

## Kim Hammond

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**From:** Governance Support  
**Subject:** FW: Notice of Motion  
**Attachments:** Fw: Signed notice of motion attached ; Fw: Recind motion of June 28 Access to Kauri Dam

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**From:** John Vujcich  
**Sent:** Wednesday, 19 June 2019 10:35 AM  
**To:** Shaun Clarke; Hon John Carter QSO  
**Cc:** Mate Radich; Kelly Stratford; Dave Hookway; Felicity Foy; [vujcichj@gmail.com](mailto:vujcichj@gmail.com)  
**Subject:** Notice of Motion

Shaun, John,

Do we have a paper coming to the next Council meeting with the recommendation rescinding our decision of 28<sup>th</sup> June 2018 to take a right-of-way over the "dogleg"?

To ensure that such an agenda item is included in the next Council meeting, I hereby formally make a notice of motion

**That Council rescinds the Council decision of 28<sup>th</sup> June 2018 Item 4.1 (under separate cover) part a) stated as follows:**

***"That Council :***

***a) Proceeds with the regularisation of the right of way easement to regularise the access over the pipeline easement, by variation and extension of easement over 4D to ensure that vehicle access does not encroach on land not included in the right of way over the pipeline easement and pays any compensation as determined by a registered valuer or as determined by a Court."***

*The reasons are:*

- 1) Council legal adviser George Swanepoel has already notified the Maori Land Court stating "Council will formally file an application with the Court to withdraw A20180004178 after the Council meeting on 27<sup>th</sup> June 2019 where it has been recommended that Council rescind its resolution to seek to acquire an easement over the 'dogleg'". It would be prudent therefore to do as promised to the court.***
- 2) We have a Court case coming on the 8<sup>th</sup> July and taking this action would, I'm sure, help our case.***
- 3) The Maori Land Court has ruled that we do not have a right of way over the pipeline easement, which means we no longer have any legal access to the "dogleg" and no use for the dogleg.***
- 4) We already have a legal right-of-way and have recently upgraded it to an all-weather access road.***

Elected members supporting this notice of motion are: cr Kelly Stratford, cr Dave Hookway, cr Felicity Foy, cr Mate Radich.

I will send through later today their formal response.

Regards

John Vujcich