

## Central Hawke's Bay District Council – Report

**TO:** Services Committee  
**FROM:** Roading Manager  
**DATE:** 16 July 2009  
**FILE REF:** LAN 6-101  
**SUBJECT:** CLOSURE OF UNFORMED PARTS OF MONK AND MASON ROADS

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### 1.0 SUMMARY

There are unformed parts of Monk and Mason Roads which cross over the district boundaries between Central Hawke's Bay District and Hastings District (see attached plan). Council has received a request from the adjacent landowner to close the unformed part of Monk and Mason Roads which cross his property and he would then purchase the land.

### 2.0 RECOMMENDATION

#### *THAT*

1. Council initiates the road stopping procedure for the unformed parts of Monk and Mason Roads adjacent to Rochfort Land Company Limited as shown in the attached plan.
2. Council notifies Rochfort Land Company Limited of its intention to stop the roads and confirm agreement with the company to purchase the land when the stopping procedure is completed.

#### REASON

**The objective of the decision will contribute to the following Community Outcomes:**

- *A strong, prosperous and thriving economy.*
- *An environment that is appreciated, protected and sustained for future generations.*

### 3.0 BACKGROUND

Council has received a request to stop the unformed portions of Monk and Mason Roads from the Rochfort Land Company Limited represented by Tom Skerman of Sainsbury Logan & Williams in April 2008 (see attached). These roads are located in both the Central Hawke's Bay and the Hastings districts. Hastings District Council has agreed that Central Hawke's Bay District Council manage the process on their behalf (see attached).

This property is not required for Council purposes now or in the future.

The land will have to be valued to reflect current prices and all costs of the road stopping will be at the expense of the Rochfort Land Company.

## 4.0 OPTIONS

### Option 1

1. Council initiates the road stopping procedure for the unformed parts of Monk and Mason Roads as shown in the attached plan.
2. Council notifies Rochfort Land Company Limited of its intention to stop the roads and confirm agreement with the company to purchase the land when the stopping procedure is completed.

### Option 2

Council notifies Rochfort Land Company Limited that it will not be proceeding with the stopping of the road.

## 5.0 STATUTORY IMPLICATIONS

- Local Government Act 1974
- Local Government Act 2002
- Public Works Act 1981

Council has authority to close roads that are not required as part of the roading network and dispose of the surplus land.

## 6.0 CONSULTATION

### 6.1 External

All affected property owners  
The public  
Property Valuer

### 6.2 Internal

Chief Executive  
Regulatory Services Manager

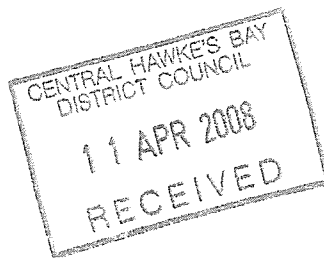
## 7.0 FINANCIAL

The net proceeds (income less costs) of the disposal of any surplus land are allocated to the Capital Projects Account.

## 8.0 STRATEGIC LINKS

- LTCCP
- Funding Policy
- Roothing Activity Management Plan.

Shawn McKinley  
**Roading Manager**



10 April 2008

The Roading Manager  
Central Hawkes Bay District Council  
PO Box 127  
WAIPAWA 4240

Dear Sir


**ROCHFORT LAND COMPANY LIMITED AND ROUNDWAY LAND HOLDINGS LIMITED – PAPER ROAD PURCHASES**

- 1 We act for the above named companies.
- 2 Both companies own farmland in Central Hawkes Bay through which certain paper roads run. The details of the respective companies' land holdings and identification of the paper roads affecting each property are **attached** to this letter as an appendix.
- 3 Our client wishes to have these roads stopped pursuant to Section 319 of the Local Government Act 1974, and the purpose of this letter is to initiate the process set out in Schedule 10 (clauses 1-10) of that Act. We understand that the process for the purchase of a paper road is as follows:
  - 3.1 An application must be made to the Roading Manager of the Central Hawkes Bay District Council to purchase the paper road.
  - 3.2 The Council will commission a valuation of the land (at the landowner's expense) to form the basis of an agreement to purchase the land.
  - 3.3 The landowner must provide a surveyed plan of the road proposed to be stopped together with an explanation as to why the road is to be stopped and the purpose or purposes to which the stopped road will be put. This survey plan will ultimately be submitted to the Chief Surveyor of Land.
  - 3.4 Following the Chief Surveyor's approval, the plan must be notified to the public (on two separate occasions) inviting public objections to the stoppage. The period for objections is 40 days after the date of the first notification. The Council is also required to serve a similar notice on occupiers of all land joining the road proposed to be stopped. Furthermore, a notice of the proposed stoppage must be fixed in a conspicuous place at each end of the road proposed to be stopped.

cont.

