

[REDACTED]

9 October 2025

Tēna koe [REDACTED]

Response to your official information request

I refer to your official information request dated 25 September 2025.

"Any written reports, advice, enquiries or investigations started by Herenga ā Nuku Aotearoa, the Outdoor Access Commission, between 1 September 2023 and 1 September 2025 about access on unformed legal roads at Waikaraka, Tamaterau and Mr Tiger in Whangārei."

Following a discussion, it was agreed on 26 September 2025 that:

"we can provide you with the case logs of the cases that fall in the criteria you have specified below. The logs will provide a chronological summary of the cases. If you would then like any further information such as emails, reports, advice etc from the cases we can provide them."

*Also to clarify that we you [sic] would like the case logs of cases which were **opened** between 1 September 2023 and 1 September 2025 involving access on unformed legal roads at Waikaraka, Tamaterau and **Mt** Tiger in Whangārei."*

This information is enclosed.

You have the right to seek an investigation and review by the Ombudsman of this decision. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Please note that it is our policy to release our responses to official information requests where possible. Our response to your request will be published shortly at <https://www.herengaanuku.govt.nz/our-work/about/disclosure/official-information-act-responses>, with your personal information removed.

Nāku noa, nā



Kirsti Douglas
Acting Operations Manager

Encl. File notes – New Access: [AS11786] Cartwright
File notes – Quick Query: [AS18730] Waikaraka
File notes – Access dispute: [AS18842] ULR Waikaraka

File notes - New Access: [AS 11786] Cartwright

Entered On	File Note
19/02/2024 9:05	Previously dealt with under Northland W+C. Created case. ULR issues with NRC attitude to managing access to adjoining forest ..H&S/Fire. Bluff and bluster will have to change. WDC is aware of our concern. Positive meetings with NRC staff Phil/Donna.
26/01/2024 15:48	Inspection Bike Nld. NRC reps Chris Beard Kauri Biosecurity Donna Property Phil Heatly Manager-24.01.24 Long standing debate over access re NRC/WDC lock out of access to W+C groups. NRC now have legal opinion supporting Herenga a nuku Aotearoa position. So a relaxing and providing of access under consideration. NRC will allow use on the NRC forestry land if W+C groups concede some bylaws. NRC gains positive relationship and no motorized vehicles etc. NRC could facilitate negs with [REDACTED] ie private landowner under their existing quid pro quo agreement. NRC would have to strip valuable trees off the ULR to provide the W+C access if confined inside the ULR corridor. W+C groups gain access under terms that are common in production forests over private land that makes the ULR functioning practical etc/as does WDC.
26/01/2024 16:01	Draft set of options Commercial Forest Recreational Use (SA Notes).docx
25/03/2024 10:01	Phil Heatley of NRC the Forestry manager is not responding to email or phone call. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/56863 He has not met his self imposed deadline of early march. After a decade of the NRC denying access and staunching the W+C community out I wrote to Jeff Devine re moving the locked gate and opening access. Ideally this will motivate Phil and the NRC politicians to engage more.
25/03/2024 10:22	Phil Heatley NRC responded with a negative reply re access. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/56866 Requested Jeff Devine NTA still address the ULR issue ie denied access due to a locked gate.
2/04/2024 9:46	Jeff D NTA/WDC requested a meeting with W+C interests. Written to them requesting a meeting. Jeff on AL till 8.04. Request from Jeff owner of locked gate on the road and its legality. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/57580 https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/57586
8/04/2024 9:02	Stephen n Ric met with RFA online. Good full disc on all nuances. Requested WAMs Map. https://maps.herengaanuku.govt.nz/Viewer/?map=3251f2eb95ca4c7191e3c1248ed79e66# Aerial layer n tracks doesn't show track as complete although ULR is. https://maps.herengaanuku.govt.nz/Viewer/?map=3251f2eb95ca4c7191e3c1248ed79e66#

	LINZ Topo shows Waikaraka WW entire. Northland regional Council NRC hold most land to the NW of the bottom ULR or between the two ULR. Whangarei District Council has two land holding water and forestry. DOC PCL adjoins in two place Maungatika Reserve being the larger.
12/04/2024 9:54	Yesterday met with Cr Gavin Benny WDC. A strong advocate and supporter. reminded RFA that the WDC has already approved and supported recreational use in the area. He advised that the issue should be dealt with politically in response to RFA update. he knows and will arrange a meeting with Geoff Crawford Chari NRC. This should be beneficial as he is on record as supporting greater use/access.
12/04/2024 10:00	11.04.24 met with Nick NTA re the emerging issues at Cartwright road. He suggested a meeting with Jeff Devine Roads Manager, Cr Simon Reid Chair Infrastructure Committee and the General manger Infrastructure Jim Sefton. Awaiting invite.
30/04/2024 8:19	Called for a user group meet Friday at De Luca re risks and issues. Gauge feel re moving fwd. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/61988
7/05/2024 12:25	Met with MTB and Bike Northland at Deluca (Tramping club were to be online). General agreement not to push too hard as we have what we want now if not formally endorsed by NRC. A desire to formalize the rights to clear and maintain the ULR especially the more western one. RFA to talk to Jeff Devine NTA to see what's required. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/63620 A desire to see kauri dieback measures implemented by Chris beard NRC. Pref 4 locations. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/63619
3/06/2024 10:09	End of Quarter 31.05.24 Considerable effort invested. This 15-20 year debate is unlikely to be resolved easily as the NRC has changing chairs and volatile politics. Met with users groups. Met with NTA/WDC re roads issues (Trees planted and steel gate locked). Met privately with Cr Benny to advance matters. Can only be described as a work in progress.
2/07/2024 8:31	Uploaded Cartwright Rd Paper re LIM/PIM note for property file. After limited engagement/change the only way to protect community interest is a note to property file. WDC may not note it to file but the ULR is blocked by trees and gate. At this stage with no authorisation.
3/07/2024 11:51	Met with s 9(2)(a). Discussed the options and recent actions re file note for LIM/PIM. He had not much further to say but agreed a political solution inside NRC was pref option given staff intransience. Recommended where possible retaining Jeff Devine relationship given his importance to other access issues elsewhere...but agreed his political balancing act approach makes this challenging.
4/07/2024 9:29	WDC have assigned a case number to the PIM/LIM note fwd to them. My professional opinion they need to note to file regarding this as there is legal and financial risk associated ie via due diligence a developer (PIM) or purchaser (LIM) should be appraised of risk re for eg RC a RC application. potential Increased costs and risks are associated. Request Tracking Number: RDG2418913.XPP Detail: Access restricted by gate on unformed legal road. See Attachments for email. Address: Mt Tiger Road Onerahi 0192

	https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/70757
31/07/2024 7:56	Sent follow up email to WDC re the RDG2418913.XPP query of PIM/LIM Property File note. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/74047
31/07/2024 8:06	Met with NRC Crs Amy MacDonald and Jack Craw (nominally green) re access into the NRC Forest last week. They were strongly against re the flora fauna values, H&S, risk of fire to forest, lack of resources especially staff to manage etc. I indicated the locked gate and the planted trees on the ULR were not legalised and a quid pro quo of access might be a fair resolution. They remained questioning so sent email with Herenga a nuku Aotearoa information re this. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/74024
31/07/2024 9:47	Wrote emails to Jack Amy (NRC Crs) Jeff Devine (WDC) re meeting and negotiating. trying to maintain momentum and pressure.
12/08/2024 10:55	Jack and Amy politely replied. Jack remains staunch re no access. Going to staff and NRC meeting awaiting the outcome. Updated W+C interests. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/74348 [REDACTED] suggested talking to Kiwi Coast ie positive watchers better than what's there now... https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/75637
12/08/2024 11:38	Positive discussion with [REDACTED] s 9(2)(a) the Kiwi Coast Happy re access. Agrees needs for car parks, rules/signage need for kauri dieback measures. Keen to work collaboratively with all if this can be arranged. Understands the legal issues re the ULR. Some concerns re inappropriate behaviour including rubbish, pig hunters who aren't authorized or kiwi aversion trained. Concerns re track creation and management re weeds spread/damage to rare or valuable species. Updated all Kia ora tatou Spoke with [REDACTED] s 9(2)(a) from Kiwi Coast- Positive discussion. Her major concern was no discussion or consideration of neighbours especially at the top end. She sees no major problem directly re W+C interests activity in the Cartwright Rd/Mt Tiger area. She understands the legal rights re ULR access. She however also sees the value in the steel forestry gate limiting access to motorised recreational pursuits. The however is she sees public access needs to be responsible access - needs for car parks, - rules/signage rubbish out - need for kauri dieback measures. - Biodiversity values – kiwi n flora Keen to work collaboratively with all if this can be arranged. She's averse to a confrontational approach.

