

## Asha Harry

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**From:** BUS: Assurance  
**Subject:** FW: Kio Crescent and 110 Te Anau Road

**From:** [REDACTED]  
**Sent:** Friday, 19 June 2020 2:20 PM  
**To:** Raewyn Picken  
**Subject:** RE: Kio Crescent and 110 Te Anau Road

Raewyn

Please revert with an answer for the below question. I APPRECIATE THIS IS LEGAL BUT PLEASE FOLLOW UP – THIS IS VERY IMPORTANT AS ALL KIO RESIDENT RATEPAYERS OPPOSE AND YOU CAME BACK TO 110 WITH A APPROVAL FOR A PERMIT BASED ON THIS 110 NEEDS A ROW BUT HIS TITLE ALREADY SAYS HE HAS A RIGHT OF WAY SO WHY ANY NEED TO APPROVE A PERMIT ON THIS BASIS? –

Also 110 Te Anau title has clearly stated

- K3396 Conditions of consent by the WCC to the granting or reserving of rights of way over Lot 49 DP7425 (AKA kio crescent) AS APPURTENANT TO THE LAND HEREIN BUT AS NOT APPURTENANT TO ANY SUBDIVISION THEREOF
- K14675 condition of concent by the WCC to the granting or reserving of rights of way over Lot 49 DP7425 (AKA kIO cRESCENT) AS APPURTENANT TO ..... BUT NOT APPURTENANT TO ANY SUBDIVISION THEREPF
- Hi Raewyn
- 
- Thanks for getting back and onto this.
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- So the question still remains for all Kio residents:
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- If 110 obtains a private legal right of way across Kio through the high court, given all Kio residents opposition and reasons for not granting an encroachment licence will you, the counvil, then retract or at the very least re review the approval of tgat encroachment license if no need for it as a private right of way on their title will exist. Please advise a straight yes the reasons or no the reasons.
- 
- Thanks
- [REDACTED]

Sent from [Mail](#) for Windows 10

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**From:** [REDACTED]  
**Sent:** 15 June 2020 17:03  
**To:** [Raewyn Picken](#)  
**Subject:** Re: Kio Crescent and 110 Te Anau Road

Hi Raewyn

Thanks for getting back and onto this.

So the question still remains for all Kio residents:

If 110 obtains a private legal right of way across Kio through the high court, given all Kio residents opposition and reasons for not granting an encroachment licence will you, the council, then retract or at the very least re review the approval of that encroachment license if no need for it as a private right of way on their title will exist. Please advise a straight yes the reasons or no the reasons.

Thanks

[REDACTED]

On Mon, 15 Jun 2020, 16:45 Raewyn Picken, [REDACTED] wrote:

Hi [REDACTED]

Council's approval was approved on a common law right called frontager rights. This is a private legal right that vests in owner(s) of land where that land adjoins legal road. Unfortunately, Council cannot stop owners of land accessing legal road (formed and unformed road) from their property as it is their legal right. The owners may be attempting to negotiate a private right of way rather than undergo with this proposal.

Kind Regards

**Raewyn Picken**

Encroachments Team Leader | Property | Wellington City Council

W [Wellington.govt.nz](http://Wellington.govt.nz) |

**From:** [REDACTED]  
**Sent:** Friday, 12 June 2020 3:25 PM  
**To:** Raewyn Picken  
**Subject:** Re: Kio Crescent and 110 Te Anau Road

Please do Raewyn as he got council approval based on not having legal ROW yet this will give him legal ROW and thus no need for permit on that basis and then council will be able to take into consideration all of those views ie every ratepaying resident compromising the whole crescent. Looks like he duped the council first!

On Fri, 12 Jun 2020, 15:20 Raewyn Picken, [REDACTED] > wrote:

Hi [REDACTED]

I'm sorry but this is a legal question which I'm unable to answer immediately, I would need to seek advice.

Kind Regards

**Raewyn Picken**

Encroachments Team Leader | Property | Wellington City Council

W [Wellington.govt.nz](http://Wellington.govt.nz) |

**From:** [REDACTED]  
**Sent:** Thursday, 11 June 2020 1:08 PM

**To:** Raewyn Picken  
**Subject:** Kio Crescent and 110 Te Anau Road

Morning Raewyn

Advise please.

As discussed the bottom line as we all now know (despite very strong opposition from all kio residents) was that council approved that permit to 110 Te Anau road on the basis that they hadn't legal access across Kio Crescent so the council had no choice but approve as an initial 'paving the way' to build a new road.

My question is if they had a legal right of way set in stone at the highcourt to have full access to their property would you have been able to not approve ?

Further if we gave them full legal access would you be able to retract your approval as then np basis on which they require it?

Please advise as they have now served legal papers on us all to get legal right of way across the crescent which if granted negates their initial argument to build a whole new road.

Please reply as soon as possible.

Kind regards

