

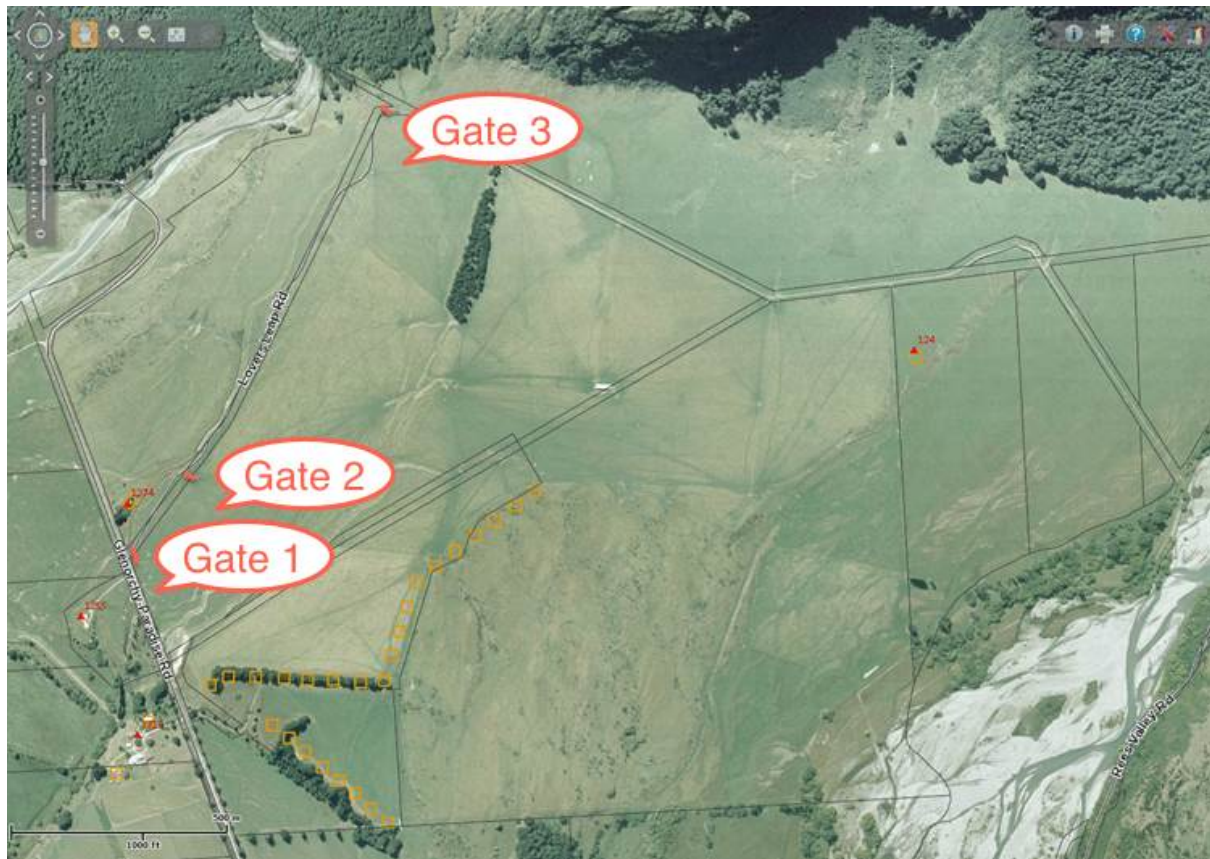
# Lovers Leap Road



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## Gate Location Map

















Mount Earnslaw Station  
1219 Glenorchy-Paradise Road  
RD1  
Glenorchy 9392

16<sup>th</sup> October 2014

Phone no: 03 442 6027  
E-mail: anitacameron5@gmail.com

**Application to keep the three gates on Lovers Leap Road**

To whom it may concern

Following conversation with Anthony Hall we would like to take this opportunity to apply for the three gates on Lovers Leap Road to be kept in place and to be closed at certain times for farm management and most importantly traffic safety.

Just recently two horses from a neighbouring property were found loose on the road in the early morning and were able to be contained on the Lovers Leap Road safely until the owners could collect them. Having the gates available meant the horses could be kept safely off the busy Glenorchy-Paradise Road.