	Some understandable concerns re inappropriate behaviour including rubbish, pig hunters who aren't authorized or kiwi aversion trained, track creation and management re weeds spread/damage to rare or valuable species etc. My thoughts at some point we need to get together and agree what's possible. I'm not sure for eg that she's aware of the 15 or so tracks already in existence ie risks but also opportunities for trapping etc. She is aware that there is significant community use of the area that is currently not managed which could be improved. NB the above is my version of what's been said...her take is bound to vary to some extent.
10/09/2024 9:04	RFA has had several phone discussions and some email traffic between MTB/Walking interests. In particular s 9(2)(a) . https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/77974 Both parties seem to be at loss as to how to advance. There are destructive means that will bring the 20 yera issue to a head and it seems the NRC is frustrating all to use this approach. Ultimately that will be a loss for all as the locked gate if removed will allow motorised users in. This will ruin the amenity value for MTB/Walking interests and place the forest at risk ie the original reason for the gate.
4/09/2024 9:07	Requested update from Jeff Devine WDC Roads Manager https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/79327
6/09/2024 10:15	RFA received an update / non update from Jeff Devine Transport Manager WDC. Advice he would again contact the NRC. RFA said if we cant resolve to claw back legal rights becomes the priority! (ie if a negotiated resolution cant be achieved). https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/79795
10/09/2024 9:06	RFA queries how do we advance. Review the sent email several weeks ago....discus with s 9(2)(a) s 9(2)(a) n s 9(2)(a) . https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/77974
9/10/2024 11:40	End of Quarter Summary WDC have been requested to take action re NRC gate and conflict over ULR. No Action. Community of users remain concerned and unhappy. At a loss re next actions which seem counter productive ie removing gate and allowing full access via involving Ric Cullinane as offered. However the current stand off perpetuates a 20 year issue.
27/10/2024 12:31	RFA updated request to WDC automated responses re locked gate. RFA formally asked Jeff the WDC Roads Manager to remove the gate. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/88897 RFA received WDC acknowledgement https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/88901
22/11/2024 12:35	RFA asked the Road Manger WDC to remove the locked gate from the ULR as no owner is known and it is illegal. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/93102
13/12/2024 9:45	Further RFA/Mary Anne discussion has agreed we are able to pursue legalisation. Mary Anne Seeking formal record of this. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/96058

17/12/2024 8:55	RFA engaged with user groups in regard to the ex s 9(2)(a) access granted after purchase by s 9(2)(a). Proposed s 9(2)(a) lead. All participate so well rounded. Agreement to point out the irony of overseas owner granting access. Irony of non public owned forests elsewhere available to the public etc.
12/12/2024 10:38	End of Quarter RFA has further engaged with WDC Roads Manager Jeff Devine. Unfortunately no response.
9/01/2025 14:06	09.01.25 The pre Christmas joint press release went well. Agreed and sent out. s 9(2)(a) wants to write a story. s 9(2)(a) phoned and engaged verbally in January. Subsequently a meeting was agreed for onsite. s 9(2)(a) WTC and myself with s 9(2)(a). s 9(2)(a) invited club members to attend. 07.01.25 Myself and s 9(2)(a) formally interviewed. (NB others spoken to). Photos taken. s 9(2)(a) said she would contact Phil Heatley NRC for comment. RFA contacted for further information by s 9(2)(a) on 09.01.25 for further information. Supplied via email. She asked for factual information which was in files/emails. Given OIA I supplied but said if she wanted all or personal data she would need to do a formal OIA. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/98933
9/01/2025 16:51	RFA emailed Mary Anne clarifying inquiry about conditions of land transfer NHB to NRC. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/99029 RFA engaged with WTC Whangarei Tramping Club and Whangarei MTB Club. And Bike northland about a users group meeting. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/99028 RFA proposed meeting with WDC Crs especially Gavin Benny given its WDC not acting legally
10/01/2025 8:32	RFA developing a word document re gates on the ULR(s) between Cartwright road etc and Mt Tiger/Mt Taika road. The ULR(s) blocked by locked forestry style gates believed to be owned by NRC or their forestry manager.
23/01/2025 10:26	RFA engaged with Ops Manager Kirsti re why the \$ weren't spent on signs etc as funded by WAC. Explained. NRC and actual access concerns not resolved 10 years ago and still the same today. RFA asked Kirsti for online meeting to see if Ric would engage with WDC re locked gates on the ULRs ref to in the Cartwright Rd case. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/101241
27/01/2025 12:39	RFA engaged with Jeff Devine Transportation Manger WDC to update re meeting with users and the growing frustration. RFA indicated the CE to CE engagement likely as resolution at our level no longer seemed achievable. The downside is a local sensible compromise can't be achieved. The strict legal situation doesn't help NRC nor the passive recreational user public. The issue is the risk of motorized sports such as Moto Cross and 4x4. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/102031 The RFA also contacted the Communications Manager Stephen day re prosecutions policy re locked gates ULR. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/101998 Stephen replied that there he did not write the policy and RFA indicated All good.

	I don't think that will be legal action by us or any other agency. My interest I wanted to know what policy and if there was procedure n advice when things get sticky which they certainly are. Advised yes Kirsti is aware n yes I will be seeking your advice etc as part of the proposed approach is to see if Ric will show interest/exert some influence CE to CE. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/102103 RFA advised on the community strategy ie • RFA to Roads Manager - I've also just sent an email to the roads manager for WDC as was agreed in the community meeting. • Community reps n the sport clubs are going to exercise their influence with district councilors especially those of W+C interest/persuasion. • then to meet back.
28/01/2025 11:50	RFA responded to Stephen and Kirsti's advcie re no enforcement angle for Access commission re ULR. Seeking policy procedure what's best practice to get the best result fastest. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/102234 Still need to draft a for Ric CE to CE.
28/01/2025 11:52	RFA indicated concern re case situation to Jeff Devine WDC and copied Phil re obstruction on ULR - locked gates/fences/commercial forestry. RFA was more specific in direct correspondence to Phil NRC. Basically indicated last chance to negotiate pre Ric's involvement which would be on legal lines. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/102233
28/01/2025 11:56	RFA wrote to Chris Beard re proposed Kauri Dieback Measures. Congratulated. Recommended meeting to clarify community advice to get best result. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/102232
28/01/2025 12:27	RFA was advised by Caley WDC no NRC engagement! Contrary to news item's comment by Phil Heatley NRC. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/102236 It appears as community suspected NRC were loose with accuracy.
29/01/2025 10:26	RFA drafted a CE to CE letter based on David's letter re out of scope case. RFA fwd to stakeholders for feedback. Sent to Kirsti and Stephen in Wellington for feedback. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/102407
31/01/2025 9:59	RFA to meet Biosecurity Manger NRC re the Kauri Dieback issue on the ULR in the vicinity. Noted the attendance of the Property Manager and don't understand as all construction is on the ULR ie Transportation Manager at WDC should be present.
31/01/2025 11:45	RFA responded to Caley the WDC W+C co-ordinator. Offer of gates or squeeze bars to facilitate access but still the ULR obstructed.

	RFA advised full legal solution as required of him has some losses for W+C interests. However NRC has been unwilling to offer compromises - so no legal off the books solution could be negotiated and the fallback is LEGAL minimum. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/103197
3/02/2025 9:10	RFA was replied to by both s 9(2)(a) (Bike NLD) and s 9(2)(a) (Whangarei Tramping Club) that the supported the strong letter. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/103287
4/02/2025 13:28	RFA was invited to and attended a meeting with NRC supposedly re Kauri dieback stations. However Donna the NRC property manager was present (all property sites are WDC not NRC). The majority of the discussion was about the current tension and possible resolution. Unfortunately NRC don't appear to wish to relax their position of some 20 years. Standoff. Very cordial. I shared my personal information notes re "obstacles" and indicated it lacked the trees.
6/02/2025 9:31	RFA was invited by Caley WDC to comment on her agenda item re Cartwright road. RFA suggested a strong but gentler item Cartwright rd and associated ULR. Recent OIO decision has meant further access in the area was provided by the overseas buyer. This decision, publicised in the media focused attention on the ongoing problem in the area. Understandably this has created tensions. Irony regarding public agencies denying similar access were observed by recreation interest at an onsite meeting. Communications have continued to attempt to clarify positions, concerns etc. Resolution of the matter lies with CE WDC. Advised by Jeff n Jim who in effect support this liaison meeting. Caley adjusted as recommended. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/104244 Given RFA and s 9(2)(a) were the WDC W+C committee delegates to advance this RFA fwd his suggestion to s 9(2)(a) and phoned her.
6/02/2025 9:36	s 9(2)(a)'s email confirms observation made in RFA notes re WDC lands access to ULR is an unlocked gate at this time. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/103297
6/02/2025 9:45	RFA uploaded Forestry Gates on ULR notes shared with Donna at her request to file. NB Incomplete re Obstructions. Does not include trees.
17/02/2025 9:53	RFA has arranged a W+C team meet with Cr Scott McKenzie WDC. He raised our concerns re secret and illegal arrangements between WDC/NRC excluding public from accessing the ULR. s 9(2)(a) unable to attend. RFA proposed a 6 person meeting with 2 W+C, 2 WDC and 2 NRC reps present. That way easier to manage, easier to gain consensus. Easier to gain all parties understanding/up to speed. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/105793
28/04/2025 10:42	End of Quarter RFA File Note December 2024 Lots of activity and meetings but little progress.

16/06/2025 11:27	RFA received from WDC Transport manager commitment to build PA stations and design a biosecurity plan for the site. RFA took the opportunity to re express concern re the locked gates. RFA fwd advice top inquirers. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/127013 https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/127014
18/06/2025 9:22	RFA responded to Jeff Devine WDC Transportation Manager indicating he was using a Biosecurity approach to leverage ULR controls. That this was a concern. RFA expressed concerns if the controls were selective ie public vehicles were kept out and private allowed in over the ULR. (Potential precedent). Asked to see the NPMP for the site and the legal advice re selective application. Kept the inquirers informed WMTB, WTC, Bike N, and W+C Advisory Group. (via CC) Emails to this effect https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/127344
25/06/2025 15:42	RFA met with mayor and Transportation manager RFA wrote to jeff to agree and ensure staff can deal with the matter as recommended by mayor. Hi Jeff Thank you for the cordial meeting with the Mayor. I take on the suggestion that the concerns should be “again” formally tabled by the group and brought up/advanced in various ways eg - LTP submissions - Ongoing engagement with Roads and Parks to get better outcomes for W+C interests on ULR As you heard I’m happy to raise these with the group and encourage them to advance the issues on the formal DC process side as well as other means. The however: - This will be the decision of the W+C Advisory Group ie I don’t speak for them. s 9(2)(a) and I were just mandated to advance the Cartwright Rd issue and report back etc. Personally I think they will take this opportunity given it’s a recommendation sponsored by yourself and the mayor ie some improved chance of success. - Your staff have in various ways come into contact with me and or W+C group members/supporters re the issue of access over ULR. The last I heard both Simon n Caley had been asked not to engage. This directive I’d suggest needs to withdrawn as for eg Caley can’t facilitate the W+C group ie do her job if as you and the mayor suggest the group re engages on the matter. As an aside may I say that both Caley and Simon were and are extremely professional. They demonstrated politically astute skills as I would expect of Council Staff. In my experience they kept out of the political debate whilst providing information and performing their council function. I will also for my part endeavour not to put them in any position where they might be professionally compromised. (I suspect either would be forthright enough and know me sufficiently that they could say so).

