECT TO FINAL SURVEY

WATER COURSES SHOWN THIS

SCALE: 1:3000

COMPRISED IN: PT. CT. 257/20, CT. 331/247, CT. 337/164, CT. 304/34, CT. 257/530, CT. 254/532
LAND DISTRICT: SOUTH AUCKLAND
SURVEY BLK. & DIST. VI, VII, XI, AWAROA
LOCAL AUTHORITY: RANGIARI COUNTY

PREPARED FOR: F. S. HOSKING & SON LTD

RCH, MADSEN
PAR 125.
K
All Map Plans, Particulars
Survey Plans, Plans
In connection with
S. S. HOSKING & SONS LTD

PROPOSED SUBDIVISION OF PT. SEC. 11, BLOCK VI, AWAROA S.D.
S.E. 20, BLOCK VII, AWAROA S.D., LOT 1, D.P.s 33556 & ALLOTS 383 -
386 & ALLOTS 367-369, PARISH OF WHANGAPE

Amendment	Date	By	For
10125 3, 4, 5, 6 & 9	11/87		
10125 1 & 10	1/88		
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S.2534

SP 1002 C1002

Mr Dean

14 June 1988

Messrs Birch, Madsen & Partners
P.O. Box 177
PUKEKOHE

Dear Sirs

SCHEME PLAN 1002 - F.G. HOSKING & SON

In reply to your letter of 23 May 1988, you are advised that pursuant to Section 305 of the Local Government Act 1974, the Raglan County Council hereby approves the Land Transfer Plan of the subdivision of Lot 1 DPS 33556 Allotment 367 and Allotment 384 and 385 Parish of Whangape, Allotments 383, 368 and 369 Parish of Whangape, Part Section 11 Block VI Awaroa Survey District and SE Section N20 Block VII Awaroa Survey District and the plan is returned herewith, signed and sealed with the Common Seal of the Council.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GSD:TB

BRING UP	
ON	
TO	
INITIALS	
FILE	
DATE	15/6/88



member of
D. N. BOAK
CONSULTANT
GROUP

BIRCH, MADSEN & PARTNERS

Registered Surveyors, Town Planners and Land Development Consultants

Principals:
D. A. LAWRIE, Dip.Surv., Dip.T.P., M.N.Z.I.S.
T. B. MADSEN, M.N.Z.I.S.

Our Ref. 2534

64 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-369



23rd May, 1988.

The County Planner,
Raglan County Council,
P.O. Box 1,
NGARUAWAHIA.

Dear Sir,

RE: SCHEME PLAN NO. 1002 - F.G. HOSKING & SON:

Further to Council's approval of our client's Scheme Plan, we are now forwarding our Land Transfer Plans for Council's approval.

In respect of these plans, we report that the proposals shown on our Scheme Plan were followed closely. At the time of survey, we were, however, asked to include two rights-of-way. This request was made so that the adjoining owners affected by these, could share a common entranceway if they considered it appropriate. The facility to have separate entrances still exists, and as such, they may still wish to form their own entrances in a different position. We, therefore, see no point in the formation of these prior to the new owners taking possession of these titles. Also as these rights-of-way are not required for title purposes, they have not been made conditional easements.

In respect of Council's Conditions of Approval, we note that objections have been lodged against most of these, and as such, we suggest that the compliance with these requirements be made after Council's decision on the objections have been made.

It should be noted that at this stage, the two larger lots on this development will be retained in one title. The purchaser of these may, however, wish to subdivide this at a later stage.

We would now request the release of the Section 305 Certificate. This is with the knowledge that any conditions imposed by Council are secured by withholding the Section 306 Certificate. It will, therefore, not be possible for our clients to deposit the plan without complying fully.

