



Outlook

FW: Enquiry - Māori Reserve land at [REDACTED] (Kaiapoi)

From Pacific Sea Products [REDACTED]

Date Mon 4/05/2026 9:52 AM

To [REDACTED]

From: Simon Hart [REDACTED]
Sent: Tuesday, 28 April 2026 6:13 pm
To: [REDACTED]
Cc: Kyle Davis (Guest) [REDACTED]
Subject: Enquiry - Māori Reserve land at [REDACTED] (Kaiapoi)

Tena Koe Mr MacDonald,

I hope you are well.

Kyle Davis from Whitiara has kindly passed on your enquiry with regards to your property at [REDACTED]

I note you have raised three specific issues, which I have followed up on with various staff here at Council, and offer the following comments and responses below for your consideration:

- **Question 1** - Waimakariri District Council trying to establish a cycle way down the unformed Old Main North Road via my legal access created. I believe they were not granted access to go through the Urupa by the Runanga. Could you please confirm whether this is correct or not. They changed the style of fence on my right of way to allow them to cycle down there to access old Main North Road without my consent.

I refer to the email dated the 08/06/23. I raised the question about the design of the fence that was built, the style (climb over fence) was supposed to be put up, however a post was only installed. The netting was supposed to be on the north side not on the south side so that we could install rails. I received a phone call from Mike requested that we I approve for the fence go up immediately) This fence is not the correct style that the council requested when I was granted my resource consent. This is why I got Mike down in the first place. And it is from this, that it has all gone pear shaped!

Initial Response - The original Kaiapoi to Woodend (Transport Choices) route was proposed to carry on from (formed) Old North Road around the Urupā and up the unformed road around to Pineacres. This route was changed around September 2023 due in part to concerns raised by yourself and in consultation with our Greenspace Team. The cycleway has now been routed out to Williams St and then to the north.

By changing the style of fence without my approval, they are biking down my right of way. I request that the agreed climb over style fence be installed.

When you refer to your 'legally created access' I am unsure whether you are referring to the paper road or the easement, so it is a little hard to specifically address this query without knowing which piece of land you mean. It is important to note the difference between a Road Reserve (i.e., unformed legal road) and Recreation Reserve (with easement).

I am referring to my legally created access, and not the unformed legal road, as the council pointed out to me the public's legal right of access to the unformed road, but again, I am referring to the Māori reserve land, partly occupied by me and approved by the council at the time, per a letter from the conservation department in respect to their investigation as to the particular portion of land occupied by me.

Please, if you can respond back to me on my legal right on my legally created easement on the part of the Māori reserve land that I occupy, I would gladly meet you down there to discuss this once I receive the council's legal response into the council right and the public's right to use my legal right of way across this Māori reserve land, not the paper road.

I understand that under the standard terms of an easement, the Council has the right to enter onto the easement area, and to also grant other people access - but we would certainly not be able to leave anything on the easement area that might restrict your access over it.

I disagree with this comment in respect to my newly created easement on the Maori reserve block. I believe you will be liable to pay capital contributions for that right.

I believe that the council has a conflict of interest in regard to this matter, and I believe that it should independently heard by an agreed independent mediator. This was done with my resource consent because the council had a conflict of interest.

Once I receive WDC legal interpretation of my rights, the public's rights and the council's rights to the legally created easement in favour of me, I would be happy to meet you on site.

From what I can ascertain, your easement provision does not have any applicability within the road reserve. I have come across some previous correspondence between a colleague here at Council and yourself where it had been noted "*The sub divider is advised that the council has no intention to from, maintain, upgrade or seal [sic] Old Main North Road*" and this remains unchanged. At present, the unformed legal road remains a public road of which it appears you do not have an easement right, right-of-way, ability to provide (or withhold) consent for others' use, or other exclusive conditions within the road reserve. If you have any information or advice that suggests that this is incorrect, I would be very happy to review this.

I agree with your first comment, that is why the provision was made for the easement across the reserve to link me up to this to create a legal access to my property, so they could close the end of Old Main North Road to allow for the motorway extension.

This was all done in good faith between Transit through the Property Group, WDC and me the landowner at the time. Could you please also advise whether WDC were paid by transit for the land to create my legal access allowing them to close the end of Old Main North Road.

- **Question 2** - *Style of fence, from what the council wanted to what they put up, was not what was agreed and then asked me to pay for it. Willy Peterma and myself agreed that we wanted to put up rails on the outside, they put up netting on the wrong side. It was always agreed that the public had access the reserve land but not buy my legally created access without my consent. (Because legally I had to pay for it) (refer schedule 9 see below) Anybody wanting to access the legally formed access way has to pay capital contribution.*

Initial Response – I understand that in 2023 the road frontage fence of the western portion of the reserve was removed due to its poor condition. It appears that you met with Mike Kwant from Council who commenced a process of fence replacement. I understand you met with Mike on site a couple of times to look at options for the fence placement and style. The result being a netting fence and cyclone gates paid for by WDC and yourself pro rata on the respective land parcel road frontage length. The style of the fence was consistent with the existing fencing and the emails I reviewed suggested that you were happy with the choice made. **Please let me know if I have missed anything.**

Style of fence – This fence was removed due to its poor condition, but the reason I got Mike down from the council was that the style of fence that they wanted put in place, which was the same as the one across the road, this was inadequate. As to the one that has been installed by the council now proves that I was correct, but, in Mike introducing himself and realising that I have a piece of Māori reserve land there. Hid

advise was that I should bill the WDC for all the work that I have done all of these years as he maintained the WDC owned the property personally of which I knew was incorrect. Māori Reserve 873.

