

Central Hawkes Bay District Council – Report

TO: Council
FROM: Roading Manager
DATE: 22 April 2010
FILE REF: LAN6-102
SUBJECT: ROAD STOPPING – PARIMAHU BEACH ACCESS ROAD

1.0 SUMMARY

Mr Frank Gordon has approached Council with a request to stop the unformed Parimahu Beach access road located off Blackhead Road (see letter attached). Mr Gordon has a signed arrangement with Ngati Kere Rohe Trust, agreeing to provide land owned by F T Gordon Holdings Limited for the provision of a new public road. Mr Gordon also says he will accept all costs associated with the closure of the paper road.

Mr Gordon also states that he has arranged with all title holders of land at Blackhead Point Beach to have access through his property to their land.

A map of the unformed legal road is attached.

2.0 RECOMMENDATION

THAT

Council proceeds with the process of stopping Parimahu Beach access road, subject to legal road stopping procedures being completed as set out by the Local Government Act 1974.

REASON

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

- *A strong, prosperous and thriving economy.*

3.0 BACKGROUND

Application for Road Closure and Description of the Land:

Council owns a paper road beginning at its intersection with Blackhead Road and running easterly through Parimahu Station towards the ocean linking to Blackhead Point 'township' and to Parimahu Beach. This road has not been used until recently (February 2010), and then only for pedestrian access; as it traverses very difficult terrain and crosses a river with no bridge.

Historically users have had an informal agreement with Mr Gordon to use part of his Parimahu Station property to access the Blackhead Point/Parimahu Beach and properties in the Blackhead Point 'township'.

Due to increased usage Mr Gordon is looking to formalise an agreement whereby Council closes the existing unformed legal road at Mr Gordon's expense and Mr Gordon then vests in the Council an agreed alternate route across Parimahu Station to provide access.

As there are three other land owners situated at Blackhead Point 'township' who would be affected by the closure of the unformed legal road, Mr Gordon will be required to provide them with an alternate legal access (probably an easement) to their properties.

The processes of the Local Government Act 1974 are briefly described below:

1. Prepare a plan of the road proposed to be stopped along with explanation as to purpose
2. At least twice at intervals of not less than 7 days give public notice of the proposal and where the plan may be inspected calling on persons objecting to the proposal to lodge their objection in writing within 40 days.
3. Serve notice after the first publication to the occupiers of all land adjoining the road proposed to be stopped
4. Affix a notice of the proposed stopping in a conspicuous place to each end of the road proposed to be stopped.
5. A valuation of both the existing paper road to be stopped and one of the new paper road Mr Gordon will vest in the Council must be carried out.

Should Council receive objections to the stopping of the road by way of submissions Council will then hear the submissions and make an appropriate judgement.

Should Council not receive any objections then the remaining steps to be followed include:

- Formal notice by Council that the road is stopped.
- Transmit 2 copies of the notice and the plans to our legal advisor.
- Obtain a new legal description of the affected land.
- Negotiate with the adjacent landowner for purchase of the stopped portion of the road.

4.0 OPTIONS

Option 1

Council proceeds with the process of stopping Parimahu Beach access road, subject to legal road stopping procedures being completed as set out by the Local Government Act 1974.

Option 2

Council does not proceed with the stopping of Parimahu Beach access road.

5.0 STATUTORY IMPLICATIONS

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

6.0 CONSULTATION

6.1 External

- Property Owners
- Registered Valuer
- Opus International Consultants

6.2 Internal

- Staff
- Elected Members

7.0 FINANCIAL

Council will incur no road stopping costs and no future road maintenance costs from this closure.

Mr Frank Gordon will incur costs for:

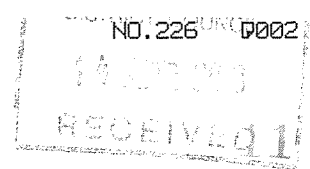
- Survey Plan compilation.
- LINZ fees.
- Their legal costs.
- Advertising the road stopping and erecting signs on the site.
- Financial payment.
- Any other consequential costs.

The net proceeds of the disposal of any surplus land are allocated to the Capital Projects Account.

8.0 POLICY/DELEGATION REFERENCE

- LTCCP
- Funding Policy
- Roothing Activity Management Plan

Shawn McKinley
Roothing Manager



13 April 2010

Chief Executive Officer
Central Hawke's Bay District Council
P O Box 127
Waipawa 4240

F T Gordon Holdings Limited

I, Frank Gordon on behalf of F.T. Gordon Holdings Limited, Blackhead Road, Porangahau, do hereby request the closure of the unformed legal road that runs through our property.

