

14 August 2024

File ref: IRC-6893

Wellington City Rural Rate Payer
fyi-request-27990-ca22bb53@requests.fyi.org.nz

Tēnā koe

Thank you for your email of 9 August 2024 to Te Kaunihera o Pōneke / Wellington City Council (the Council) requesting an answer to the following question:

- *Could you please clarify what rights neighbours have regarding RoWs granted by WCC? Specifically, in a situation where a RoW that is 6m wide has been recorded -- permitting Neighbour B to traverse over Neighbour A's property -- and Neighbour A cuts a track that within it that is 4m wide, with 1m of non-drivable bank on either side, is Neighbour B in the right to state that the road does not permit full and unfettered access to the full RoW area granted, and demand that the road be recut so as to be the full 6m width and the 1m banks on either side be outside of the RoW, on Neighbour A's property?*

Your question above does not conform to the requirements of an information request under the Local Government Official Information and Meetings Act 1987 (LGOIMA), as it is not asking for official information, nor is it specified with the due particularity required of a request under the LGOIMA.

Right of Way agreements are legal arrangements recorded on the land titles of the properties concerned. Accordingly, the land title for the property that is of interest to you may provide you with further information relevant to your questions.

If Wellington City Council is the owner of one of the properties in the Right of Way arrangement, our Planning team may be able to provide you with additional information. If this is the case, please direct your query to planning.admin@wcc.govt.nz, including the address details of both properties involved in the agreement. Otherwise, you should seek independent legal advice to obtain insight into the specific requirements of the Right of Way for the address that is of particular interest to you.

You have the right, by way of complaint under section 28(1) of the LGOIMA, to request an investigation and review of the Council's response, by the Ombudsman. Information about how to make a complaint is available at www.ombudsman.parliament.nz or freephone 0800 802 602.

Nāku noa, nā

Susan Sales
Senior Advisor Official Information
Wellington City Council