	Jeff in the nature of Council work some has a political aspect. Staff and community need to be mindful of this and act accordingly. Jeff from time to time community may have issue but we need to continue to engage and staff need to be able to professionally do so without risk to their career or job. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/128300
26/06/2025 9:42	RFA Met with the Mayor and the Transport Manager Notes Verbal Submission on Unresolved Obstructions on ULR to Whangarei District Council (Crs) 24.06.25 Tena koe/koutou katoa Shaughan Anderson Herenga a nuku Aotearoa Outdoor Access Commission Introduction 1. Herenga a Nuku Aotearoa, the Outdoor Access Commission, is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors. 2. [If relevant to the submission, reference one or more functions from s10 of the Walking Access Act 2008 (e) facilitating resolution of disputes about walking access, including initiating negotiations about disputed issues, mediating disputes, and referring disputes to a court, tribunal, or other dispute resolution body: Statement of Intent 2024-2028 in this introduction. "Herenga a Nuku has a legislative function to facilitate the resolution of disputes about outdoor access, and one of its enduring priorities is to ensure public access to the outdoors is maintained and enhanced." 3. There are multiple unresolved obstructed ULR in Whangarei district. My view is that the WDC is allowing and or enabling an illegal situation to occur. Not for short periods but some for over 20 years. Sadly as time is progressing and intensity of need increasing the community is adopting amore adversarial or confrontational approach due to the response received. Obstruction of ULR 4. We think WDC has a problem here. The belief is WDC is acting illegally. I'm here to help. 5. Can we first agree that an obstruction of a ULR is illegal? If you are in doubt ask to see Pill Heatley NRC Strategic Projects Manger. He disagreed or didn't believe me and obtained an independent opinion which he shared with s 9(2)(a) and I at a meeting. 6. I can also refer you to the Herenga a nuku Aotearoa web site 7. Sec 357 of the 1974 Local Govt Act

	8. Can we deal; with two examples. The key questions are have WDC crs authorised this? Is it staff only initiated? We believe the cr are aiding and abetting illegal obstructions as the RCA. Ref Bylaw???? Obstruction of Franklin Road ULR 9. The construction of the buildings on Franklin road date back to 1996. They don't have the required set back nor a RC. They may have the required BC but these buildings aren't authorised on the road and can't be. They obstruct passage and the owners further obstruct users access for privacy reasons. 10. Attempts to use and or walk round these obstructions have resulted in 4 trespass notices and an armed offenders call out. 11. In effect the law abiding ratepayers have been confronted by NZP through the illegal actions of the building owners and possibly the WDC. Obstruction of ULR Cartwright/Mt Taika Rd 12. The WDC Walking and Cycling advocacy group tasked s 9(2)(a) and myself to advance this matter and we have made no progress. 13. The locked gate is to the best of community knowledge owned and operated by WDC. Did WDC crs approve this? On what basis? Are Crs aware that it's illegal to obstruct a ULR? 14. The recently proposed kauri dieback controls are a positive step forward. At least those accessing the site have the opportunity to take basic biosecurity precautions. NB If kauri dieback as an access control is pursued then the WDC kauri risk plan needs to allow for harvest vehicles which will make the land cost prohibitive re harvest. Can I please have a copy of the PA Risk Management plan. NPMP Kauri. Consider it an OIO request. 15. A recent OIO decision has improved public access suppling access across the privately owned s 9(2)(a) but ironically the WDC/NRC alliance remains unresolved. It resulted in a media article https://www.nzherald.co.nz/northern-advocate/news/whangarei-walkway-opens-up-for-public-access-but-recreational-users-want-more/R756EWT6AREW5B4QAH4PAXZI7I/#google_vignette Whangarei Tramping Club chairman s 9(2)(a), Herenga a Nuku Aotearoa field officer Shaughan Anderson and club members cheer the opening of the Waikaraka Walkway. 16. Fully understand how access might be a concern but a locked gate isn't a legal or an appropriate approach when it's on the verge of a town of 101,000 17. How can an illegal obstruction last for 20+ years? Conclusion 18. Is this an issue ie obstructed ULR that has to go to an independent party say judicial review to be resolved? My intent was to raiser the issue and resolve without the embarrassment that arises from using a third party. 19. Questions?
11/07/2025 11:12	End of June Quarter 2025 File Note Met the mayor about this 20 year unresolved issue. No real progress but at least brought to his attention. Continued advocating for use and managing the kauri biosecurity issue. NB At the moment only 1 ULR is being proposed for management.
3/07/2025 8:26	RFA met online with Mita Harris MPI Operations Manager for Kauri. Discussed the issue. Agreed to meet again with full team Gavin and Jeff. RFA expressed concern re lack of comprehensive plan... mainly due to brief.

	https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/129058
3/07/2025 11:54	RFA responded to Mayoral meeting allegation that Id in effect ambushed the Transportation Manger re the other ULR and other obstructions Hi Jeff Re your point at the mayoral meeting. Re not having raised the issue of the other ULR or other obstructions. On reviewing my past emails I think there are a few about the "other gates" blocking access on the ULR in association with the multiple commercial forests in the Cartwright/Mt Tika/Tiger area. I attach the most recent below. Certainly happy to meet and discuss resolution as always. I think the resolutions should integrate with the proposed Kauri Mitigation Plan in draft at the moment. Attached are two photos of locked forestry gates. NB yes we can all debate the locality ie on or off the ULR and also the accuracy of privately held GPS. But rocks/fences etc that also block the ULR mean there is obstructed access. So the issue is not if its blocked ie illegal but where exactly (we don't need to establish the where and waste \$). Where would the forest owner and RCA prefer to manage access given formed roadway and \$ spent on a locking gate? My suspicion is that there are a minimum of 4 more stations required to manage public access. Importantly some acceptance by NRC and other forest owners of public rights and responsibilities re access particularly re the commercial forest and the kauri issue identified. None of the responsible groups eg Bike Northland, Whangarei Tramping Club or Whangarei MTB want unmanaged free for all access. They just wish to engage and come to sensible reasonable responsibility that's enforceable ie legal. I encourage all parties to engage and WDC to facilitate this. Shaughan Anderson From: Shaughan Anderson Sent: Monday, 27 January 2025 12:34 pm To: Jeffrey Devine Jeffrey.Devine@wdc.govt.nz Cc: cr.benney@wdc.govt.nz; Nick Marshall <nick.marshall@wdc.govt.nz>; Caley McGillvary caley.mcgillvary@wdc.govt.nz Subject: RE: Waikaraka Walkway Hi Jeff Further: this to update you. https://www.nzherald.co.nz/northern-advocate/news/whangarei-walkway-opens-up-for-public-access-but-recreational-users-want-more/R756EWT6AREW5B4QAH4PAXZI7I/#google_vignette I'm sure you saw the article regarding the Waikaraka Walkway which has engendered plenty of interest and comment locally. It also came to the attention of our communications manager. He circulated the article internally. My manager who was aware of the issue via my predecessor John Gardiner is concerned. I have done my best to engage with Phil and yourself over the last 2 years; however to absolutely no success. Have engaged with the community particularly those with a vested interest in the roadway(s) being open. NB Most focus on Cartwright Road – Mt Tiger/Mt Tika but its considerably more than this.

The lack of progress toward a resolution is being interpreted that the WDC is supportive/complicit re the locked gates/fences whomever the owner is (presumed by all to be NRC). Unfortunately I will be forwarding a report to the CE Ric Cullinane who I would expect will as a result contact the CE of WDC. The Herenga a Nuku position in all these situations is the strict legal interpretation of the situation.

<https://www.herengaanuku.govt.nz/our-work/news/news/locked-gates-over-unformed-legal-roads>

This may not be the best local outcome as previously discussed but it's the legal minimum.

There are past signs of the steel gate being cut and repaired. Cutting is being talked of again. However I have warned the parties re such discussions not helping and in effect were such actions to occur an issue of intentional damage would arise. The however at this point with no known owner and in effect the gate and fences illegally blocking the ULR I can't imagine any "owner" taking it to court – especially given that the frustration has built over 20 years of inaction.

Jeff I think the thousands of dollars spent on the relatively new steel forestry gate and control system on Mt Tika/Mt Tiger road may be on private ie NRC property. However the boundary fence stops access by the public to the ULR. The resolution would be an unlocked farm gate which would cost under \$500 to purchase and install.

"Northland Regional Council was working with Whangarei District Council to allow safe access on the paper roads, including the use of kauri dieback wash stations and clear marking of the track, he said".

I'm keen to see the material sent by NRC ref to in the articles re engagement with WDC-Phil's comment. It would be good to know what if any engagement written or face to face has occurred. When I met with the community groups and s 9(2)(a) (Bike Northland) who together with myself were asked to advance this on the WDC W+C Committee convened by your team Nick/Caley. I've copied them in so we are transparent and to ensure no COI exists.

Jeff I think the opportunity for a sensible negotiated local solution that the community would endorse has passed. Once Ric engages with the CE my expectation and understanding is that he can't accept any alternative than the strict legal solution. I understand this to be completely unfettered access ie all gates unlocked and public access enabled. I had hoped to resolve the matter, but 2 years and no result, the news paper item etc and its now potentially out of my hands.

This email is to update you as a colleague in a sister public agency, someone I engage with regularly on a multitude of such issues.

Nga mihi
Shaughan Anderson

From: Shaughan Anderson

Sent: Friday, 13 December 2024 9:34 am

To: Jeffrey Devine Jeffrey.Devine@wdc.govt.nz

Cc: cr.benney@wdc.govt.nz

Subject: FW: Waikaraka Walkway

Morena Jeff

Further to my request on the 22.11.24

In the absence of any outcome re your discussions with NRC I'm asking for the locked gate to be removed from the ULR off Cartwright road which has been the subject of discussion.