We believe that the gates have been in place well before the Lovers Leap Road was made into a legal road.

As the lessees of Mount Earnslaw Station we need to shut the gates from time to time for stock movements around the property. With the Glenorchy-Paradise Road extremely busy the gates are also vital for traffic safety when there are larger mobs of stock moved on the road.

The gates are periodically shut for short amounts of time while stock movements are made.

The gates will never be locked.

Please find attached a map of the area with location of all three gates as well as three photographs.

Thank you for the opportunity to apply to keep the gates.

Please feel free to contact us for any questions you may have regarding this application.

Regards  
Cameron Craigie  
Anita Holthaus

**Application to have and close gates on Lovers Leap Road**

I have read the application made by Mr. Cragie and Ms. Holthaus. I am opposed to this application for a number of reasons as follows:

1. Lovers Leap Road provides the only legal and physical access to the property located at RAPID 124 of which I am a beneficial owner.
2. Lovers Leap Road is a legal public road. The QLDC is the road controlling authority.
3. The road became legalized at the application of Mr. Cragie's lessor in 2008. Copies of the Council's agenda item and minutes of the meeting where this matter was determined have previously been provided to Mr. Hall.
4. In its decision to grant the request of Mr. Thompson (Mr. Craigie's lessor), Council required the gates be removed.
5. Prior to the legalization of this road, it was private property so the owner could decide whether to place gates or not. Following legalization, control ceased to be with Mr. Thompson and the gates should have been removed consistent with Council's decision on the matter.
6. Mr. Thompson received considerable benefit from the land transfer that followed the Council decision on 2008 through all of the land under former Camp Hill Road, which was transferred to him at no cost.
7. If Council now proposes to resile from its 2008 decision, then it will be required to resile from all of it. This means that the road legalization will need to be "undone", Council will need to re-claim the land given to Mr. Thompson on which unformed Camp Hill Road used to and will need to form a legal access to my property and require Mr. Craigie to fence both sides of the road.
8. Council officers (particularly Mr. Hall) have consistently refused to give effect to Council's decision.
9. Mr. Hall now appears to have solicited the request from Mr. Cragie for this application, rather than give effect to Council's resolution or to the law.
10. Under Mr. Thompson's farming of his land there was no requirement for gates to be closed.
11. The law is very clear that stock may not obstruct a public road.
12. A public road may be used to drove stock, but there is no need for gates to be closed to enable this. When a drove is used to drove stock, appropriate traffic management signage must be in place.

13. I do not consider that there is any valid reason why Mr. Cragie's farming practices require gates to be in place across the public road or used to obstruct the public road. It may be convenient for him, but it is not necessary.
14. Having closed gates across the road is inconvenient and unsafe. It interferes with legitimate rights to free and unfettered passage over the road, whether by vehicle, horseback or on foot.
15. Council does not maintain the road – for reasons best known to it. Having stock on the road causes a significant deterioration to the road surface, this damages our vehicles. Stock also defalcate on the road, causing soiling of vehicles.
16. In addition to providing legal access to my property, it provides general public access to the Rees River. Over the summer (particularly) the road is used by visitors to the District for this purpose.
17. Allowing gates to be in place presents a health and safety risk to use of the road. I will not know if gates are open or closed.
18. The "horses" Mr. Cragie refers to have not come from my property. My stock is all well contained within my property by adequate fences.
19. Mr. Craigie does not need to use a public road to hold stock that has escaped. He has many paddocks which could much more appropriately be used to hold stock, rather than a public road.
20. Council should refer to its complaints register to confirm that there have been numerous complaints against Mr. Thompson regarding his stock being out on the road.
21. Any decision by Council to agree to this "request" from Mr. Cragie will set a significant precedent for all other roads in the district to have gates across them.
22. The Local Government Act 1974 provides for a Council's responsibilities around permitting an obstruction across a road.
23. S344 (1) of the Local Government Act 1974 requires an assessment by Council that "it is not practicable or reasonable to fence the road". There is no legitimate basis on which Council could make such an assessment.
24. My and the general public's right to unfettered access across Lovers Leap Road should not be subservient to the private profit interests of Mr. Cragie.