



Waipuna
Halswell-Hornby-Riccarton Community Board
MINUTES ATTACHMENTS

Date: Tuesday 18 May 2021
Time: 5pm
Venue: Rārākau: Riccarton Centre,
199 Clarence Street, Christchurch

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25 February 2021

Greg Olive


Ref. NZT-5805

Dear Greg

Thank you for your e-mail of 3 February 2020 to Hon Michael Wood, Minister of Transport regarding road signage adjoining to your property. Your email has been referred to Waka Kotahi NZ Transport Agency for response as the matters raised are operational and fall within my responsibilities as Senior Manager, System Management.



In response to your email I have taken the opportunity to investigate the Advance Direction sign (ADS) erected outside your residential property. Geoff Griffiths, Principal Project Manager, advises me the ADS designer reviewed the permanent sign size, design and location in December last year. The sign is compliant with relevant standards and no significant changes were made from the detailed design/tender drawings.

According to the Manual of traffic Signs and Markings (MOTSAM) section 7, the letter size depends on road type, approach speed and the lateral and/or vertical placement of the sign. Halswell Junction road, at this location, is considered a 'Two Lane Urban Road with up to two lanes in each direction'. This means the ADS lettering should be not less than 160mm.

The 'Richmond Ave' lettering is 160mm high while the 'MWY South' lettering is 120mm. The latter is considered an acceptable height in this circumstance as the more critical 'SH76 symbol' and 'Timaru' are larger in size. As you can see from the image (attachment one refers), these words determine the size of the sign. The 'Hornby, Prebbleton' lettering is 180mm high, however reducing the size of this lettering would not allow the overall sign size to be reduced.

Prior to installation, the sign layout was refined allowing the size to be reduced in width from 4.2m to 3.8m. Due to constraints including space and sight distances for your adjacent driveway and to avoid moving the sign closer to your property boundary, we relocated the sign approximately 10m closer to the intersection from the temporary sign location.

I understand as a result of a deputation, the local community board has agreed to seek advice on the location and erection of the sign to ensure it complies with the necessary standards and approvals. I can confirm Waka Kotahi is working with Christchurch City Council (CCC) in responding to any requests the community board has. For clarity, I also understand that CCC officers are aware of and agree with the sign size and position.

If you would like to discuss the matter further with Waka Kotahi, you are welcome to contact Mr Griffiths, by email at  or on .

Yours sincerely



Rod James
Acting National Manager Infrastructure Delivery



LEGAL STORMWATER DRAINAGE RIGHTS: (printed 18 May 2021)

5 Signs on fence alongside Lot 9 & 8's legal stormwater drain.

In place for several months, recently stolen after citizens arrest for offending against the Land Drainage Act and RMA,

CCC is Party to this Ongoing Criminal Offence!

PRIVATE DRAIN

DO NOT FILL-IN!

OFFENCE UNDER LAND DRAINAGE ACT ss78, 82

82 Malicious destruction of property

Every person who wilfully and maliciously cuts, breaks down, destroys, or damages any bank, drain, sewer, dam, mill, engine, building, sluice, or any of the works erected or made for the purposes of this Act, commits an offence and

- is liable on conviction to imprisonment for any term not exceeding 3 years, or to a fine not exceeding 500 pounds.

Section 82: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Thank you !

Christchurch City Council and the Developer of this Subdivision Consent RMA92009135 are unlawfully and corruptly designing the stormwater system (& other) in breach of the Consent and unlawfully making privately owned higher n'west Stages of the Consent impossible.

The CE, Mayor and Deputy refuse to correspond, and prohibit staff & others meeting with affected landowners and our Community Board.

Instead, they challenge defrauded landowners to sue Council for Councils unlawful approval of non-complying works, tampering with the Consent, unlawful refusal to enforce compliance, and unlawful variation approvals of knowingly fraudulent & impossible stormwater designs.