The Herenga a nuku Aotearoa position is that the law does not allow for authorisation of a locked gate blocking access on a ULR. In the absence of any workable "local" outcome I'm asking the Controlling authority to take action. I've not heard anyone accept ownership of the illegal gate so I'm asking WDC to take action.

I attach the email this morning to members of the WDC Walking and Cycling group. This is progress on the other "issue" at Cartwright Rd / Mt Tika ULR. It would be great if the roading authority took action on the other ie NRC issue pre the next meeting so we can advise on both. Is that possible Jeff? Given the long period allowed to consult with NRC and the 20 year period this issue has been rumbling I would think it so.

Jeff I know many of the issues that I raise with you consume time and are very taxing. I'd like to place on record my acknowledgement of your skills and experience, your patience and forbearance in regard to the many access queries over the last year. That our joint approach has lead to small successes which have been appreciated by my inquirers. I think the access at Taiharuru is a good example of patient inquiry rewarded by a positive outcome.

Shaughan Anderson

From: Shaughan Anderson

Sent: Friday, 13 December 2024 9:06 am

To: s 9(2)(a); s 9(2)(a); Caley McGillvary <caley.mcgillvary@wdc.govt.nz>; s 9(2)(a); 'Cr. Gavin Benney' <cr.benney@wdc.govt.nz>

Cc: s 9(2)(a)

Subject: Waikaraka Walkway

Kia ora tatou

Caley can you please add an update into the next agenda/W+C Consultation Meeting.

As the result of excellent work by s 9(2)(a) and staff of Herenga a nuku Aotearoa some progress re access on Mt Tika/Mt Tiger and the Waikaraka Walkway has been made.

The ^{op} Property which adjoins the ULR has been purchased and is now known as part of the s 9(2)(a) managed by s 9(2)(a). The property purchase went via the OIO process and as a result of the investigation was proven to have existing access arrangements. (Many recreational interests would have advised s 9(2)(a) on this-including probably yourselves). The outcome of this is that whilst a formal legal instrument such as a Walkway Easement to protect this access isn't registered the "informal" use rights are confirmed till this owner sells. So the many submissions including the one by s 9(2)(a) and Herenga a nuku Aotearoa were heard and successfully convinced OIO of the merits of their argument.

This means one of the formed track divergences off the ULR is now by agreement **public access**. This means reasonable recreational use is confirmed for the period of this owner. It also still means at harvest or periods of significant forestry activity we won't have access – as before.

A small win but progress. Congratulations to everyone involved. Unfortunately it still leaves the other major one owned by NRC at risk, so work still to do.

	Caley my question to the group is do we want to do a press release and let the community know that this progress has been made? I'd like to think we celebrate the small wins. Get access as an issue into the public arena as well as inform the Whangarei community that the access over the s 9(2)(a) has been recognised. I could get a nice map done by our GIS etc. Shaughan Anderson
7/07/2025 12:50	RFA engaged back n fwd with Gavin and Jeff re consulting the Kauri Plan for Cartwright rd....
14/07/2025 9:02	RFA has taken advice from Geoff and Mary Anne. Met with Jeff and Mayor. People are tense. Kauri Dieback is a further complication. RFA concerned the proposed plan is • weak on the commercial users especially. • only treats half the recreational users Attempting to get a meeting of all parties to resolve.
22/07/2025 10:41	RFA write to Jeff Devine re meeting last week at WDC. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/130979 RFA wrote to Mita Harris requesting notice be served. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/130980 Kia ora Mita Jeff Devine Transport Manager WDC had a meeting last week. We covered a lot of territory very collegially and constructively. I felt we made good progress and achieved agreement on many things although a few remain unresolved. The following are my thoughts/recollections. Not really minutes but cover a record for my files. We seem to agree - 3 ULR of interest to the community that ascend from SL ish to Mt Tiger/Tika Road • Awaroa Road to Wrack road to Mt Tiger • Unnamed but in the middle • Cartwright Rd to Mt Tiger - That planned mitigation measures only apply to one ULR ie Cartwright Rd, this seems an anomaly. It's also a serious biosecurity risk in that we know Kauri exit on the adjoining NRC land and that the community have 20 or so unauthorised tracks between this ULR and the Cartwright road ULR. The passage of bikes and walkers between will transfer potentially contaminated soil across areas and negate the proposed PA mitigation measures. NRC need to monitor and or manage public access. Even so existing use patterns suggest further hygiene stations are required. - The NRC forestry gate at the MT Tiger end of the middle ULR (maybe on NRC Land) but public access is required to the ULR. This means access is either permitted round this gate for Bikes and Walkers or a new gated access is provided further to the east where the ULR bisects the road. (Statutorily required). He agreed I think to talk to NRC as regards this. I look forward to an update.

- The Risk Management Plan was required and a professional move. (I congratulated WDC for taking the initiative and indeed positive step to prepare a plan).

- That vehicles would not be allowed the key ie access by Jeff personally as a management approach

We seem to disagree re

- The Risk Management plan

- Is internal and not subject to review (appreciate the collegial approach and professionalism in providing a copy). From my understanding of the NPMP
 - Section 18 (1) Rule 4 says a land owner ie the RCA must have and operate under a Risk Management Plan. (If required by the agency or inspector etc)
 - Section 18 (2) Rule 4 says the plan must be submitted for review (If the plan was required by the agency or inspector etc)?
 - As such I am asking MPI to serve notice similar to essentially the previous similar situation at Harambee Rd ULR and what we agreed in meetings. So the plan is reviewed and endorsed.
- The key approach and the limits to vehicles being at personal control is not recorded in the plan is a concern. The professional preference is to have it in the plan so the management approach is formally endorsed and will be consistent into the future.
- The Plan does not identify all the risks nor attempt to mitigate/manage all. As such it appears less than comprehensive.
- Some current proposals don't reflect best practise or aren't practical. In my experience self assessment isn't practical or sensible. It is particularly so when the parties have no prior kauri dieback experience, no training at the Frame Group Limited Trainings (or similar). NB FGL run a training for contractors re Track Construction and Maintenance. No equivalent for roads exists currently. In effect they will clean the vehicle so it looks clean ie not considering the nooks/crannies and voids under the vehicle.

Mita also perhaps beyond Jeffs influence unless served and authorised via notice : Kauri are said to be in three land holdings at least ie NRC Forest, Maunga Tika Scenic Reserve Kings Kauri Scenic Reserve both DOC and possibly the WDC land adjoining Maunga Tika. It seems sensible given the 3 ULR bisect these land holdings and provide avenues for access by vectors (with numerous smaller walked/cycled tracks and Commercial Forestry Roadways) that this is managed as one biosecurity risk. One plan. To that end I would ask MPI to serve all owners recommending a single comprehensive plan

- s 9(2)(a)
- NRC
- DOC
- WDC

So that all parties are aware of and understand the risk. Importantly also buying into and contributing to the Kauri Risk Management Plan and the consequential mitigation measures. This would mean that Gavin's brief would include things that commercial Forestry companies do regularly eg road maintenance, spraying pest control, forest assessment etc) and the less common eg Harvest. Frankly the public recognise no boundaries nor wild cattle, pigs or other vectors. At present some issues eg Commercial Harvest are not covered yet some eg recreational use are.

Mita it may have appeared that I criticised Gavin or Jeff personally. This was not the intent. The plan is deficient in many respects but this is perhaps due to limits of WDC influence and consequently briefing to the consultant. My encouragement is that MPI serve notice so that a single comprehensive plan be developed so it best serves the forest mosaic, the multiple owners and the community adjoining.

Nga mihi

	Shaughan Anderson
23/07/2025 10:43	RFA wrote to Mita Harris MPI and updated re intro of § 9(2)(a) . Copied in § 9(2)(a) . Proposed not to meet Friday. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/131141

Released under the Official Information Act

Waikaraka**Type: Quick query | ID: 18730 | File Ref:****s 9(2)(a)**

NZ

File Notes[Include Related Cases](#)

Shaughan Anderson - Tuesday 31 December, 2024 10:09 am
End of Quarter 31.12.24

Close case: **s 9(2)(a)** was supported with advice he chooses to not action. Matter unresolved as previously.



Shaughan Anderson - Monday 25 November, 2024 10:06 am

s 9(2)(a) rang the RFA re advice. **s 9(2)(a)** is still having access problems along the ULR in the general area. It is conflict over the use of a rifle to control wild stock. The community are unhappy with the damage the wild stock are causing but equally are uncomfortable re the use of a rifle. **s 9(2)(a)** is reluctant to use NZP or WDC so the issue remains unresolved. Herenga a nuku Aotearoa has no value to add.