D. N. BOAK
CONSULTANT
GROUP

D. C. Airey
& Partners
Pukekohe
Takapuna
Howick

Birch, Madsen
& Partners
Pukekohe
Waikuku

D. N. Boak
& Partners
Takapuna

B. H. Brown
& Partners
Browns Bay

F. Easdale
& Partners
Howick

G. R. Matheson
& Partners
Te Aroha
Waikuku

CONSULTING ENGINEERS

REGISTERED SURVEYORS

TOWN PLANNERS

VALUERS

ACTION SHEET

NO: 6100
 FILE: SP1002

Mail Sighted: CEO MT Date 27/5

Part A: Records Officer Action

Copies: CEO ☐ CS ☐ CE ☐ CT ☐ CP ☐

Chairman ☐ Dep Chairman ☐

Other: _____

Acknowledge: YES/NO YES

Part B: Department Action

- a. CE ☐ Action by _____
- b. CS ☐ Action by _____
- c. CT ☐ Action by _____
- d. CP ☒ Action by _____
- e. CEO ☐ Action by _____

(Refer Action Directive on Source Document)

ACTION COMPLETED _____ Initial _____ Date _____

FILE: ☐

Part C: Department Subordinate to Action

To: (1) _____ (2) _____

- a. Please _____
- _____
- _____

ACTION COMPLETED _____ Initial _____ Date _____

FILE: ☐

Part D: Agenda

CS ☐ for _____ Agenda

CP ☐ for _____ Agenda

RC ☐ for _____ Agenda

2)

The early release of our plan will allow us to proceed with lodging these with the Department of Survey and Land Information.

Yours faithfully,
BIRCH, MADSEN & PARTNERS

T. B. Madsen

per: T.B. Madsen

Encl.

CEO TC INSTRUCTION	
TO:	<i>CP</i>
<i>for your action</i>	
<i>57/5</i>	
<i>[Signature]</i>	
DATE	CEO TC

16/12/87

SP 1002

Mr Dean

16 December 1987

Messrs Birch Madsen & Partners
PO Box 177
PUKEKOHU

Dear Sirs

RE: SCHEME PLAN No. 1002 - F G HOSKING & SON LTD

You are advised that pursuant to Section 296 of the Local Government Act 1974, the Raglan County Council approves the variation of Scheme Plan No. 1002 into Lots 1-8 by the sub-division into Lot 1 of 47.4 ha, Lot 2 of 15.82 ha, Lot 3 of 8.4 ha, Lot 4 of 12.21 ha, Lot 5 of 12.3 ha, Lot 6 of 66.56 ha, Lot 7 of 86.19 ha, Lot 8 of 20.93 ha and Lot 9 of 13.15 ha, subject to the following conditions:

1. That a copy of the Survey Plan showing fences in relation to frontages be provided when the Land Transfer Plan is submitted for sealing and that where required by the County Engineer, fences on Road Reserve be re-located on the boundary.
2. That a Road up-grading contribution of \$4,000.00 be paid.
3. That a Reserves contribution of \$4,300.00 be paid.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GD:PEPA

Handwritten notes:
Paid 11/11/88
Receipt 4593
Varied May
1988 - changed to
\$2015 + 16.5% which
was paid 11/11/88
Receipt 4593
A.H. Rogers

1/12/87

SP 1002 9062

Mr Dean

1 December 1987

Messrs Birch Madson & Partners
P.O. Box 177
PUKEKOHE

Dear Sirs

SCHEME PLAN NO. 1002 - F.G. HOSKING & SON LIMITED

In reply to your letter of 19 October 1987 you are advised that pursuant to Section 279 of the Local Government Act 1974 the Raglan County Council approves the Scheme Plan of the proposed subdivison of part Section 10 and part Section 11 Block VI Awaroa Survey District SC 20 Block VII Awaroa Survey District Lot 1 DPS 33556 and Allotment 383-386 and Allotments 367-369 Parish of Whangape subject to the following conditions:

- See by varied approvals.*
1. That a copy of the Survey Plan showing fences in relation to frontages be provided when the Land Transfer Plan is submitted for sealing and that where required by the County Engineer fences on road reserve be re-located on the boundary.
 2. That a road upgrading contribution of \$3,000 be paid.
 3. That Lots 2, 3, 4, 5 and 8 be classified as Rural Residential for rating purposes.
 4. That a reserves contribution of \$3,750 be paid.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GSD:AB

BRING UP	
ON	
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DATE 8/1/88	
INITIALS	

25/11/87

RAGLAN COUNTY

Scheme Plan: F G Hosking and Son Ltd

Ref: SP 1002

Date 25.11.87

1. Introduction

At its meeting on Monday 23 November the Council approved a subdivision of this land into 8 lots ranging in size from 13.02 ha. to 86.19 ha. The surveyors have now submitted an amended scheme plan and requested a variation to that approval.

