

Chair and Councillors  
**REGULATORY MANAGEMENT COMMITTEE**

**25 NOVEMBER 2010**

Meeting Status : Public

Purpose of Report: For Decision

## **TO REMOVE A ROAD NAME IN ŌTAKI (ELPHICK STREET)**

### **PURPOSE OF REPORT**

- 1 To remove the name Elphick Street from a non-registered road access (Right of Way) between Te Manuao Road and Waitohu Valley Road.

### **SIGNIFICANCE OF DECISION**

- 2 The resolutions in this report do not trigger Council's Significance Policy.

### **BACKGROUND**

- 3 On the Plan DP 1429 of 1903 (Appendix 1) Pt Lot 27 (shown cross hatched) between Lots 20 and 21 appears to have been a possible future extension of Freemans Road between Te Manuao Road and Waitohu Valley Road. Freemans Road was extended to Te Manuao Road in 1948.
- 4 The eastern extension of Te Manuao Road (also shown as Part 27) appeared in 1910 and currently is shown as Lot 51 DP 56852 as a vested road (Appendix 2). This is the extension of Te Manuao Road.
- 5 With the subdivision development of Cobb Place in 1984 this tract of land (PT 27) appears to have been transferred to its current position now known as Elphick Street.
- 6 "Elphick Street" was not constructed or vested as a road at this time and became a right of way access to the properties it serves. All the parcels of land off Te Manuao Road are addressed accordingly. Similarly, the parcels of land at the northern end are addressed from Waitohu Valley Road.
- 7 As part of the overall subdivision (Appendix 2) DP 56852 Lots 5 & 6 (Nos. 55 and 57 Waitohu Valley Road, Lot 7 (No. 66 Te Manuao Road) and Part 52 were all granted by the local authority of the day and recorded on their titles, i.e. rights of way, pasture, habitation and riparian rights, subject to restrictive covenants created by Transfer 70660 in 1900 over land owned at the time by Edmond Tudor Atkinson. Similarly in 1999 the subdivision of the remainder of Pt Lot 52 to four lots at Nos. 62, 64A, 64B 64C. Te Manuao Road has had the same covenants placed over their properties. The developer of these properties has provided all the services and the sealed right of way access. However, under the Land Transport Act 1952 Clause S168, the Deposited Plan (DP 88279) of this development shows the road as wrongfully vested. The Deposited Plan of any land shown within the subdivision shall not operate as a dedication for public

purposes of roads shown on that plan but a right of way shall be appurtenant to every portion of that subdivision. (See aerial photo Appendix 3)

- 8 No public access has ever been granted for this right of way between Te Manuao Road and Waitohu Valley Road. It is known that walkers have walked down Te Manuao Rd expecting a linking road, only to find one does not exist.
- 9 This issue has been discussed with the Ōtaki Community Board since 2009. Local residents have recently raised the matter again with the Ōtaki Community Board, and requested that the name Elphick Street be revoked and public access be formally withdrawn.

## CONSIDERATIONS

- 10 It is recommended that Council resolve to remove the name Elphick Street between Te Manuao Road and Waitohu Valley Road in Ōtaki. A resolution of this issue is required to remove any indication that a road exists from maps, and to enable the name to be used in the future.
- 11 As a result of removing the name on an unformed road such as this one, the status of the land reverts purely to fee simple and the ‘road’ will no longer appear as such on any plans.
- 12 Revoking the name Elphick Street allows the name to be used for another opportunity in the future within Ōtaki should the Ōtaki Community Board desire. Edwin Eli Elphick was a veterinary surgeon, formerly from Hastings, and owned some of this land from 1935 to 1947.

### Financial Considerations

- 13 Some cost will be incurred in the consultation process and registration of any changes should Council resolve to revoke the name Elphick Street.

### Legal Considerations

- 14 Council is required to follow a process requiring a resolution of intent to remove the name known as “Elphick Street”.

### Delegation

- 15 Council has the delegation to consider this matter under the Local Government Act 1974, Part 21, Section 319(1)j. Council has delegated this responsibility to the Regulatory Management Committee:

7.33 Authority to exercise those functions, duties and powers of the Council under Part 21 of the Local Government Act 1974 which remain in force (Roads, Service Lands and Accessways).

### Consultation

- 16 The Ōtaki Community Board has verbally been made of aware of this report to Council.

### Policy Implications

- 17 There are no policy implications.

### Publicity Considerations

- 18 There will be no publicity regarding the revocation of Elphick Street.

### Other Considerations

- 19 The District Land Registrar will be notified of the resolution if Council agrees to revoke Elphick Street.

## **RECOMMENDATIONS**

- 20 That Council resolves by Special Order pursuant to clauses 319(j) of the Local Government Act to remove the name known as Elphick Street in Ōtaki.
- 21 That the Council agrees to preserve the name Elphick for possible future use in Ōtaki.

**Report prepared by:**

**Approved for submission by:**

**Ron Prockter**  
**Historian**

**Bernie Goedhart**  
**Group Manager**  
**COMMUNITY & CORPORATE**  
**INFORMATION**

### **ATTACHMENTS:**

Appendix 1 Original Plan DP 1429 of 1903

Appendix 2: Lot 51 DP 56852 shown as vested road

Appendix 3: Aerial photo right of way (Elphick St) and adjoining properties.

**14 September 2010 02:09 P.M.**