File notes - Access Dispute: [AS 18842] ULR Waikaraka

Entered On	File Note
27/02/2025 10:01	RFA spoke to § 9(2)(a) a previous inquirer in the same area but slightly different location. § 9(2)(a) does good work but not all agree with killing wild stock. Media items talk of rounding up etc. Talking to NRC pest control staff they say its a vexed problem and § 9(2)(a) does good work. RFA followed up with an email and offer to meet. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/108369
27/02/2025 10:32	RFA phone Trevor Bullock NRC Pest control. Can't authorize gun use etc. So no to § 9(2)(a) being a authorized NRC operator. 27.02.25
4/03/2025 11:35	RFA requested mapping support from GIS via email https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/108969 Followed up with GIS map request in support system
4/03/2025 11:43	RFA phoned by § 9(2)(a) Franklin ULR resident. Supporting § 9(2)(a). Seeking an onsite meeting which I've agreed to and arranged for Thursday 6.3.25. Opportunity to investigate the site without the protagonists and with a local.
5/03/2025 8:30	RFA updated § 9(2)(a) on actions • phone § 9(2)(a) • phone and meet WDC Simon M • attempting to gain map of ULR incursion
5/03/2025 9:32	RFA wrote to Simon Megchelse WDC Roads re the issue. A response to Simons letter to § 9(2)(a) Challenged view it was § 9(2)(a) responsibility and asserted the Controlling Authority needed to step up and offer governance. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/109258 Simon did authorize § 9(2)(a) cutting trees. Noted.
5/03/2025 9:41	RFA was provided a copy of the letter § 9(2)(a) sent to § 9(2)(a) re a pragmatic alternative. This I understand was refused. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/109260 RFA proposes to write to § 9(2)(a)

6/03/2025 10:09	RFA rang s 9(2)(a) GIS expert re the potential error in Franklin rd GIS. Confirmed possible but probably low given recent subdivision and survey. RFA rang Geoff Holdgate to determine what were the obligations of DCs re ULR. Geoff indicated unfirm in various acts hence the problem.
6/03/2025 10:22	RFA wrote to WDC re the response and additional information. Encouraging a joint approach to solution. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/109522
7/03/2025 12:26	RFA Met with s 9(2)(a) Drafted a letter based on s 9(2)(a) ie so everyone gets the same (Not sent as I have no email address). Tena korua Thank you for meeting s 9(2)(a) and s 9(2)(a). Your time and thoughts were appreciated. The following are some notes to refer to . Perhaps not minutes but what I will record in the case re our discussion. Feel free to comment and this too would be added to the case notes. (Differences in perspective, issues missed etc) I work for Herenga a nuku Aotearoa. See https://www.herengaanuku.govt.nz/ The organisational mandate in my words is about “providing and assuring enduring public access”. Of particular importance to this case are the pages re Unformed Legal Roads (ULR) please see https://www.herengaanuku.govt.nz/types-of-access/unformed-legal-roads Of particular note is comment about obstructions on the road eg gates – especially that they cannot be locked. Obstructions such as buildings, water tanks etc cannot be licenced to occupy ie permanently obstruct. (a work around used in extreme longstanding cases maybe a land swap ie like for like. NB Generally sales, swaps etc are public process and attract “interest” including from ourselves who are opposed to loss of “access”). Comments made/issues raised in no order of importance - I’ve an inquirer and as a consequence a case. My mandate is about assuring access on the ULR. At this stage alleged obstructions (although desk top analysis suggests buildings on the ULR exist ie obstructions). I’ve also seen your photos re a vehicle in combination with the buildings deliberately blocking vehicular access. PLEASE could I be sent a copy of this. - Observed are road formation outside the ULR. This means access can be legitimately blocked by a locked gate at these points. However please note ULR users may then legitimately drive round ie this does not/may not solve your concerns. NB It also means if you walk on this road formation you are on private property. Of importance to s 9(2)(a) given she has been trespassed. - It’s the user’s responsibility to stay on the ULR. There are 4 Trespass notices enacted to date. These don’t help to resolve the situation but make clear one must stay on the ULR or land you have been invited onto - In most such debates and this one also, there are concerns re personal safety, security and the like. (Accept also that conflict over the issue is causing stress to all parties). The law re roads is very clear; basically, people have the right to traverse ULR 24/7 undisturbed. Understandably a concern to rural people where they may not have previously experienced such use but as NZ’s population grows it’s happening more and more. NB Urban people live with this daily. - A road is a road. Anything you can do on a road in town you can pretty much do on a ULR. Including driving at any hour but equally it requires vehicles to be road worthy ie registered and warranted etc which is a problem in some locations but not this

- "Pocket Maps" is highly recommended to all parties. As demonstrated when geo ref the lounge and or physical features its accuracy on my phone was <1.0m error.

- Given a ULR is usually 20m. Given the building set back on a non-arterial road is 10m (2x10 given house and shed on either side of ULR). My comment is that the buildings straddle and potentially obstruct the road. Especially if no RC was issued to reduce setback distances.

- That the hunter has approval from some landowners to shoot on their property ie invited guest

- That the ULR is administered by a controlling authority ie WDC Roads. That the other WDC reserve is administered by WDC Water.

- Whilst I'm aware that there are other issues relating to the tensions relating to this case I need to say it is outside my mandate and any comment is personal observation. I will however note these points so you understand I have a wider awareness.

- s 9(2)(a) supporting the inquirer and providing access across private property may have other drivers
- Some parties have concerns re the inquirers fitness to hold a firearms licence (fit and proper etc). This is a NZP matter but if a complaint is made it will raise the heat on the issue. It may adversely affect positive resolution in the event it is not proven
- Those with opposition to hunting have concerns re angle of fire, high powered rifle being used, thermal scope, baiting pigs etc. These are matters for other authorities including NZP. Given they have attended and not actioned anything in this regard including the hunter's fitness to own/carry a gun I suspect they are sufficiently happy that matters are legal.
- The use of bait is offensive to the householders. Its legality is not something I can comment on
- That there are floating allegations re aggressive behaviours, past verbal and physical assault. Again matters for NZP.
- The issue of s 9(2)(a) potentially having a COI is beyond my scope / mandate. However I would say that as WDC professionals this thing will occur and they will have a process for its management. Control of stock in a water catchment ie ecoli etc would make control a reasonable action. COI would perhaps more likely exist if s 9(2)(a) only authorised control via s 9(2)(a) and excluded all others.

- A "local" solution is not what the Herenga nuku Aotearoa supports. The organisation supports strictly legal solutions as they are enduring ie provide access for all forever

- "Local" solutions have

- a set life (usually only while goodwill exists)... there is also a limited opportunity window ie when a legal solution is sought and process begins no other alternative is possible.
- advantages to both parties ie that there is negotiation that allows for local circumstances and a quid pro quo. Usually landowners concede access over road formation that is not on the ULR providing convenience and on occasion access where none may physically exist. In return they may be offered concessions, or items of value by the users. All this with the underlying knowledge of what the legal situation allows for as a default or underlying position. (ie freedom of access 24/7 and to carry out their business/recreation as they see fit as long as legal on the road).
- In this situation its unrealistic to consider the hunter to not hunt or not use a rifle etc but concessions that might be tabled and negotiated that may meet some of the landowner concerns might be
 - A certain minimum of notice say 2hrs
 - Certain agreed locations for baiting/shooting hide (this would control fields of fire, distance from house re offensive smells etc)
 - Perhaps an agreed frequency per month
 - Perhaps agreed hrs ie say max of 4hrs after sundown

	• The hunter might be offered a concession re 4x4 access over small parts of private land allowing for easier access to and from including removal of animals killed • Resolution potentially solves the stress and worry issue § 9(2)(a) and § 9(2)(a) I leave it to you to let me know as it suits what you do if relevant and what if anything I can do to advance matters. Please be aware that if nothing else eventuates I will be addressing the legal access situation as is my mandate. Ie - Contact NZP and assert the rights of users on the road ie ULR. Ensure that they are aware of my involvement and interest. - Continue engagement with WDC Roads. If necessary contacting WDC compliance and seek a lawful outcome. - Seeking legal and boundary advice from Herenga a nuku Aotearoa staff specialist in Wellington I hope this helps RFA Met with § 9(2)(a) and partner § 9(2)(a) Followed up with long email https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/110191
21/03/2025 8:58	Erroneously filed elsewhere Shaughan Anderson • 11 days ago RFA advised NZP involved at Waikaraka ultimately by Trespass notice beings served. § 9(2)(a) and § 9(2)(a) have been trespassed from two properties owned by § 9(2)(a) Sgt Paul Nicholas served notice on § 9(2)(a) Sgt Rouse and armed offenders accosted § 9(2)(a) at night Constable Sam served notice on § 9(2)(a) This doesn't seem fair behaviour by NZP given illegal obstruction of the ULR in part causing the trespass vandalism to the shooting stand
10/03/2025 12:36	RFA phoned early on Monday morning by § 9(2)(a) land owner adjoining ULR at the southern end. Long call. RFA updated Action point after sending email confirming what was said. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/110644
11/03/2025 12:05	RFA had further email from § 9(2)(a) 11.03.25 RFA responded 11.03.25

Hi s 9(2)(a)

As per mine of the 10.03.25

To confirm my comments

- I agree independent legal advice is important and recommended.
- There has been no allegation of locked gates or obstructions of the ULR by yourself or anyone on the southern end of this ULR
- My comments about gates was to inform you that opportunities exist on the alignment of the formed road as it "veers" onto private property in at least two locations where gates could be placed.
- I understand for privacy reasons you are unprepared to supply s 9(2)(a) phone number but equally I hope you understand that it will mean I visit unannounced. If you could seek her permission to share it would be appreciated. I would understand if she doesn't wish to meet but indicate its likely I will visit to confirm ULR boundaries given she has trespassed 2 people from her property.

Per your below requests today

- I'm fine re the phone number and privacy issue as explained. I will however be onsite on the ULR in the near future. If she engages we can agree a time etc per her convenience. Otherwise I will be inspecting the ULR as per my schedule.
- The formation ie the driveway may have been paid for by an individual. However my understanding; if it is on the ULR, all parties have a right to pass and repass. Pedestrians, Horses, vehicles. Its not up to an adjoining landowner to give or not give permission. Nor to specify methodology eg walking. You may wish to check this with WDC.
- Parking is only an offence if it obstructs people's right to pass and repass on the ULR. As mentioned anything you can do in town on a road applies to a ULR. If you can't park in the middle of Vinery Lane and block the road you can't on the ULR. (My understanding but I'm not a lawyer so taking alternative advice be it from Simon or a professional legal expert might be advisable).

Shaughan Anderson

From: s 9(2)(a)

Sent: Tuesday, 11 March 2025 10:07 am

To: Shaughan Anderson Shaughan.Anderson@herengaanuku.govt.nz

Subject: Re: Re Visit Yesterday in response to Case 18842

Dear Shaughan,

Thank you for your email below.

Further to our conversation yesterday - thank you for clarifying that there has been no allegation of us restricting access to paper roads.