Colin Stokes – ph 021 2200622 / stokesy@xtra.co.nz

Land Drainage Act 1908 (12 Nov 2018 Print)

76 Power of applicant to clear drains

- (1) After drains have been opened or improvements in drains made under this Part of this Act, it shall be lawful for the applicant, and his successors in title for ever thereafter, from time to time, as it becomes necessary, to enter upon the lands through which such drains have been opened or improvements in drains made, for the purpose of clearing out, scouring, and otherwise maintaining the same in a due state of efficiency.

78 Obstructing or injuring drains

Every person who wilfully obstructs any person making any drain or improvements in drains under this Part of this Act, or who wilfully dams up, obstructs, or in any way injures any drains or improvements in drains so opened or made, is liable for each offence to a fine not exceeding 50 pounds.

82 Malicious destruction of property

Every person who wilfully and maliciously cuts, breaks down, destroys, or damages any bank, drain, sewer, dam, mill, engine, building, sluice, or any of the works erected or made for the purposes of this Act, commits an offence and is liable on conviction to imprisonment for any term not exceeding 3 years, or to a fine not exceeding 500 pounds.

Section 82: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

“NATURAL SERVITUDE”

PROTECTS LEGAL STORMWATER DRAINAGE RIGHTS

Natural servitude law (googled)

The first point to note is that **lower land** is subject to a “**natural servitude**”. This means that lower land is obliged to receive surface water which falls naturally from **higher land**

[lower land = consent holders land]

[higher land = original landowners land]

[original landowners Lot 9 & 8 min. drain south over consent holders land, and which Council is party to the ongoing criminal offence of filling it in]

Extract from ; Stuart Ryan, Barrister

Under the Resource Management Act 1991, territorial authorities, consulting engineers and contractors have all been prosecuted for water related offences.

In **addition to the risk of statutory liability**, common law **liability for the torts (civil wrongs)** of negligence, nuisance, trespass and the rule in Rylands v Fletcher continue to be applicable. This paper outlines the categories of potential **legal liability at common law, and in statute**. It explains the common law rights of “**natural servitude**”, and illustrates this with case law examples.

Willful Blindness or Wilful Ignorance Legal Description

Description

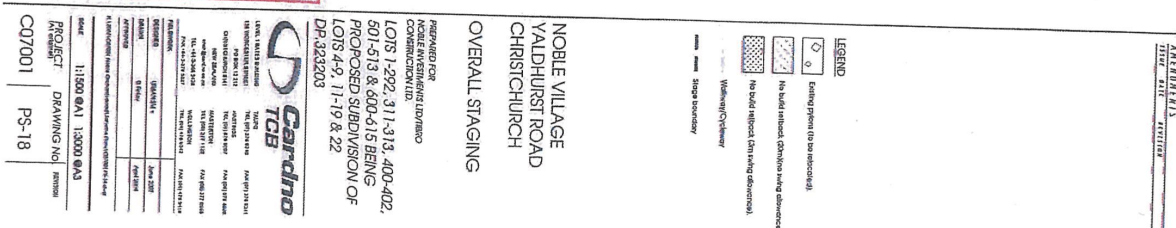
Wilful blindness or Wilful ignorance is a term used in law to describe a situation in which a person seeks to avoid civil or criminal liability for a wrongful act by intentionally keeping themselves unaware of facts that would render him or her liable or implicated. [Wikipedia](#)

Is wilful ignorance a crime?

Courts commonly allow wilful ignorance to satisfy the knowledge element of a crime. The traditional rationale for this doctrine is that wilfully ignorant misconduct is just as culpable as knowing misconduct.

Another:-

Wilful blindness or Wilful ignorance (sometimes called **ignorance of law**,^{[1]:761} **willful ignorance** or **contrived ignorance** or **intentional ignorance** or **Nelsonian knowledge**) is a term used in law to describe a situation in which a person seeks to avoid civil or criminal liability for a wrongful act by intentionally keeping themselves unaware of facts that would render him or her liable or implicated. the court held that proof of wilful ignorance satisfied the requirement of knowledge as to criminal act.



A list of **Council authorised drainlayers** is available on request or online at website

<http://www.ccc.govt.nz/WasteWater/AuthorisedDrainLayers/>

For further information the applicant is advised to contact either Tony Borkus (941-8376) or Gordon Taylor (941-8375.)

