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Bruce Hodgins  
Acting Divisional Manager  
Lower Hutt City Council  
Private Bag 31912  
Lower Hutt

Dear Bruce,

Re Legal Roads and Right of Ways

My letter of 13 August and your response of 24 September refer.

I received your response only yesterday, and a lack of a postmark prevents me from knowing whether the delays were with the Post Office or not. However, I can attend to your comments quite readily.

I must admit to some surprise (as I noted to Kelly Crandle) that roading issues are not being dealt with by your roading officers. You are now the third person I have had communication with on these matters, so can I safely assume you will remain the principal contact?

I digress. The question of whether AMF rights to the enjoyment of rivers exist or not is a complex problem and I will formulate my concerns in a formal request to the Ombudsman for his consideration. That will alleviate items 3 and 4 from our list.

Nonetheless, the remaining six items can be dealt with between us.

1 Belmont Road

Your comment "substantial portions have not been legally formed" doesn't quite make sense to me. There is either a legal road or there is not. I am aware that certain parts of Belmont Road are not designated as "Road", but their exact status remains unclear to me.

Supporting Document K33486 held on file at LINZ clearly shows a differentiation between parts of Belmont Road, with some being designated "Road" and some not. The document does however stipulate that the road formation is specifically excluded from the CT, so the question remains what is its legal status? Who owns it? Is it perhaps Reserve land vested in Council? I look forward to your response.

Setting that aside for the moment, substantial parts of Belmont Road ARE legal road and therefore I have a right of passage and re passage across them. That right is currently being denied me.

The status of the Road is nothing to do with Wellington Regional Council. It falls fairly and squarely under your care and control. As custodians of that Road, you have a lawful duty to ensure my right of passage is unimpeded. WRC are no more nor less a party to that than any other Land Owner who's land adjoins either side of a Road.

I must therefore insist that you stop procrastinating and open the road. You have 10 working days to agree, or face action through the Courts.

2 Wainuiomata Coast.

You say that you regard it as an "ill use of ratepayer funded resources". I have to wholeheartedly agree. I too find it a complete waste of my time having to seek out new recreational opportunities due to your forced closure of the Eastern Hills. In this matter, we each have our unique crosses to bear.

I digress again. I have asked that you investigate two right of ways, one across the Orongorongo bridge, and the other as identified on the survey projection included in my last letter. I can only regard your refusal to pursue the matter as a refusal to provide information under the Official Information Act. I reiterate my requests:- (a) whose right of way is it across the front of Orongorongo Station, and (b) whose right of way pertends from the Coast Road to the shore as detailed on the survey document I sent Council.

Since the prescribed 20 working days (under the OIA) have long since elapsed, I am nonetheless prepared to allow a further 10 working days for your response, and I note that at least you have admitted to being in possession of the material.

3 & 4 Referred to the Ombudsman

5 Buchanan Road

The fact that a lawful Road is formed or not is irrelevant. I have a right of passage and re passage across such a lawful Road. This could be complicated however, since it appears that Council has allowed either explicitly, or by its apathy and inaction, a cutting to be made across the base of the Road at its junction with Western Hutt Road. My initial research shows that this constitutes a public nuisance (at least to me) since it presents me with a vertical cliff cut directly across the legal Road.

How do you propose to resolve the matter?

Councils cannot have these things both ways. I note that recently, Wellington City Council have issued an encroachment notice against the quarry owners at Owhiro Bay. Part of that notice deals with the erection of the quarry's crusher plant across the lawful alignment of the Road. Despite the fact that the quarry owners have provided and excellent detour, which renders the passage totally commodious, WCC has

insisted that the crusher be demolished. What will Lower Hutt do with regards to the unlawful damage to the lower reaches of Buchanan Road.

Again, you have also allowed, and continue to allow, the erection of illicit fences across Buchanan Road. Please ensure they are removed, or that gates be erected in accordance with the legislation.

6 Harris Road - Referred to PCC

7 Murphy's Road.

I am quite happy to refer this matter to PCC, provided as always that your "tiny portion" is open for public access.

8 The Unnamed Road

I await your response.

Since you have demonstrated that Belmont Road may not be available as a through route, I would now ask that you add:-

9 Normandale Road

The unformed road running largely within the confines of Belmont Regional Park represented primarily be a straight line on the map.

I ask that any fences preventing access to this Road be removed or replaced by gates.

You will also be interested to note that I have compiled a further half-dozen or so Roads which are blocked illegally. When I have finished a detailed site visit to each to provide GPS positioning of the unlawful obstructions, I will add these to our burgeoning list.

As a further comment on your letter, I note that you imply that action will be taken to prevent motor vehicles gaining access through Belmont Park. I presume this can only be done through the normal public submission process. Since the Local Government Act specifically requires Council to be absolutely impartial in such matters, I wonder how your comments would rest with the Ombudsman should Council's impartiality ever be called into question?

Regards

Andy Cockroft  
cc Mayor John Terris  
Kelly Crandle