To my knowledge I have never restricted access on the paper road - and if you are aware of any such allegation please let me know.

	Secondly - I have texted § 9(2)(a) to ask if she wishes me to give you her number or visa-versa. § 9(2)(a). As I mentioned, from what I understand, the facts are that § 9(2)(a) has not restricted walking access either. When contacted by the Hunter to say he would be hunting, hunt - she said she did not give permission for him to use her driveway. The hunter ignored this request, driving up her drive (obviously her private property) and then events unfolded culminating in the police involvement and their recommendation that she trespass said Hunter. It is a very unfortunate situation, but I consider it important that it is appreciated that no land owner has restricted access to a paper road. Parking on a paper road is not an offence surely? - particularly in the circumstances where no other vehicle could get to that point - unless they crossed private property? I look forward to your clarification of the above. Kind regards § 9(2)(a) Sent from my iPhone
11/03/2025 13:35	RFA wrote to Simon WDC As per our discussion I've had GIS Herenga a nuku Aotearoa prepare maps. Clearly - we have a problem re the buildings on the ULR - without set back (and no furnished RC to allow less) they are well and truly obstructing etc the ULR and compromised re WDC Planning. Further the owners use vehicles to absolutely block the ULR. As a result there have been trespass notices issued to parties who then cross the adjoining land. WDC response attached. Photographic evidence attached. I'm not asking for the buildings to be removed or legal argument be had by the WDC although this is warranted based on the attached. What I am asking for is a strong position by WDC Roads and Compliance re vehicular access not being impeded. My suggestion is that unless you and compliance etc have an appetite for a legal debate we have a discussion with the owners. Simon I'd appreciate us at least having the conversation you and then if in agreement later a conversation collectively with the landowner.
14/03/2025 9:14	RFA spoke to Simon WDC and thanked him for his help. Acknowledged he had pushed it up the line to management. RFA wrote to mgt seeking a meeting thew week 24-28th. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/111770
14/03/2025 10:14	RFA. Inquirer § 9(2)(a) was the subject of § 9(2)(a) that was in the courts/Media § 9(2)(a)
21/03/2025 10:20	RFA wrote to NZP feedback

	There seems no way to contact the staff directly or their managers hence using the NZP as provided. § 9(2)(a) (my inquirer) has repeatedly been spoken to by NZP re firearms and trespass issues in the vicinity. Whilst I understand and accept the NZP position and that of the private landowners re these issues my perception is unfair and one sided application of the law. There is legal access ie ULR to the areas § 9(2)(a) wishes to hunt. He is a fit and proper person to hold a firearm as he has the necessary license and has been apprehended and interviewed by NZP on more than one occasion. He has also been served by NZP a trespass notice as has a neighbour. As the local representative of the government agency charged with protecting /supporting public access I need to strenuously assert his rights to use the ULR. To date these have not been protected given offensive behaviour and deliberate blocking of the ULR . In effect causing trespass as the only possible solution to access. I'd like to request a meeting with the delegated staff to seek fair and reasonable application of the law given this represents an ongoing difference of view by community. Thank you Shaughan
24/03/2025 11:48	RFAS made aware of § 9(2)(a) Made the news § 9(2)(a)
14/04/2025 11:52	RFA wrote to WDC re BC/RC. for buildings on ULR. OIO staff member Georgina Ellis replied but re the shed on the property but not for the buildings on the ULR. RFA sent snip clearly ID the land and the buildings in Question.
28/04/2025 8:50	RFA end of Quarter 31.03.25 note. A lot of effort little progress. NZP have applied enforcement to inquirer. Inquirers profile with NZP remains positive. Access still fraught and obstructed by neighbours. RFA will seek enforcement by NZP and WDC.
9/05/2025 10:24	RFA received inwards correspondence from § 9(2)(a) - an inquiry re progress on the access issue. None and no real effort as we have a cross roads unless we ruffle feathers. Will inquire as to how far he's prepared to go.
13/05/2025 9:53	RFA received call from § 9(2)(a) - unavailable. Later on call back his phone went to recorder.
25/06/2025 9:24	§ 9(2)(a) contacted the RFA by email and RFA responded. To the best of my understanding a work around or sensible solution is completely unlikely. The landowner has made their position clear including with calling NZP on you. Yesterday I met with the mayor about obstructed ULR including the Franklin Rd ext. He has agreed in some cases including this one (as advised to you) the formed road deviates from the ULR. This allows the landowner to exercise their rights and exclude yourself.

	Your only option now as previously advised is to clear the said few metres of land and form the access on the ULR. Probably quad only but perhaps enough width exists for 4x4. Technically you need the road controlling authority's permission to do these works. I suspect no one else applied pre construction and you might do so also? On the issue of the buildings obstructing the road and the landowner using vehicles etc to block passage I have both the Transport Manager and the Mayor agreeing that is illegal and that it's a NZP matter that they will back. I will seek my organisations support to prove that the buildings are on ULR. This will take the cost of a surveyor which given only 2 complainants may not met their priority with reduced budgets etc under the current government. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/128101
25/06/2025 9:26	RFA Met with the Mayor and the Transport Manager Notes Verbal Submission on Unresolved Obstructions on ULR to Whangarei District Council (Crs) 24.06.25 Tena koe/koutou katoa Shaughan Anderson Herenga a nuku Aotearoa Outdoor Access Commission Introduction 1. Herenga a Nuku Aotearoa, the Outdoor Access Commission, is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors. 2. [If relevant to the submission, reference one or more functions from s10 of the Walking Access Act 2008 (e) facilitating resolution of disputes about walking access, including initiating negotiations about disputed issues, mediating disputes, and referring disputes to a court, tribunal, or other dispute resolution body: Statement of Intent 2024-2028 in this introduction. "Herenga a Nuku has a legislative function to facilitate the resolution of disputes about outdoor access, and one of its enduring priorities is to ensure public access to the outdoors is maintained and enhanced." 3. There are multiple unresolved obstructed ULR in Whangarei district. My view is that the WDC is allowing and or enabling an illegal situation to occur. Not for short periods but some for over 20 years. Sadly as time is progressing and intensity of need increasing the community is adopting amore adversarial or confrontational approach due to the response received. Obstruction of ULR 4. We think WDC has a problem here. The belief is WDC is acting illegally. I'm here to help.

	5. Can we first agree that an obstruction of a ULR is illegal? If you are in doubt ask to see Pill Heatley NRC Strategic Projects Manager. He disagreed or didn't believe me and obtained an independent opinion which he shared with s 9(2)(a) and I at a meeting. 6. I can also refer you to the Herenga a nuku Aotearoa web site 7. Sec 357 of the 1974 Local Govt Act 8. Can we deal; with two examples. The key questions are have WDC crs authorised this? Is it staff only initiated? We believe the cr are aiding and abetting illegal obstructions as the RCA. Ref Bylaw???? Obstruction of Franklin Road ULR 9. The construction of the buildings on Franklin road date back to 1996. They don't have the required set back nor a RC. They may have the required BC but these buildings aren't authorised on the road and can't be. They obstruct passage and the owners further obstruct users access for privacy reasons. 10. Attempts to use and or walk round these obstructions have resulted in 4 trespass notices and an armed offenders call out. 11. In effect the law abiding ratepayers have been confronted by NZP through the illegal actions of the building owners and possibly the WDC. Obstruction of ULR Cartwright/Mt Taika Rd 12. The WDC Walking and Cycling advocacy group tasked s 9(2)(a) and myself to advance this matter and we have made no progress. 13. The locked gate is to the best of community knowpldge owned and operated by WDC. Did WDC crs approve this? On what basis? Are Crs aware that it's illegal to obstruct a ULR? 14. The recently proposed kauri dieback controls are a positive step forward. At least those accessing the site have the opportunity to take basic biosecurity precautions. NB If kauri dieback as an access control is pursued then the WDC kauri risk plan needs to allow for harvest vehicles which will make the land cost prohibitive re harvest. Can I please have a copy of the PA Risk Management plan. NPMP Kauri. Consider it an OIO request. 15. A recent OIO decision has improved public access suppling access across the privately owned s 9(2)(a) but ironically the WDC/NRC alliance remains unresolved. It resulted in a media article https://www.nzherald.co.nz/northern-advocate/news/whangarei-walkway-opens-up-for-public-access-but-recreational-users-want-more/R756EWT6AREW5B4QAH4PAXZI7I/#google_vignette Whangarei Tramping Club chairman s 9(2)(a), Herenga a Nuku Aotearoa field officer Shaughan Anderson and club members cheer the opening of the Waikaraka Walkway. 16. Fully understand how access might be a concern but a locked gate isn't a legal or an appropriate approach when it's on the verge of a town of 101,000 17. How can an illegal obstruction last for 20+ years? Conclusion 18. Is this an issue ie obstructed ULR that has to go to an independent party say judicial review to be resolved? My intent was to raiser the issue and resolve without the embarrassment that arises from using a third party. 19. Questions?
27/06/2025 10:03	RFA as follow up to meeting the mayor requested • advice from Herenga a nuku Aotearoa team as to how to improve acceptability of mapping • https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/128434

	- BCs and RC from WDC https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/128451
27/06/2025 12:11	Survey plan information added to documents folder - SO 5911 from 1893, field information for SO 5911, SO 308042 showing stopped road at other end in 2002.
30/06/2025 11:20	RFA advised [REDACTED] All puns aside... I think we have reached the end of the road on this [REDACTED] I know its not an acceptable or fair answer. BUT even if we pay for survey what chance do you think we have of all parties agreeing as per the advice below. My colleague below is extremely experienced with DOC and LINZ re land matters of complexity and I'd take her advice. As a consequence I believe any money we invested in investigation would ultimately wasted given the warring neighbours. [REDACTED] I think I need to close this file as there are no further avenues to pursue. My GIS and land advisors in Wellington have both indicated I have covered every avenue.
4/07/2025 9:36	End of Quarter File Note June 2025 The client is making repeated queries. Re Nth end of Franklin Rd ULR WDC is adment its his responsibility to prove the blgs are on the ULR. Its patently clear they are but... Re southern end of Franklin ULR The fence is also clearly obstructing the ULR. Sent letter advising this Likely to be intense and NZP involvement if the client continues.
7/07/2025 11:43	RFA was contacted by an angry [REDACTED]. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/129289 Explained the advcie stood desp[ite her stating gates existed...ie its a matter for RCA or NZP not me. Kia ora Clarity has been requested. On the two occasions I have been to site I haven't noticed unlocked gates in the fence at the location. My apologies if they exist.... The advice to the inquirer stands. Ie if the ULR is obstructed by an adjoining land owner it is not a matter for Herenga a nuku Aotearoa. If the Road Administering Authority will take no action then it's a NZP matter. I attach a map snip that clarifies where I speak of. [REDACTED] asked to use the formed road where it deviates from the ULR ie paper road - purple. As I understand it this was refused. In any case the ULR should not be blocked by a fence if a user requests access.