- 4.7 A CCTV (Video) inspection using a pan and tilt camera for all gravity pipelines of 150mm diameter and above as per the recently updated Christchurch City Council Standard Specifications CSS: Part 3:2007 Section 14.2.6. This shall only apply to pipes being vested in Council ownership which cover more than one manhole length. This is to be done after all construction works have been completed. The DVDs/tapes shall be labelled with the RMA consent number and address of the development and accompanied by CCTV log sheets which show a schematic layout of the pipeline videoed.

- 4.8 All pipelines shall be free of debris and cleaned with a High Pressure cleaner within 24 hours prior to inspection. Any gravel and stones shall be taken out of the pipeline; it is not acceptable to flush stones and gravel further down the line.

The CCTV/video footage of the pipeline being vested shall be forwarded to the Subdivision Engineer in DVD format with log sheets, engineering plan and a copy of the consent conditions at least 10 working days prior to the CCC Final Drainage Inspection. Asset and Network Planning Unit staff will review a maximum of 1,000 metres of footage within 10 working days and respond accordingly.

- 4.9 The applicant's consultant shall provide the Council with 'As-Built' data for all manholes which are to be vested in Council ownership.

5. New Road to Vest

The new roads, being lots 600 - 615 are to be formed and vested in the Council to the satisfaction of the Subdivision Engineer. All proposed legal roads shown on the application plan are to be formed and vested in the Council in accordance with the Infrastructure Design Standard 2007 (Draft) with underground wiring for electricity supply and telecommunications.

Road connections to the "Delamain Block" are to be made at stages 8 and 13 at the latest (road lots 600 and 605 as indicated on PS-01 Revision U).

There is no apparent resolution of issues around the final form of the access point to Yaldhurst Road. Access to the site is through the general location of the roundabout shown in PS-02.

Access to Buchanans Road is limited by City Plan rules in relation to the integrated development of the Living G block. The Buchanans road access point is currently at saturation in terms of the allowable level of access without separate resource consent.

Colin Stokes

From: Colin Stokes <stokesy@xtra.co.nz>
Sent: Friday, 4 October 2019 4:18 PM
To: 'mary.richardson@ccc.govt.nz'; 'duncan.sandeman@ccc.govt.nz';
Cc: 'Pauline'; 'Jimmy'; 'East, David'; 'Keown, Aaron'; 'yani.johanson@ccc.govt.nz';
'Swiggs, Deon'; 'tim.scandrett@ccc.govt.nz'; 'mike.davidson@ccc.govt.nz';
'raf.manji@ccc.govt.nz'; 'sara.templeton@ccc.govt.nz'; 'anne.galloway@ccc.govt.nz';
'jamie.gough@ccc.govt.nz'; 'glenn.livingstone@ccc.govt.nz';
'phil.clearwater@ccc.govt.nz'; 'vicki.buck@ccc.govt.nz'; 'Andrew.Turner@ccc.govt.nz';
'Lianne.Dalziel@ccc.govt.nz'; 'Mike'; 'Broughton, Helen'; 'Ross McFarlane'; 'Mora,
Debbie'; 'Bryden, Natalie'; 'Chu, Catherine'; 'mick [REDACTED]'; 'lester@ [REDACTED]';
'Malcolm Alexander'
Subject: Notice to CCC of CCC Ongoing Statutory Breaches and Offences
Attachments: 2019 10 04 CStokes to CCC CEs Office cc Elected Council.pdf

Dear CCC Chief Executive and Director of the Office of the Chief Executive, and elected Council members, and others

Please see the attached.

It is written and includes photos and other references such that laypersons can understand matters without having to rely on "expert" and "legal advice".