2. Location

Adjoining Wairamarama Road and Waikaretu Valley Road.

3. Legal Description

Pt Section 11, Block VI, Awaroa SD. S.D.20, Block VII Awaroa SD, Lot 1 DPS 33556 and Allot 383-386 and Allots 367-369, Parish of Whangape.

4. Area of Lots to be created

Lot 1 -	47.4000 ha
Lot 2 -	15.8200 ha
Lot 3 -	8.4000 ha
Lot 4 -	12.2100 ha
Lot 5 -	12.3000 ha
Lot 6 -	66.6500 ha
Lot 7 -	86.1900 ha
Lot 8 -	20.9300 ha
Lot 9 -	13.1500 ha

5. Description of Proposal

Background information on the land was contained in our report dated 5 November. The amended proposal creates one additional lot by further subdividing the original Lot 3.

The surveyor states:

"Purchasers have been found for these two western blocks. The original one block was too large for either, and as such, the amendment has been made. The two new blocks are suitable for grazing purposes and are self-contained in all respects."

The variation also includes an adjustment of the boundary between lots 5 and 8. The surveyor indicates that this is so that the blocks can be better marketed.

6. District Scheme

The land is zoned Rural. The amendments do not affect compliance with the subdivisional standards.

25/11/87

7. Local Government Act

As all lots are likely to be used for farming purposes it is my view that a reserves contribution cannot be required.

As the additional lot will further increase traffic on Waikaretu Valley Road an increased road upgrading contribution can be required under Section 321A.

Recommendation

That pursuant to Section 296 of the Local Government Act 1974 the approval of Scheme plan reference SP 1002 into Lots 1-8 be varied by its subdivision into Lot 1 of 47.4 ha, Lot 2 of 15.82 ha, Lot 3 of 8.4 ha, Lot 4 of 12.21 ha, Lot 5 of 12.3 ha, Lot 6 of 66.56 ha, Lot 7 of 86.19 ha, Lot 8 of 20.93 ha, and Lot 9 of 13.15 ha, subject to the following conditions:

1. That a copy of the survey plan showing fences in relation to frontages be provided when the land transfer plan is submitted for sealing, and that where required by the County Engineer fences on road reserve be relocated on the boundary.
2. That a road upgrading contribution of \$4,000 be paid.


John Olliver
MURRAY-NORTH LIMITED

23/11/87

SP 1002

Mrs Mitchell

23 November 1987

Messrs Birch Madsen & Partners
P.O. Box 177
PUKEKOHE

Dear Sirs

SCHEME PLAN NO: 1002 - F.G. HOSKING & SON LIMITED

Pursuant to Section 275(3) of the Local Government Act 1974 receipt is acknowledged of an alteration to Scheme Plan No 1002 in respect of Lot 3.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

CM:TB

23/11/87

2387 = 1695

55,000 TL

By Cash/Cheque

(RECEIPT IS ACKNOWLEDGED OF AMOUNT PRINTED ABOVE)

RAGLAN COUNTY COUNCIL

Box 1
Telephone 8633

THIS RECEIPT IS NOT VALID
UNLESS RECEIPTED BY
MACHINE

114 Great South Road,
Ngaruawahia.

MISCELLANEOUS

RECEIVED from

BIRCH MASON & PARTNERS
HOSKING

Details of Receipt:

SP INSPECTION FEE

\$55.00

20/11/87

SP1002 9432

Mr Dean

26 November 1987

Mr B.F. Hosking
 Glen Murray
 R.D.5
TUAKAU

Dear Sir

Scheme Plan No. 1002

Receipt of your letter of 18 November 1987 is acknowledged and you are advised that whilst you may have been informed that the couriers had delivered your scheme plan to the Raglan County Council office on 20 October 1987, the scheme plan actually is stamped as being received by the Raglan County Council on 23 October 1987.