- 3.5 In the event that any objections are received the Council will (unless it decides to allow the objections) send the objections to the Environment Court, which is required to consider the application, and the objections and thereby confirm, modify or reverse the Council's decision.
- 3.6 If the application is approved (either by Council and/or the Environment Court) the notice of stoppage of the road takes effect and the Chief Surveyor will amend the Title to the property accordingly.
- 4 Accordingly, we understand that following your approval to proceed with the application we will be required to commission a valuation and survey of the paper road affected by this application. In the event that the Council requires our client to use specific valuers and/or surveyors, we ask that you supply their contact details to the writer.
- 5 We thank you for consideration of our client's application, and look forward to hearing from you. Please provide an indication of Council costs (if any) that will be payable by our client.

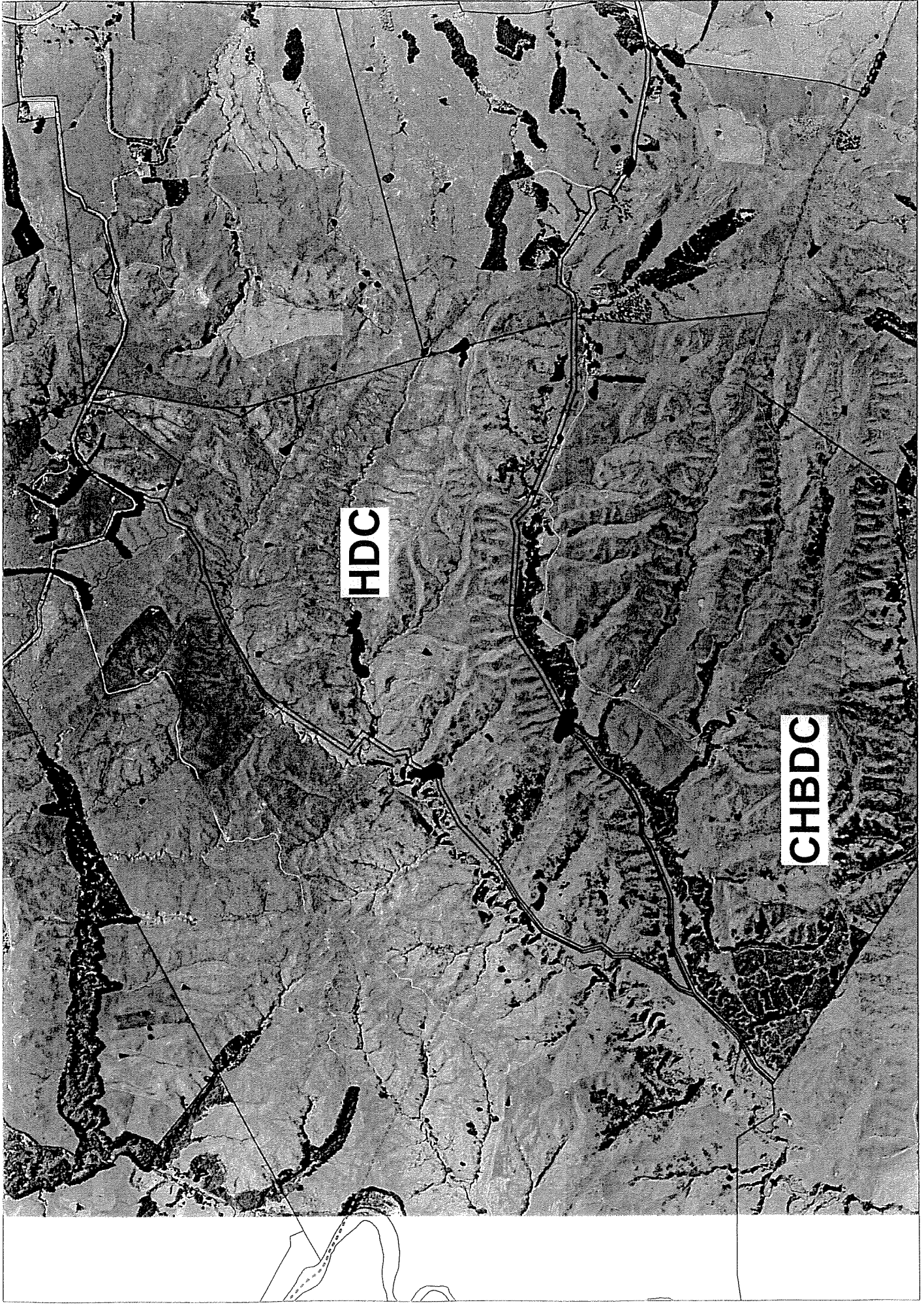
Yours faithfully



Tom Skerman  
**Solicitor**

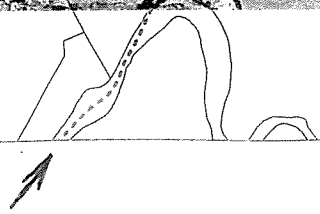
Email [tts@slw.co.nz](mailto:tts@slw.co.nz)

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HDC

CHBDC



### MONK and MASON Roads

Could you please consider the application By Rochfort Land Company Limited, to purchase the two paper roads known as Monk and Mason.

The application is complicated as the two roads straddle The Hastings and CHB Districts.

Mason – 1.068k CHB and 2.622 in Hastings

Monk - 1.353k CHB and 2.622k in Hastings

The application must be made jointly with the respective Councils and to co-ordinate their involvement in the application, to avoid any unnecessary duplication. The Rochfort Land Company will pay for all costs.

#### **Recommendation**

The CHB District and the Hastings Council should first obtain approval from all affected parties in their own section, and investigate if any area of land becomes landlocked, because of these road closures.

IF calling ask for Alan Parsons

File Ref 55740#001#0001

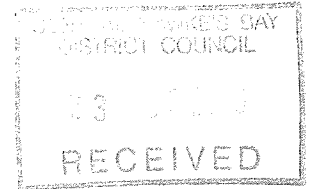
16 October 2008



# HASTINGS DISTRICT COUNCIL

HASTINGS, THE LIFESTYLE OF CHOICE,  
A PLACE OF OPPORTUNITIES