Kind regards
Colin Stokes
021 2200622

Colin Stokes

4 October 2019

Acting Chief Executive Mary Richardson and Director Chief Executive Office Duncan Sandeman

Yaldhurst Subdivision RMA92009135

Dear Mary and Duncan

Your blindness of Councils unlawful systemic wrongdoings and my *current complaints* was apparent in our short conversation outside the Council chambers on Thursday 26 September 2019. It's astonishing you refuse to meet and hear my complaints and evidence of staff serious wrongdoings (including deceit, unlawfulness, corruption and forgery), and instead rely on the ongoing falsehoods and advice of the staff complained of and evidenced of the wrongdoings and coverup ... except on this one occasion to try to *prevent* me speaking in the Councils public forum about it.

When I informed you both how the CE's Office Memorandum of 15 August 2019 to the Mayor and Deputy Mayor was factually false and utter nonsense, and what the facts of my *actual* current complaint is, you continued to not want to know.

I am aware Councils complaints policy (Stage three) allows the Chief Executive to *designate* others to *review previous responses*. However, to designate and rely on the advice of the staff complained of and evidenced of the serious wrongdoing, and *their review of themselves* and *review of their previous responses* (Resource Consent Head John Higgins and Legal Counsel Brent Pizzey), and to refuse to meet and receive evidence of the complaint, including professional and legal advice addressed to the Council, is incredible.

Indeed, both the General Manager and Chief Executive refusing to meet and receive evidence, and the Mayor and Deputy Mayor, meant Councils complaints process never got past Stage one.

Councils *conceded unlawfulness* of allowing non-complying works, includes *conceded* undersized stormwater provisions to a design that was never possible and that was retrospectively corruptly purported to have been consented (by a forgery).

Council staffs failures and refusal to enforce compliance with the consent upon the consent holder, a statutory breach under the RMA, continues today. The result of Councils unlawfulness includes offences under the RMA and the Land Drainage Act (LDA), and intentionally cheating landowners of their subdivision stages and RMA interests.

It does *not* require expert or legal advice (particularly from the guilty staff) for a layperson to understand Councils wrongdoing. A visit to site and 10 minute explanation is all was required.

I repeat the previous Notices to Council of experts and lawyers:-

Council is in breach of numerous statutory obligations, is currently unlawfully authorising offences under the RMA and Land Drainage Act 1908 (LDA) (ss77, 78, 82), and is failing and refusing to perform its statutory duty of enforcement of compliance with the consent upon the consent holder. The corollary legal position if Council continues to fail and refuse to enforce compliance, is that Council must provide compliance, in addition to its enforcement role.

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For laypersons basic understanding of wrongs, expert or legal advice is not necessary:-

- Head of Resource Consents' (Mr Higgins) advised by email that Council staff do not "usually" consider the "next stages" (upstream stormwater stages in this consent) when giving engineering approval for works on adjoining (downstream) stages.
- A lay person can understand that makes no sense:-
 - That downstream stormwater and roading works (pipe size, basin size, road falls and levels) have to be designed and constructed to accommodate the upstream stages.
 - Not doing so necessitates ripping up the roads and upsizing pipes later, and increasing the basin sizes later when the lower land required may have been wrongly approved for sections in the downstream approvals (exactly as has happened).
 - This stormwater redesign and reworks and other provisions is exactly what is required now, but Council staff are refusing to perform Councils statutory duty to enforce this.
- The wrongdoing staffs "usual" procedure of not designing for the "next stages", not only makes no sense, but it is a **breach** of Councils **statutory duty** and an **offence** under the RMA and LDA.

Layperson examples of Council breaches and offences by unlawful consenting and approvals:-

Staff failed to attain (as required by Councils Infrastructure Design Standards (IDS) 5.4.2):-

"Specific information that must be provided with any concept drawings or Resource Consent plans". From the IDS 5.4.2 list, staff failed to attain:-