Whilst the Council has a general agreement with surveyors that plans received on the 20th of the month prior to the Committee Meeting which deals with town planning matters, will be dealt with by the Council at that meeting, it does not guarantee that this will be the case.

You will realise that in some cases complex scheme plans require a great deal of research and inspection procedures prior to a report being prepared by the Council's Town Planning Consultants and in many cases the time between the 20th of the month and the first meeting of the Council in the following month is limited.

The Council has been complimented on many occasions by surveyors for the prompt manner in which it deals with scheme plans received in the office and it is known that in many other authorities scheme plans take two to three months to proceed through other Council offices.

Council regrets that you may have lost a sale because of the fact that the scheme plan was not dealt with by Council on 9 November 1987 but considers that your contention that Council is responsible is quite incorrect in that the scheme plan was received only 16 days before that meeting and further the approval of the scheme plan does not confer upon the vendor the right to sell property, as following approval of the scheme plan, a land transfer plan has to be submitted to Council for sealing prior to issue of Title and this has not yet been submitted..

BRING UP

ON

TO

INITIALS

FILE

DATE 26/11/87

INITIALS

20/11/87

As a special favour and taking account of the request of Cr Mandeno the Council at its meeting of 23 November 1987 considered your scheme plan and passed it subject to certain conditions which have been advised to your surveyor.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

GSD:PB

19/11/87



member of
D. N. BOAK
CONSULTANT
GROUP

BIRCH, MADSEN & PARTNERS

Registered Surveyors, Town Planners and Land Development Consultants

Principals:
D. A. LAWRIE, Dip.Surv., Dip.T.P., M.N.Z.I.S.
T. B. MADSEN, M.N.Z.I.S.

64 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-369

Our Ref. 2534
Your Ref. SP1002

19th November, 1987.

The Chief Executive Officer,
Raglan County Council,
P.O. Box 1,
NGARUAWAHIA.

Dear Sir,

RE: SCHEME PLAN NO. 1002 - F.G. HOSKING & SON, LTD.:

Further to our application dated 19th October, 1987, we have now been requested by our clients to amend some of the boundaries.

These amendments are as follows:-

Lot 3: We have resubdivided the land in Lot 3 into two new blocks. These are shown on the amended plan as Lot 3 and Lot 9. A small portion of Lot 4 has also been included within these two new lots. This amendment to Lot 4 was to provide a better access to the two western blocks.

Purchasers have been found for these two western blocks. The original one block was too large for either, and as such, the amendment has been made. The two new blocks are suitable for grazing purposes and are self-contained in all respects. A good access point is available where the common boundary meets the public road. A track has already been formed in this position, and as such, will only require a small amount of work for either party to obtain permanent access to their blocks.

Streams pass through both blocks which can supply water for stock purposes. A dam is already situated on Lot 3 which can supply this requirement. A further water storage area can be made available on Lot 9.

D. N. BOAK
CONSULTANT
GROUP

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& Partners
Pukekohe
Takapuna
Howick

Birch, Madsen
& Partners
Pukekohe
Waiuku

D. N. Boak
& Partners
Takapuna

B. H. Brown
& Partners
Browns Bay

F. Easdale
& Partners
Howick

G. R. Matheson
& Partners
Te Aroha
Waihi

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19/11/87

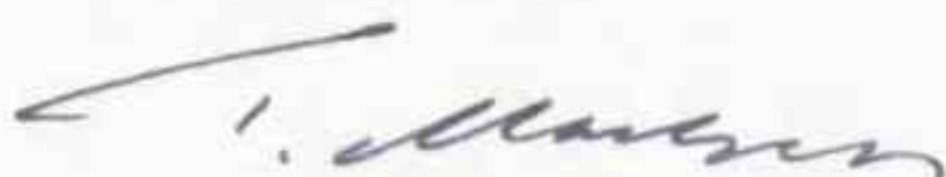
2)

Lot 5: We have reduced the area in Lot 5 by carrying the boundary of Lot 8 through to the Waikaretu Road. This amendment only moves a portion of Lot 5 into Lot 8, and as such, has no significant difference to the subdivision. It is, however, felt that both blocks can be better marketed in their present form.