As you are aware I have signed off an arrangement with Ngati Kere Rohe Trust agreeing to provide land owned by F.T. Gordon Holdings Limited for the provision of a new public road. I accept all costs involved with the closure of the paper road.

I advise that I have arranged with all title holders of land at Blackhead Point Beach to have access through our property to their land.

Yours faithfully
F.T. Gordon Holdings Ltd

A handwritten signature in black ink, appearing to read "F. Gordon". The signature is written in a cursive style and is positioned above a horizontal line.

Frank Gordon

Lunn & Associates

L I M I T E D

Stephen Peter Lunn LLB (Otago), Notary Public
Christopher Wight Morgan BA LLB (Otago)



BARRISTERS AND SOLICITORS
NOTARY PUBLIC

12 April 2010

Chief Executive Officer
Central Hawke's Bay District Council
P O Box 127
Waipawa 4240

F T Gordon Holdings Limited

We **enclose** herewith copies of letters we have received from Department of Conservation and Mr Hunter confirming that they have no objection. We understand the letter from Mr Hunter was written to Mr Freeman directly.

Please advise if anything further is required so that the matter can be progressed.

Yours faithfully
Lunn & Associates Ltd


Steve Lunn



16 June 2009.

Mr Steve Lunn (Partner)
Elvidge & Partners
Lawyers
P O Box 609
NAPIER 4140

Dear Steve

RE: F T GORDON LAND HOLDINGS LIMITED - ROAD STOPPING

Following our meeting on 29 April 2009 and your letter dated 30 April 2009 in relation to the above matter, I have had an opportunity to undertake a site visit and meet with the new Area Manager, Jan Hania for the Hawke's Bay Area.

He has considered my report and the content of your letter and I confirm that the department does not take issue with the stopping of the road.

Iwi access however is a matter that the department trusts will be negotiated and settled favourably for both your client and Iwi.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Kevin Smith', written over a horizontal line.

Kevin Smith
Conservancy Solicitor
East Coast/Hawke's Bay
Tongariro Taupo Conservancies
Department of Conservation
P O Box 644
NAPIER



30 July 2009

Mr Steve Lunn
Partner
Elvidge & Partners
Lawyers
P O Box 609
NAPIER 4140

Dear Steve

RE: F T GORDONLAND HOLDINGS LIMITED - ROAD STOPPING

I advise that the department's Area Manager, Jan Hania has undertaken a site visit in relation to the above matter and has discussed the same with John Freeman, Chief Executive of the Central Hawke's Bay District Council.

I note in your letter of 30 April 2009 that your clients have indicated that they would be prepared to provide a right of way easement over DP 12516 for access to the sections that are administered by the department.

Could you confirm that your clients will provide that access? Also will that access be for the department and its invitees? Invitees from the department's perspective includes the public. Do you have a timeframe to provide for this access?

Yours faithfully

A handwritten signature in black ink, appearing to read 'K. Smith'.

Kevin Smith
Conservancy Solicitor
Tongariro-Taupo Conservancy
(also East Coast and Hawke's Bay Areas)
Department of Conservation
P O Box 644
NAPIER

Largitoto
RD 4
Waipukawan
1 July 2009

Mr J Freeman
CMB District Council
Waipana

Dear John,
With regards to the paper
roads to Blackhead Point and access
to Township lots 91 and 127, I write
confirming that once the transfer of
ownership to us is complete we
would accept the closure of the said
roads subject to an acceptable
alternative being arranged between
us and Parimaru Station.

Yours faithfully
James Hunter.

Rangitoto
RD 4
Napier

Mr S Lund

Bridge & Partners
P.O. Box 609
Napier,

Dear Steve,

As discussed with Mike
Gordon, I enclose a copy of the letter
to John Freeman in which we agree
to the closure of the paper roads to
and from Lots 91 and 127 of the
Blackhead Township subject to an
acceptable alternative being agreed to
by us.

Yours faithfully
James Hunter.



LEGEND
 x 15 = Standard placed on
 centreline of road

SURVEYING THE BAY
 HAWKES BAY NEW ZEALAND
 117 HERETAUNGA ST WEST, PO BOX 611, HASTINGS PH (06) 870 4048

Client **CENTRAL HAWKES BAY DISTRICT COUNCIL**
 Project **CENTRELINE MARKING - UNFORMED LEGAL ROAD
 BLACKHEAD ROAD, HAWKES BAY**

TITLE		LAYOUT PLAN	
DRAWN	MW	DATE	DRAWING NO.
SCALE	A3	FEB 2010	2797/1
1 : 12500			