



Procedure for Stopping Roads

1. Any person or organisation can make a request to the Council for an area of road to be stopped. They will be referred to as the applicant for the purposes of this procedure.
2. The request needs to be in writing to the Whakatane District Council and must be accompanied by the following information:
 - A plan showing the area of road proposed to be stopped,
 - Reasons for requesting the stopping of the road,
 - Letters supporting the stopping from all other landowners that have legal frontage to the road who will be denied access should the stopping be completed; and
 - Payment of the administration/processing fee set out in the Council's Fees and Charges Schedule.
3. The request for a road to be stopped will be reported to the Operations Committee for a recommendation to the Council on whether the road stopping should proceed. The Council report will include, where applicable:
 - (a) Plans of the road proposed to be stopped,
 - (b) An explanation as to why the road is to be stopped;
 - (c) The purpose to which the stopped road will be put;
 - (d) An assessment of the need for the road to remain as a public road with regard to:
 - I. Councils strategic documents and policies, such as the District Plan, Asset Management Plans and the LTCCP; and
 - II. The following other criteria:
 - Current level of public use;
 - Potential future use as a road corridor or roading link;
 - Alternative legal access to adjoining properties;
 - Public access to reserves and waterways;
 - Alternative public uses of the land;
 - The current and future use of the road by service and utility providers for, but not limited to, water, sewerage, gas, electricity, telecommunications;
 - Possible strategic value for future uses;
 - Possible conditions or legal arrangements, such as easements, that would be required should the road be stopped;
 - Public benefits v public detriments; and
 - Private benefits v private burdens.
4. The Council will make a decision with reasons provided on whether or not it considers the road stopping request has merit and if it agrees to process the road stopping proposal. The Council is required to undertake a road stopping in accordance with the Tenth Schedule of the Local Government Act 1974.

**Possible
Rejection**

Note: if the Council agrees to process the proposed road stopping, the Council's final decision on the matter will not be made until after objections and submissions received on publicly notifying the proposed road stopping have been heard and considered in accordance with the requirements of the Tenth Schedule of the Local Government Act 1974.

5. The applicant who requested the road stopping will be advised in writing of the Council's decision and the reasons for that decision
6. If the Council agree to process the road stopping request, then the person will also be advised that it has to be undertaken in accordance with the Tenth Schedule of the Local Government Act 1974, which requires:
 - A survey plan of the proposed stopped road prepared by a registered surveyor and lodged with Land Information New Zealand for approval;
 - The written consent of the Minister of Lands if the road is located in a rural area;
 - The proposed stopping to be publicly notified calling for submissions or objections;
 - Objections to be considered at a hearing by the Council who decide whether or not the proposed stopping will proceed;
 - A decision by the Council to proceed with the road stopping with objections will be referred to the Environment Court for a final decision.
7. The applicant must agree in writing to meet all survey, legal, valuation and advertising costs associated with the road stopping as set out in the Council's Fees and Charges Schedule, together with any Environment Court costs that may eventuate.
8. Upon agreement to meet all costs, the applicant will then pay the deposit for a valuation set out in the Council's Fees and Charges Schedule. A registered valuer will be instructed to value the area of road proposed to be stopped with a copy of the valuation forwarded to the person for their acceptance.
9. Once the valuation is accepted, a conditional Sale and Purchase Agreement prepared at the applicants cost, is to be signed and executed with the Council. The applicant will deposit with the Council the additional processing costs specified in the Council's Fees and Charges Schedule.
10. The applicant's surveyor prepares a survey plan of the road proposed to be stopped and lodges the plan for approval with Land Information New Zealand. Once approval to the survey plan has been received, public notice will be given in accordance with the Tenth Schedule in the Local Government Act 1974.

Public Notification

11. The Council will arrange Public Notification of the road stopping in the local newspaper, advise the land owners adjoining the area of road proposed to be stopped and place notices at each end of the road to be stopped in accordance with the requirements of Section 342 and Schedule 10 of the Local Government Act 1974.
12. Any person may lodge an objection to the proposal with the Whakatane District Council. Objections close not less than 40 days after the publication of the First Public Notice.
13. **NO OBJECTIONS:** If no objections are received, the Council by public notice will declare the road to be stopped. It will forward two copies of the notice together with a copy of the approved survey plan to Land Information New Zealand for the completion of the road stopping and the issue of a new title(s) for the land, and/or amalgamation with one or more adjoining land titles.
14. **OBJECTIONS RECEIVED:** If an objection or objections are received, a report will be prepared by

Council staff for the Environmental and Regulatory Committee to hear the objections. That Committee will decide whether to allow the objections and not proceed with the stopping or to disallow the objections and proceed with the road stopping.

**Possible
Rejection**

15. If the Council decides to continue with the road stopping, the road stopping proposal (including all relevant information and the objections) will be referred to the Environment Court who will confirm, modify or reverse the Council's decision. (The cost to the person for an Environment Court reference would be approximately \$2000 - \$10,000).
16. If the Court reverses the Council's decision, it is not possible for the Council to commence a new process to stop the road for a period of 2 years.

**Possible
Rejection**

17. If the Environment Court confirms the Council's decision, the Council by public notice will declare the road to be stopped and will forward two copies of the notice together with a copy of the approved survey plan to Land Information New Zealand for the completion of the road stopping and issue of a new title(s) for the land, and/or amalgamation with one or more adjoining land titles.
18. Settlement and Transfer of the stopped road is completed at the person's cost.

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| INDICATIVE TIME: | NO OBJECTIONS RECEIVED | 58 WEEKS |
| INDICATIVE TIME: | OBJECTIONS RECEIVED | 110 WEEKS |

Note: These timeframes are a **guide** only and dependant on Council workloads as well the time taken by valuers, solicitors, surveyors, LINZ Accredited Agents and the Environment Court.