

Cedric Daniel

From: Robert Andrews
Sent: Monday, 3 April 2017 2:30 p.m.
To: Dave Serjeant
Cc: Cedric Daniel
Subject: RE: ENG60060435 at 88 Ocean View Road, Northcote

Hi Dave,

Thanks for the phone call a few minutes ago. As discussed can you please write up your involvement to-date with the parties in a quick memorandum. As mentioned, once the formal service of notice under section 460 and (assuming) objection have been received, we will most likely ask that you make further contact with the parties.

Thank you for your progress to date.

Regards

Robert

From: Dave Serjeant [<mailto:dave@merestone.co.nz>]
Sent: Thursday, 30 March 2017 10:44 a.m.
To: Robert Andrews
Subject: Re: ENG60060435 at 88 Ocean View Road, Northcote

Hi Robert,

Further to our call the other day, I have spoken with Mr Ing and have confirmed that he does not wish to make any further efforts on settling this matter and considers that I would equally be wasting time and effort on a settlement. I have not heard back from Mr Loo, although I have followed up with a phone call.

I think this should be set down for hearing.

Regards

Dave Serjeant

Director

 MERESTONE

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"merestone" - an old English term for a boundary marker that consisted of a pile of stones surmounted by an upright slab

PROJECT MEMORANDUM

TO: Robert Andrews

FROM: Dave Serjeant, Independent Hearing Commissioner

SUBJECT: Engineering Approval Application: 88 Ocean View Road and 25A Martin Crescent, Northcote

DATE: 12 April 2017

Further to my review of the file documents relating to this matter, this memorandum records the results of my attempts to resolve this matter, and my findings in relation to the proposed piping option recommended by Council.

Approval is being sought by Mr Heng Ing, the owner of 88 Ocean View Road, to connect with the public stormwater network. Engineering advice obtained by Mr Ing identified a number of options and the recommended option was to cross the rear yard of 25A Martin Crescent, joining the public stormwater network at 92 Ocean View Road. The crossing would be by way of thrusting the pipe with no surface effects from the pipe's installation. The Council engineering officer responsible agrees that this is the best option.

The property at 25A Martin Crescent is owned by Mr Gordon Chan, who has had his lawyer, Mr Arthur Loo, involved in this matter.

The file documents indicate that both property owners have owned their Northcote properties for a number of years. Also, it is clear that the communications on this matter have been extensive, but unproductive.

I have spoken with the lawyer Mr Loo by telephone, who fully appreciated the situation that his client was in, but deferred to his client in terms of his response to the request for the pipe crossing.

I spoke with Mr Chan by telephone. Despite advice that Mr Chan potentially needed an interpreter, I found that Mr Chan quickly understood the purpose of my call, which was to attempt to arrange a meeting with him on site to discuss his concerns. Mr Chan was adamantly and repeatedly of the view that no pipe was to cross his land. He was convinced that he has the legal right to block any crossing of his land. I attempted to get agreement to an on-site meeting, but he wanted none of that and I would have to say it was difficult to get a word in, before he finally hung up on me.

I have gone back to Mr Loo by email, setting out the options, and asking whether he is able to make any progress with Mr Chan. The options I set out were:

Go to Hearing: All parties have the potential to incur costs, with the significant likelihood that the Council Committee will confirm Option 2, with conditions of consent being standard reinstatement of any damage

(damage seems unlikely in this case). The Committee is not able to award compensation.

Avoid a Hearing: Hearing costs are avoided, Mr Chan benefits from some compensation from Mr Ing. Please note that I am not aware of whether a former compensation offer, rejected outright by Mr Chan, is still on offer from Mr Ing. At this stage I have not heard back from Mr Loo.

Mr Ing wants this matter to go to a hearing as soon as possible.

D F Serjeant

INDEPENDENT HEARING COMMISSIONER

12 April 2017