We would now request that the amended plan be placed before Council for their approval.

The additional fee required for the new lot on this proposal, is enclosed with our application.

Yours faithfully,
BIRCH, MADSEN & PARTNERS



per: T.B. Madsen

Encl.

SP1002 18/11/87-9432

Glen Murray
R.D. 5

Inakau.

18th Nov 1987

The Chief Executive Officer
Baylen County Council.

Dear Sir,

As regards Scheme Plan submitted by Birch, Madsen & Partners for J.G. Hocking & Son Ltd. and was not on the agenda for Council consideration on the 9th November.

Our inquiry reveal that they were picked up from Birch, Madsen office and delivered to Council Office on the 26th Oct by a Hamilton Courier firm.

A Phone call by Mr. Madsen to Council Office three days later, was told that they were being processed, and in our view should have been on the agenda.

Whether or where ever the blame lies, it was entirely unsatisfactory from our point of view, and in fact lost us a sale of one block, land is not easy to sell these days and delays such as this, can be very costly, and of course we are very mindful of the long holiday break coming up and purchasers wanting to take possession.

We therefore, would be grateful if Council could give this Scheme Plan and its amendments urgent consideration at their next meeting on the 23rd November.

Yours faithfully
J.G. Hocking & Son Ltd
for J.G. Hocking & Son Ltd

ACTION SHEET

Number: 9432

File Ref: SP 1002

CEO/TC HR Date 2011

Routine Ack Letter YES/~~NO~~

Copies for:

CS ☐ CT ☐ CE ☐ CEO ☐

Other: _____

HOD to Action

To: es

a. Reply by 3011

b. Please Discuss ☐

c. Report Required ☐

d. Other _____

CS: for _____ Agenda

HOD Subordinate Action

To: _____

a. Reply by _____

b. Report required ☐

c. Please Discuss ☐

d. Also to see _____

RETURN TO RECORDS FOR FILING

SEC. 7

1008-2

11/87



LOT 7
86.1900ha.

VERY STEEP TO

UNDULATING LAND IN GRASS

VI AWAROA S.D.

VII AWAROA S.D.

LOT 8

CT. 331/247

LOT 6
66.6500ha.

VERY STEEP TO
UNDULATING LAND
IN GRASS

2
DP. 25153

AREAS & MEASUREMENTS ARE APPROX
ONLY & SUBJECT TO FINAL SURVEY.

WATER COURSES SHOWN THIS

CONSIDERED IN PT. CT. 657/20, PT. CT. 339/154
SURVEY BLK & DIST. VI & XI AWAROA
LAND DISTRICT SOUTH AUCKLAND
LOCAL AUTHORITY: EAGLAN COUNTY

PREPARED FOR F.G. HOSKING & SON LTD

SCALE - 1:3000

LOT 3

LOT 4

LOT 5

X AWAROA S.D.

XI AWAROA S.D.