I hope this helps all parties.

Shaughan Anderson

From: s 9(2)(a)

Sent: Tuesday, 1 July 2025 9:36 am

To: Shaughan Anderson <Shaughan.Anderson@herengaanuku.govt.nz>; Jeffrey Devine jeffrey.devine@wdc.govt.nz

Subject: Re: Blocked Franklin road (ext) by fence Waikaraka (ULR).

Hi Shaughan,

Can I have some clarity please.

Are you talking about Franklin road side?

For your information, s 9(2)(a) continues to bait hunt with offal and dead carcasses. This is illegal. It transmits disease including TB. There were 12 hawks feeding off the offal last week. It is disgusting and as a lifelong rural person I have never seen such entitled and intimidating behaviour like this.

He is doing this on public land without permission of council. Unfortunately - you are only privy to part of the story. I live in fear of a shooting accident.

Regards

s 9(2)(a)

From: Shaughan Anderson Shaughan.Anderson@herengaanuku.govt.nz

Sent: Tuesday, July 1, 2025 9:24:27 AM

To: s 9(2)(a); Jeffrey Devine jeffrey.devine@wdc.govt.nz

Cc: s 9(2)(a)

Subject: Blocked Franklin road (ext) by fence Waikaraka (ULR).

Hi s 9(2)(a)

Re your query about the fence blocking the ULR. Heads road end of the Franklin Road ULR.

There are several approaches to resolving this matter.

In the first instance I would formally ask the road controlling authority RCA to have the fence removed and replaced with a gate. It would be then up to them to require the landowner to remove and replace at their cost. NB I've copied Jeff in. To me the most sensible and reasonable approach aside from a quid pro neighbourly approach ie providing you access on the formed roadway (irrespective if its on ULR or private) which has been refused. NB s 9(2)(a) you will need written proof of your legal right to access the bottom section as its private.

	If the landowner refuses and or the RCA refuses to act then it's a matter for the NZP - police. (This would also bring a wider audience ie light on the matter). Blocking a road is an offence ie criminal. You would then swear a complaint and require the NZP to act. I attach the relevant section of the Summary Offences Act 1982 for all parties information. 22 Obstructing public way (1) Every person is liable to a fine not exceeding \$1,000 who, without reasonable excuse, obstructs any public way and, having been warned by a constable to desist,— (a) continues with that obstruction; or (b) does desist from that obstruction but subsequently obstructs that public way again, or some other public way in the same vicinity, in circumstances in which it is reasonable to deem the warning to have applied to the new obstruction as well as the original one. (2) In this section — obstructs, in relation to a public way, means unreasonably impedes normal passage along that way public way means every road, street, path, mall, arcade, or other way over which the public has the right to pass and repass. Compare: 1927 No 35 s 3(eee); 1958 No 87 s 2(1) Section 22(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97). Section 22(1)(b): amended, on 23 November 1982, by section 2 of the Summary Offences Amendment Act 1982 (1982 No 102). § 9(2)(a) it's also an approach you could consider with building and vehicle obstructions elsewhere. § 9(2)(a) DONOT damage the fence ie cut it! This will result in your being considered "damaging private property" and potentially facing NZP attention. From my professional perspective I've avoided making you aware of this option and the provisions under the summary offences act as I'd hoped we would resolve matters sensibly. Unfortunately this is really the last resort having spoken with most parties and attempted to encourage WDC to work with the landowners on your behalf. This has failed and it's really now a police matter ie not for Herenga a nuku Aotearoa. Shaughan Anderson
23/07/2025 10:53	RFA followed up with Jeff Devine WDC Transport Manager re OIA lack of activity. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/131143
30/07/2025 9:06	RFA arranged to meet with inquirer § 9(2)(a) to discuss next steps. Each other updates re actions. RFA re BCs etc. § 9(2)(a) re hios access agreements with § 9(2)(a) and neighbours. Photos uploaded • email from land owner at the bottom re providing access so written approval is provided for § 9(2)(a) and I for specific purposes ie access and hunting • drive to southern site photo problematic area. § 9(2)(a) Property) • drive to NZP and make formal complaint re obstructed legal access. • drive to northern site photo problematic area § 9(2)(a)). Discuss with neighbours • drive to NZP and make collective formal complaint

1/08/2025 9:00	RFA met with inquirer and appraised him of recent activity. He likewise. § 9(2)(a) is diffident about the NZP complaint. If the current request of Jeff Devine WDC Roads Manager to act given OIA results indicate the buildings are non consented we will make a formal complaint of obstruction of a road.
1/08/2025 9:02	RFA wrote to Jeff Devine Roads Manger WDC stating the OIA inquiry found no RC or BC for the buildings that allegedly obstruct the road. Asked him to take action.
1/08/2025 10:26	RFA loaded access approvals from landowners for § 9(2)(a). RFA responded to § 9(2)(a) and his email re actions to be taken. RFA ref to Hunting and Fishing MP as relevant.
29/09/2025 8:54	RFA and § 9(2)(a) and § 9(2)(a) walked the alignment of the ULR Franklin Road to check that you can legally walk to the southern end. RFA met § 9(2)(a) coincidentally on the ULR at approximately the area the formed drive/roadway diverges from the ULR. RFA introduced himself and met with § 9(2)(a). § 9(2)(a) and § 9(2)(a) asked to remain on the ULR given the trespass notices in force and no desire to inflame the situation. Numerous key points were surveyed with hand held GPS. Key fence posts, building corners know survey marks were checked. All conformed to the Aerial photo on Pocket maps ie no offset detected. Numerous "owner" created obstructions to the ULR detected. Subsequent email to J Devine with GPS screen shots and Photos of obstructions.
7/08/2025 13:50	RFA visited site with § 9(2)(a) and § 9(2)(a). Bumped into § 9(2)(a). Had phone call of complaint from § 9(2)(a). She also emailed and I responded and cc Jeff Devine. Collected GPS data and photos. Subsequently wrote report and circulated to all. Encouraged JKeff t omeet, to request information from adjoining landowners. Attempt a negotiated solution pre complaint approach. RFA of Herenga a Nuklu Aotearoa Inspection of "Franklin Road Ext ULR 06.08.2025 Introduction 1. Herenga a Nuku Aotearoa, the Outdoor Access Commission, is the Crown agent responsible for providing leadership on outdoor access issues. Our role is to advise on and advocate for free, certain, enduring, and practical access to the outdoors. 2. The organisation is advisory ie no statutory powers. It offers free service to anyone who has an access query. It is non political and non partisan. 3. The Regional Field Advisor (RFA) was acting as a result of public inquiry re obstruction of public access on Unformed Legal Road (ULR). Further information on ULR can be found at https://www.herengaanuku.govt.nz/types-of-access/unformed-legal-roads 4. Key legal issues to date have been 4 trespass notices issues. Multiple NZP call outs and one armed offenders attendance.

5. The RFA has made an OIA request of Whangarei District Council re RC and BC issued for the building obstructions. WDC advised no such consents exist.

Key Observations

6. Numerous survey pegs of recent origin were "found" and confirmed by handheld GPS. The handheld GPS was extremely accurate to all "found" survey marks and there is no reason to expect otherwise re the defined obstructions.

7. Key points visible on the aerial photo were also confirmed to GPS as above eg building corner.

8. Several ULR obstructions were observed and GPS photos/screen shots taken. These obstructions include fences, locked gates, plants eg 5m+ kauri or fruit trees, large 4m+ windbreak, house and sheds.

ULR Obstructions may have been created

- in part or wholly by previous owners.
- without the intent to obstruct.
- but can't be authorised.

Obstructions on a ULR are a criminal offence

9. Significant other works (ie not obstructions) were observed on the ULR eg gravelled car parking, concreted access/turning area etc. You may wish to confirm but I suspect all this work was without WDC authorisation or knowledge. As I have experienced elsewhere I suspect there is a sense of ownership of the ULR by the adjoining landowner.

10. Photos taken are in pairs. A picture of a physical feature and the screen shot of the GPS position on the map or aerial photograph.

11. New worn pedestrian track to avoid the formed road where it deviates from the ULR ie source of trespass notices. RFA was advised of the intent to remove vegetation from the vicinity of the track and the formation of a bench sufficient to take a quad. (approved by WDC Transportation Manager). NB this will potentially cause more neighbourly friction as the vegetation removed will be a perceived a loss including trees planted by the adjacent land owner on the ULR eg natives and fruit trees. By onsite agreement this is delayed to see if alternative options can be negotiated.

12. Items such as the water tank obstructions which were remarked upon in my earlier visit to the s 9(2)(a) property have been removed. Only the "bench" and bedding material remain. s 9(2)(a) is thanked for this acknowledgement of the advice and consequent action.