- the location of existing drainage pathways;
 - catchment boundaries defined by surface levels
 - summaries of hydrological and hydraulic modelling as required by the WWDG (see WWDG Part B chapters 21 and 22), including design parameters and assumptions;
 - estimates of catchment imperviousness and the basis for its derivation;
 - clear identification of the extent of any existing and post-development ... overland flow paths within the site;
 - secondary flow path
 - the impact of any proposed filling or excavation on existing surface drainage pathways;
 - existing services and easements;
 - details of investigation of effects on the environment
 - [environment includes built environment of existing houses and floor levels within the consent and demonstration of their consent-required provisions and connections.
Council breached its statutory obligations to require and assure any of the above]
- IDS 5.5 makes it clear that:-
 - "stormwater planning on a coordinated and comprehensive catchment-wide basis is primarily the responsibility of the Council"; and that
 - "The implications of future upstream development on the site, and the cumulative effects of land development on water quality and flooding downstream, are important considerations."
 - Councils Waterways and Wetlands Design Guide (WWDG) also emphasises that stormwater design is Councils primary role before consents and approvals are given, and that the stormwater design and provision vests in Council ownership.
 - Council is in breach of all the above, and guilty of offences under the RMA and LDA as a result:-

Offences under the Land Drainage Act 1908 (LDA) by Council staffs unlawful statutory breaches and works and retrospective consent forgeries, include (emphasis added):-

- **LDA s77 - Power of adjoining owner to divert drains**
The owners for the time being of the lands through, on, between which any drain may be opened or improvements in drains made under this Part of this Act may fill up, divert, or otherwise deal with such drains, on condition of first making and laying down in lieu thereof drains equally efficient; and any dispute as to the efficiency of drains so laid down shall be decided by a District Court Judge sitting with 2 Assessors."
- **LDA s78 Obstructing or injuring drains**
Every person who wilfully obstructs any person making any drain or improvements in drains under this Part of this Act, or who wilfully dams up, obstructs, or in any way injures any drains or improvements in drains so opened or made, is liable for each offence to a fine not exceeding 50 pounds.
- **LDA s82 Malicious destruction of property**
Every person who wilfully and maliciously cuts, breaks down, destroys, or damages any bank, drain, sewer, dam, mill, engine, building, sluice, or any of the works erected or made for the purposes of this Act, commits an offence and is liable on conviction to imprisonment for any term not exceeding 3 years, or to a fine not exceeding 500 pounds.

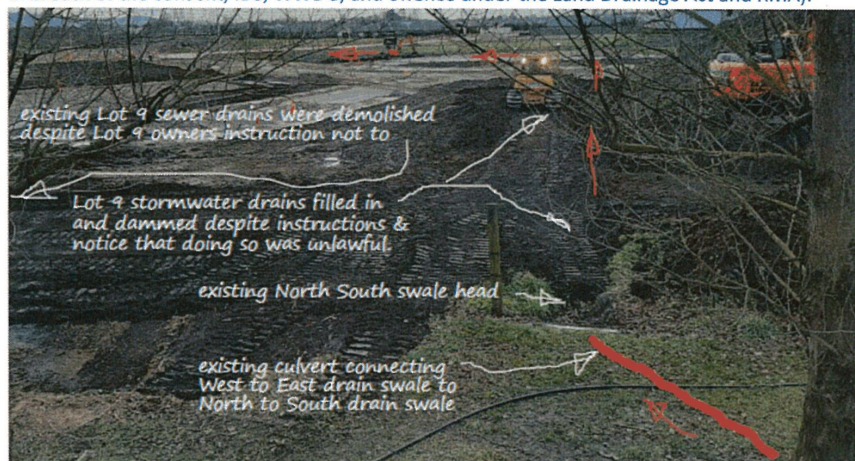
PHOTO EVIDENCE FOR LAYPERSONS: of Council offences under the Land Drainage Act 1908.

EXISTING STORMWATER DRAINS from decades before the consent, sewer 2005 before consent:



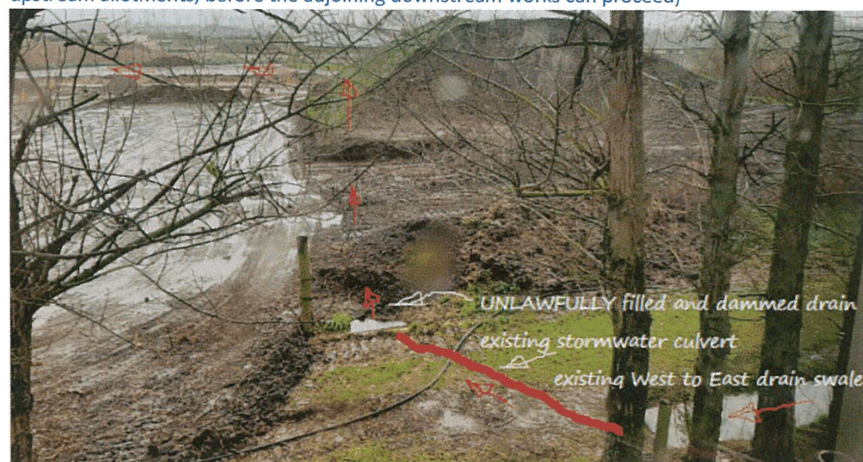
COUNCILS UNLAWFUL "APPROVAL" TO DESTROY SEWER AND STORMWATER DRAINS:-

(consent holder and council staff and agents ignored notice not to destroy existing legal drains, in breach of the consent, IDS, WWDG, and offence under the Land Drainage Act and RMA).



EXISTING STORMWATER PATH ILLEGALLY FILLED IN AND DAMMED (shown after minor rainfall)

(Councils stormwater design and engineering approvals do not include the required stormwater and sewer drainage that is required to be "laid down in lieu" for this existing house and future upstream allotments, before the adjoining downstream works can proceed)



FURTHER, Council not only unlawfully authorised the filling in and damming of drains to the downstream South (above), Council also unlawfully authorised and signed off works to the downstream East that also make the upstream stages of the consent impossible (photo below).

This East unlawful works included the start of the road that is required to extend upstream West, over the existing access lot, to serve the upstream stages of the consent (including my stage). It appears too high for the road extensions' secondary overland flowpath to drain over it, and creates

flooding circa 0.4m deep, and into existing properties. The road extension over this access Lot is inhibited from being raised to remedy this fault due to existing house floor and property levels.

These are the critical “must provide” “specific information” of the “existing environment” and “design analysis” that Council staff failed to attain from the applicant/consent holder in their “concept drawings” and “Resource Consent plans” (and that staff again failed to attain when unlawfully giving engineering approval for the physical works).

Council staffs retrospective variation consent forgery had this road extension impossibly falling the other way, West, counter to the ground slope, and 2.6 metres deep at its far end toward “future” basins on higher land outside the consent that are not feasible, possible or permitted.

CONSENT-REQUIRED ROAD EXTENSION LOCATION LOOKING WEST UP THE EXISTING ACCESS LOT:-
(Councils consent forgery had the far end descending 2.6 metres below ground level to “future” basins on higher land outside the consent that were not feasible, possible or permitted)



CONSENT-REQUIRED ROAD EXTENSION LOCATION LOOKING EAST TOWARD START OF ROAD

(circa 0.4m ponding is caused by the higher level of the unlawfully constructed short road beyond)



- Council staff refuse to provide their design of how this consent-required road extension, and the stages of the consent off it, are facilitated by the engineering works they continue to unlawfully approve for both the adjoining downstream South and East stages of the consent (as Council are statutorily required by the consent, RMA, IDS, WWVG and LDA to do).
- Council staff claim the impossibilities created by their unlawfully approved non-complying works and design, are my impossible problems to solve, and at my cost.
- This despite I have no control over the design and works unlawfully authorised by Council, and of which are partially vested in Council and over the consent holders land, and are at the sole control and statutory obligation of the Council to enforce upon the consent holder (or in the corollary, provide itself).
- Council staff completed their insult and fraud, by advising me and others that they;
 - will not enforce compliance upon the consent holder for the consent-required stormwater and roading provision conditions, and
 - will allow the consent holder to rely on their impossible uphill West basin consent forgery, and
 - will lapse mine and others stages of the consent in 2024, because staffs' refusal to enforce compliance means we cannot progress them (and this despite the RMA provides our stages do not lapse because the consent has been "given effect to").

Colin Stokes

Affected landowner defrauded by Council staff of RMA interests