WHANGAPE PARISH

BIRCH, MADSEN
& PARTNERS



54 King Street, Pukekohe
Queen Street, Waiuku

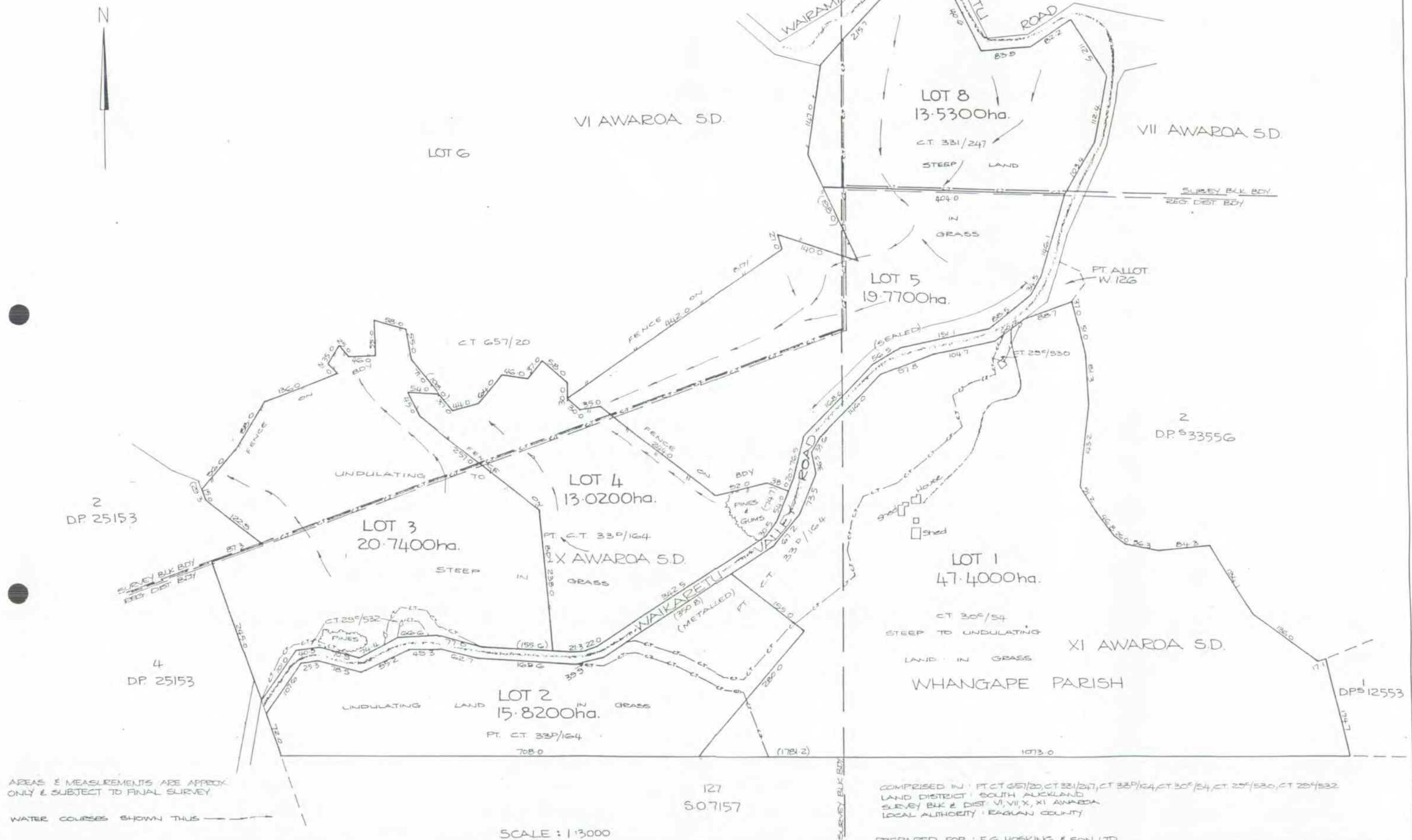
Registered Surveyors
Contouring Civil &
Structural Engineers
Town Planners

In association with
D. N. BOAR & PARTNERS

PROPOSED SUBDIVISION OF PT. SECTIONS 10 & 11, BLOCK VI
AWAROA SURVEY DISTRICT & PART ALLOT. 383
PARISH OF WHANGAPE

Amendments	Date	File No.
Survey	SEPTEMBER 1987	S.2534
Design		
Traced		
Checked		
Level Book		
Sheet 2 of 2 Sheets		

9/87



23/10/87

SP NO: 1002

Carol Mitchell

23 October 1987

Birch, Madsen & Partners
P.O. Box 177
PUKEKOHE

Dear Sir

RE: SCHEME PLAN NO: 1002 - F.G. HOSKING & SON LIMITED

Pursuant to Section 275 (3) of the Local Government Act 1974, receipt is acknowledged of Scheme Plan No: 1002 in respect of the proposed subdivision of PT Sec 11, Block VI, Awaroa SD, S.E. 20, Block VII, Awaroa SD, Lot 1 DPs 33556 & Allots 383-386 & Allots 367-369, Parish of Whangape.