- **Question 3** - *Lizard habitat, Māori reserve 873 our lwi has the first right of refusal to purchase or lease this land. Can you please confirm that the council had the Runaka consent to be doing what that are doing in respect to the lizard habitat and the relocation of lizards to this area (subject to the lwi first right of refusal to purchase or lease) did they get your approval to lease this out? As the adjoining property owner of 221 and 222, I was never asked for my consent for this to be happening.*

Initial Response - The Kaiapoi Lakes Reserve Management Plan was created in 1997. In 2025, management initiatives focused on enhancing the site, including the relocation of threatened skinks and the implementation of a Lizard Management Plan in collaboration with NZ Transport Agency and the Department of Conservation. NZTA have not purchased land but translocated some lizards there to facilitate the Belfast to Pegasus Motorway and Woodend (B2P) bypass. The Lizard Management Plan (2025) aligns with the Reserve Management Plan and was approved by the Kaiapoi Tuahiwi Community Board.

Can you please email me a copy of the Kaiapoi Lakes Reserve Management Plan 1997 and the Lizard Management plan 2025.

If this was happening in 2025 as the adjoining properties owner section 221 and 222 and rate payer and also, I occupy part of this reserve that I should have been contacted as an effected party. I should have had a legal right of input into this plan especially when I had met Mike onsite in 2024 and 2023 Mike was well aware that I was occupy part of the maori reserve.

Simon, I find this appalling, If this is what fast track is all about, it is going to come back haunt you. You are avoiding your responsibility to your rate payers in acting in this regard failure to notify the adjoining effected parties.

In discussions that I have had with the Property Group, I have been advised that I have until the 04/05 to make a submission, where was your notification to me as an adjoining land owner and affected party.

I understand that the new fencing was installed along the original fenceline that has been in place for a number of decades. The site was enhanced to provide habitat for endangered skinks, including rabbit-proof fencing, rock/wood piles for hiding, and ongoing monitoring for five years. The instillation of rabbit proof netting at the base of the fence is an attempt to keep out hedgehogs. This was designed by qualified ecologists (Wildlands) with biodiversity net gain being a primary driver and considered any impacts.

At Christmas time I observed the newly created fence and all the pine trees that were dumped on the reserve area that I administer and have been looking after all of these years. Mike could of contacted me and we could of discussed the work proposed had I been notified of what was going on earlier. As he contacted me about the urgency of putting up the new fence, he also contacted me about eviting people camping on my property. This was a request from an adjoining neighbour because they were shooting on my property (this needs investigating as the land is zoned rural and I believe it to be a permitted activity, could you please advise?) Can you please send me the report and the plans from the qualified ecologists and their contact details.

I understand that the access across the Council reserve land to your property has been maintained with no impact to the easement. Some of my colleagues have provided the

map below which they advise shows the situation on the ground. The red line is the existing and upgraded fenceline, the reserve land spans either side of this, the yellow highlight is your property, the easement across the reserve can be seen and the paper road is also shown adjacent west to the reserve land.

They have dumped a lot of logs on the part of the Māori reserve that I administer. They have used my right of way without a request from Mike or anybody at the council.

The fence – I mowed the reserve at Christmas time, and I observed the fence, what I did notice was that you have stolen our native species. Our Pukeko, who are seriously endangered in this particular area. By putting this predator free fence up, the Pukeko chicks are locked in this area, and cannot fly over the fence. Mothers on one side, chicks locked in on the other side of the predator free fence. Not a good look watching the mothers flying over the fence and not being able to bring their chicks through the fence with them to the river (I am asking that the west side of this fence be taken down and installed back to its original standard of fence so the native Pukeko species and all of the other species can move freely to the river as they have done so always.

Simon, I am fully qualified on sustainability of our native species, I have the following comments to make in respect of the lizard habitat.

When the newly created access was created for me, I personally purchased, two truck and trailer loads of large logs to be laid down the boundary road of Old Main North Road to facilitate the native species (habitat for the lizards) knowing that I was clearing my land and the reserve land. We are already inundated with Lizards across these properties because the property has never been sprayed or grazed. I share it with my native species and any other species that have made a habitat on our land and the adjoining reserve land.

My understating of it sustainability of our native species is that, before you can put any new lizard's to a site, that there needed to of been an investigation to the site and the adjoining properties as to the number of lizards already inhabitation in the area and as to whether the introduction of more lizards to the site could sustain it without putting the remaining lizard under stress. As what I have already said above that there is already a lizard sanctuary in place and that it is being looked after by me that you are taking credit for all my hard work (This is what a lack of consultation does)

Lizards –

My belief in respect of the relocation of these Lizards is that if they are not an endangered species and are living in the wild, they need to be relocated back into the wild to the nearest possible place that they are being transferred from.

My suggestion would be Woodend beach ? Between the fence line of the adjoining farmers and the beach reserve administered by the WDC, as far south as Pines beach and going north as far as Waikuku beach . By doing this over a large area you won't be putting the existing lizards under stress that are already there.



For your further information, I have attached to this email the following:

- A copy of the 2007 Easement Instrument to grant easement
- A copy of the digital title plan – DP377631
- Copies of email correspondence with Mike Kwant regarding the instillation of the fence and the invoice.

I hope this helps to answer some of your questions. I would be more than happy to meet you on site with the appropriate colleagues to discuss any of the above, or any other related enquires you might have. Please get in touch if this is something you would like to pursue.

I hope my comments help you understand my situation as a Māori owner and occupier of [REDACTED] and part of the reserve. If you could please respond with the WDC legal interpretation of my legal rights and to my access across the Maori reserve, it would be very much appreciated. I would be happy to meet you onsite with also the agreed appropriate persons.

Nga mihi nui,

Simon

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