Mr T Skerman  
Solicitor  
Sainsbury Logan & Williams  
PO Box 41  
Napier 4140



Dear Tom

## Stopping and Sale/Purchase of Paper Road - Mason, Monks and Hiranui Roads

I refer to your letter dated 11 September 2008 – please accept my apology for the delay in replying.

I confirm that Hastings District Council is happy for Central Hawkes' Bay District Council to manage the process on our behalf, for those lengths of road lying within the Hastings District, including all negotiations with the land owners and other affected parties.

Yours sincerely

*Alan Parsons*  
**COPY**

Alan Parsons  
**Transportation Engineer**  
alanrp@hdc.govt.nz

Copy to: Peter Saggars, CHBDC - For your information. Please keep this Council informed at all stages affecting this District. Thanks. Alan P.

**Shawn McKinley**

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**From:** Adrian Barclay [AGB@slw.co.nz]  
**Sent:** Friday, 10 July 2009 9:41 a.m.  
**To:** Shawn McKinley  
**Cc:** Brian Foote  
**Subject:** RE: Rochford Land Company - Monk & Mason roads

Thanks Shawn.

Yes, the company will meet all costs. Let me know if you need anything further.

Adrian Barclay | **Partner**



**SAINSBURY LOGAN & WILLIAMS**  
LAWYERS SINCE 1875

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**From:** Shawn McKinley [mailto:shawn.mckinley@chbdc.govt.nz]  
**Sent:** Friday, 10 July 2009 09:16  
**To:** Adrian Barclay  
**Cc:** Brian Foote  
**Subject:** Rochford Land Company - Monk & Mason roads

Adrian:

Brian Foote has indicated that you are now representing the above company in the proposed stopping of the Monk and Mason roads. I have prepared an agenda item for the Services Committee to initiate this process. However, I need something from the Company indicating that they will pay for all costs of stopping and unfortunately I need it today or there will be a further month delay in even initiating the process. A fax or e-mail would be sufficient. Cheers

Shawn McKinley  
Roding Manager, CHBDC  
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Mobile: 027 296 1218  
[shawn.mckinley@chbdc.govt.nz](mailto:shawn.mckinley@chbdc.govt.nz)  
[www.chbdc.govt.nz](http://www.chbdc.govt.nz)

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10/07/2009