The payment for the inspection fee of \$110.00 is acknowledged.

Yours faithfully

A.H. Rogers
CHIEF EXECUTIVE OFFICER

CM:TB



member of
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T. B. MADSEN, M.N.Z.I.S.

BIRCH, MADSEN & PARTNERS

Registered Surveyors, Town Planners and Land Development Consultants

64 KING STREET
PUKEKOHE
P.O. BOX 177
TELEPHONE 86-369

File: . 2534

Date: 19/10/87

REPORT TO ACCOMPANY SCHEME PLAN No. RAGLAN COUNTY

Owner . . . F.G. HOSKING & SON, LTD. Address . . . WAIKARETU VALLEY ROAD

Description . . AS SHOWN ON PLAN

C.T. Ref. AS SHOWN ON PLAN

Blk. . VI, VII, X, XI AWAROA . S.D. SOUTH Auckland Land District

Local Name of Road . WAIKARETU VALLEY ROAD & Controlling Authority . R.C.C.
WAIKARETU VALLEY ROAD

Zoning under District Planning Scheme . RURAL

Purpose of Subdivision . IS TO DEVELOP THE PROPERTY INTO A NUMBER OF BLOCKS

Topography . . AS SHOWN ON PLAN

Soil . . LOAM ON CLAY

Roading

Widening / Building Line

Drainage Stormwater . . GOOD NATURAL Sewer . . SEPTIC TANK

Easements

Reserves

Valuation

Comments: Our clients are the owners and occupiers of the land shown on our enclosed Scheme Plans. This property is farmed by them for sheep and cattle.

It is proposed to sell the property due to financial problems. It was apparent that our clients would have difficulty in selling the property in one block, and as such, we are now proposing to rearrange existing six titles on this property into a total of eight blocks. In deciding on the proposed boundaries, the property was viewed so as to ensure that more parcels were practical and could be farmed as individual units.

We, generally, followed existing fence lines wherever possible, to ensure that costs were kept to a minimum. This design has resulted in a range of block sizes. The two northern blocks are quite substantial in area. We view these as being of the type suitable for the grazing of sheep. The southern blocks are, generally, smaller, and as such, have a wider range of uses, due to the easier contour of this land. Some of the smaller blocks would be suitable for deer or the farming of goats.

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Te Aroha
Waihi

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goats.
e of the
ve a wider
- sheep.
1 area.

2)

We have shown the existing title boundaries on our plan, and as such, it can be seen that some of the titles are only receiving a small adjustment. This being, generally, to follow existing fence lines which, in most cases, were erected on practical lines. We have also ensured that a good supply of stock water is available in each of the blocks. Some dams have already been formed on portions of the property. In these cases, they have been shown on the plan.

From the plan, it is evident that both the public roads are considerably wider in places. This action was taken at the time when the initial surveys were carried out on these blocks. We have indicated on the plans the approximate position of the road formation. The road fences adjoining these, have however, not been shown due to their very irregular nature. It has been the practice in this type of country to place the fence lines on the best possible lines. It is, therefore, suggested that these be allowed to remain in their present positions, as the movement of these would be difficult and could, possibly, encourage erosion.

It is, therefore, suggested to Council that the physical fixing of the fence positions will be a costly waste of time to our client, and as such, we would request that this not be made a condition of council's approval.

We have inspected the roading adjoining this property, and find that, in most cases, it is adequate to service the present and future requirements in this area. We, therefore, see no necessity for the upgrading of this and would, therefore, request that no upgrading contribution be required on this development.

We would now request that this proposal be placed before Council, so that our client can adjust his titles and present his property in saleable portions.



.....
T.B. Madsen
Regd. Surveyor