13. A last attempt at a negotiated settlement is highly desirable. Whilst Herenga a Nuku Aotearoa is prepared to assist the WDC but it can't lead this process. (We have supported at similar discussions to some success elsewhere in Northland). Were the WDC to take a leadership role I suggest those landowners with plants, fences, non consented buildings, and other structures obstructing the ULR may re consider their position prior to enforcement action. There are simple existing ie formed means of access on private land which could be utilised (with permission). Were this quid pro quo approach taken it would potentially avoid much angst and wasted time by all parties. It's my observation that a not inconsiderable sum of money is at risk by those who have "occupied and obstruct the ULR".

14. Enforcement Action. WDC has not apparently moved forward with at least a first step re enforcement action which is disappointing. (asking for explanations). The last resort of a police complaint has been discussed. Although reluctant, the RFA is prepared to support the complainants with factual and legal support in making such a complaint. Inevitably it will become a media issue and quiet resolution impossible. It's recommended the Mayor and Jim be kept apprised.

	Recommendations: - Meeting to discuss this report and options going forward - Joint inspection with WDC ie Transportation Manager or designate. - WDC request of adjoining landowners for RC, BC and or licence to occupy rights that may or may not exist for all obstructions on the ULR. (In the possibility the WDC are incomplete and some paperwork exists in the hands of adjoining landowners). Final Comment 15. I would be open to an opportunity to speak to this report. My contact details are below. EOE.
8/08/2025 10:49	RFA received from § 9(2)(a) via txt information re unconsented buildings. "Text from § 9(2)(a) § 9(2)(a)
12/08/2025 10:35	RFA had call from CEO Phil to indicate complaint from § 9(2)(a). I advised I would act cautiously or not engage. He suggested no need to not engage but advised caution. Phil's position was focus on access and allow NZP and WDC to do their job and to see inquirers lead. I advised I had emailed § 9(2)(a) 30/06 to say no further engagement or advice possible until the need to ascertain position of obstructions arose with Jeff.... particularly the unconsented buildings hence the joint site inspection. § 9(2)(a) and § 9(2)(a). This would largely be resolved if WDC • asked for landowners § 9(2)(a) and § 9(2)(a) to prove their boundary and that their constructions are on their property (informally they are clearly not ie after joint inspection and GPS). • asked § 9(2)(a) to prove they have BC & RC for the buildings
14/08/2025 9:42	RFA § 9(2)(a) wrote to and requested advice. Advice repeated. ref archaeological site so RFA loaded the relevant a data as a map snip. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/134076 RFA ref MaryAnne and Kirsti given National office interest.
19/08/2025 9:20	§ 9(2)(a) wrote again requesting advice re gate and trespass and next steps etc. Repeated advice and that Herenga anuku Aotearoa's mandate was access advice which we had supplied. ie not much more we can do.
20/08/2025 15:10	Further correspondence with § 9(2)(a) https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/134462 RFA phoned and emailed § 9(2)(a) land owner n § 9(2)(a) t c § 9(2)(a) He backgrounded access issues and gave the RFA permission to cross.

	https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/134460
21/08/2025 8:23	RFA received confirmation from s 9(2)(a) permission to access his land ie connect to the ULR from Bream Head road ie bottom. Also explained his view of the disputed land. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/135893
3/09/2025 11:59	RFA and s 9(2)(a) the inquirer met with Jeff Devine Transportation Manager. (27.08.25) RFA recorded the following and fwd to all: Thank you for the meeting Jeff. I found it useful and appreciate your time. These are my notes (not minutes and will be my case notes) In my view all parties are growing testy and this is a concern. It is unfortunately now affecting the ability for this matter to be resolved. This includes those at the meeting but also the two respective "adjoining" landowners the source of s 9(2)(a) inquiry. The circumstances of the last several decades that this situation has probably existed (and others like it across the district) are unlikely to continue. As Whangarei continues to grow and pressure to use such space via recreation / subdivision and the like is creating a challenge for the "Roothing Manager". Insufficient current resources to resolve all obstructions is acknowledged. So we recognise WDC's challenges and that resolving all obstructions may not be WDC roading's number 1 priority. The issue is that Herenga a nuku Aotearoa, ratepayers such as s 9(2)(a) recreation-based clubs such as the Tramping and MTB clubs desire progress but all wish to retain a positive relationship with WDC. They desire to see significant progress made. That they will continue to communicate advocate for positive action is understood by all. On the other side of the debate I think we all can agree that the two parties obstructing the ULR have used every means possible to defend their position. It now includes something like half a dozen NZP complaints (including armed offenders), and several trespass notices. Complaints to senior management of various organisation etc. The series of GPS points and Photos supplied to WDC recently clearly prove that this "position" is an unauthorised occupation of the ULR. A greater concern is the aggression and protective behaviours toward users of this public land ie as if it were their private property. It's reasonable to understand that the ratepayers and users have an expectation of the WDC to take effective action as the RCA. The other OIA re the additional land owned by s 9(2)(a) was to ensure that there was no mix up re filing of RCs or BCs. 08.08.25 request made, due 04 or 05.09.25. NB its is very unlikely (RC/BCs were misfiled) as this property was purchased very recently and the constructions down the ULR are decades old. My recommendation is that the Building Department assign someone this issue and we are made aware. This will mean that the "building issues" relating to this roading query don't need to be a drain on your resource Jeff. My suggestion is building send an initial query ie now to the owners asking if they have any RC or BC relating to the buildings. Asking if they have any right to occupy or similar documentation. They may have such paperwork or begin reconsidering their position. Either way WDC staff will be better informed and able to progress this matter when the two lines of inquiry are complete. It is agreed that the Transportation Manager will hand the matter to Building if and when there are no RC or BC for the buildings. This the Inquirer is supportive of ie Building to action re . He however remains of the view that the buildings obstruct the ULR. So with or without a RC/BC the issue of obstruction remains and should be dealt with. In regard to the land owned by s 9(2)(a) the situation is completely different. It adjoins the ULR. The boundaries are clear and known by the owner ie recent survey due to construction etc. However the owner is acting as if it were all one property via fencing, landscaping including carparks, windbreaks and planting an

	orchard. The occupation of the ULR and deliberate constructions to exclude the public are clear. They are deliberate acts in the full knowledge of boundaries. Progress via WDC seeking explanations for occupation would seem a simple first step as with the above. There is strong interest and public good in the issue of public access – We as mentioned suspect it will appear in the media. All will have noticed or can google access disputes and a number of issues have appeared in the media re access dispute among neighbours or District Councils over ULR. Eg: Nelson https://www.stuff.co.nz/nz-news/360678266/prisoners-their-own-property-police-charge-couple-using-driveway Wairarapa https://www.stuff.co.nz/nz-news/360779559/unprecedented-council-wants-ban-access-spectacular-coastline Whangarei (which I was directly involved with the improvement or positive result). https://www.nzherald.co.nz/northern-advocate/news/whangarei-walkway-opens-up-for-public-access-but-recreational-users-want-more/R756EWT6AREW5B4QAH4PAXZI7I/#google_vignette
4/09/2025 8:46	RFA received email from [§ 9(2)(a)] - happy with meeting (27.08.25) and happy with my summary. FWD to Kirsti. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/136352
29/09/2025 10:24	RFA responded to Kirsti re the CEO advice re keeping matters private being at odds with training and advice the RFA had received. RFA also felt the spotlight should be on the situation so that it was resolved fairly-ie public interest value. Hi Kirsti Neither [§ 9(2)(a)] or [§ 9(2)(a)] were invited to the meeting or cc my notes which were mine and shared with attendees. NB It wasn't my meeting ie a private meeting arranged by the "inquirer". I was invited by [§ 9(2)(a)] and attended at WDC. He is not finished and it will likely escalate. When Phil made the call of privacy for [§ 9(2)(a)] (at her request) the quid pro quo is so is [§ 9(2)(a)] protected by privacy. So I ceased including her. I've had no further contact with her either her to me or visa versa. As you know I wrote to Phil and expressed concern re his advice to [§ 9(2)(a)] given we are a public agency and the OIA etc. I had prior to that decision endeavoured to be open and frank to both parties as I value transparency however difficult the space. Ie what incensed [§ 9(2)(a)] was being made aware of what [§ 9(2)(a)] or I was doing, this came from my being open and transparent. The promised privacy ie Phil's statement can't be kept-my view. If for eg an OIA request came in. Similarly it will almost certainly go to media given the tensions. Knowing the lady when this happens she will cry foul and express breach of privacy etc. I had expected Phil might reconsider and potentially extract his position by responding to [§ 9(2)(a)] and saying he had sought advice and that he can't Make assurances of non-release of information due to the OIA ie we are a govt agency

	Make assurances re the media as s 9(2)(a) is entitled to do as he wishes ie all material up Phil's email was pretty much shared to both parties. I responded to each but mainly s 9(2)(a), copying her in. Knowing we were a public agency I think I wrote with a view that anyone might read eventually. This would have meant we as an organisation were ahead of the "game" ie when it hits the media or material becomes public s 9(2)(a) would not have someone to blame ie our organisation etc. I might add secrecy generally only helps those breaking the law. For example s 9(2)(a) is making no such request. Nga mihi Shaughan Anderson
10/09/2025 10:26	RFA was contacted by Kirsti (phone) on the basis that further allegations had been made by s 9(2)(a) direct to Phil as CE. RFA responded to queries especially re the new iwi/hapu concern. RFA today responded by email so that there was a written record. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/137473
22/09/2025 9:11	RFA consistently advising s 9(2)(a) to lead and the need to step back. https://ap-southeast-2.actionstep.com/mym/asfw/workflow/email/view/email_id/139751
22/09/2025 9:31	RFA responded to Kirsti re "allegations" made by s 9(2)(a). Awaiting formal complaint.
24/09/2025 11:17	RFA uploaded complaint and notes from s 9(2)(a) and s 9(2)(a) re performance of RFA. RFA waives privacy in regard to the complaint and the notes supplied. Reserves right to respond and support re 17.3 of contract. RFA requests clarity re 17.3 of his contract post direction to respond to complaint- re discoverable nature of materials submitted. Subsequently confirmed by Kirsti