

Road Stopping Information



Background

Legal road that is not required by the Council may be purchased through a process called **road stopping**. The Local Government Act 1974, sections 319(1)(h), 342 and Schedule 10, describes the process that the Council must use. This is a formal process that members of the public can object to, so even if the applicant and the Council are agreeable to the sale, there is no guarantee that a proposed road stopping will be successful. Road stopping may also occur under the Public Works Act 1981 where a land swap or public works are involved.

Policy and Fees

The Council has adopted a Road Stopping Policy. The main features of this policy are that:

- 1) The portion of stopped road must, where possible, be amalgamated with the applicant's property title, i.e. road stopping cannot be used as a de facto subdivision process.
- 2) The applicant is required to pay the actual costs involved in the stopping including the value of the land. Actual costs include (but are not limited to) valuation, survey and legal costs (typically around \$6,000) regardless of whether the process is concluded.

Process

- 1) People wishing to purchase Council-owned legal road should contact the Whangarei District Council. The Council will verify the ownership status of the land. If the land is Council-owned, this information pack, accompanied by an aerial photograph of the location showing property boundaries, will be sent to the applicant.
- 2) Applicants should discuss the proposed road stopping with adjacent landowners to see if they have any objections. This is not a legal requirement of the stopping process but will provide an early indication whether the road stopping is likely to progress successfully. It is recommended that written support is obtained from adjacent landowners using the attached "*Adjoining Landowner Consultation Letter*" and by getting them to sign the proposed stopping plan. Such support provided by adjoining landowners does not preclude them from submitting an objection during the formal consultation stage, but may serve to identify and resolve potential issues that could impede the road stopping process or add substantial cost at a later stage.
- 3) Applicants should also obtain feedback from all of the Service Authorities listed on the reverse of the attached "*Service Authority Consultation Letter*". There may be underground or overhead services present or planned within the portion of road to be stopped. Service Authorities also have the opportunity to object to the proposed stopping, or may request an easement to be registered on the property title in order to protect their ability to situate and maintain their assets at that location.
- 4) Once responses have been obtained from likely affected parties, the attached "*Road Stopping Application Form*" should be completed and submitted to the Council. The application should be accompanied by a current copy of the Certificate of Title for the adjoining property, the relevant supporting documentation described in 2) and 3) above and a clear plan view of the location, dimensions, areas and boundaries of the portion of road to be stopped (preferably counter-signed by the adjacent landowners). This does not need to be a survey plan. A marked-up aerial photograph will suffice at this stage.
- 5) On receipt of the completed Road Stopping Application, the Council checks with all relevant departments (e.g. Transportation, Parks and Recreation, Water and Waste, Planning etc.) whether they have any current or future interest in that land or relevant conditions if stopped. The application is then forwarded to Crown Property Services who will prepare a report for the Council Infrastructure Services Committee recommending whether the road stopping should be pursued. At this point, the formal road stopping process commences, as outlined in the attached flowchart.

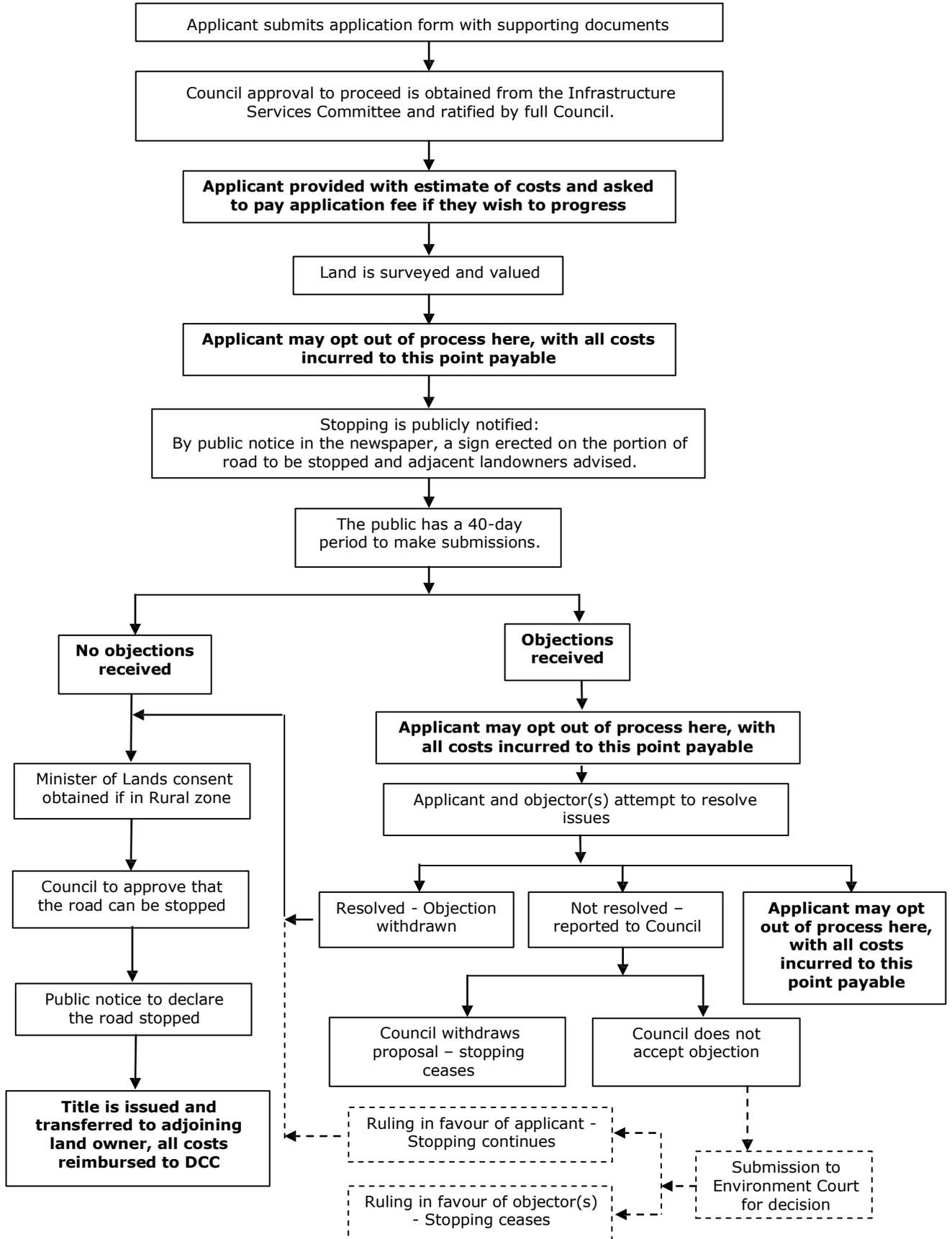
Applicants should note that:

- If the stopping process ceases, the applicant will only need to pay the costs incurred by the Council up to that point.
- If more than 12 months elapse before the sale is completed, a new valuation may be required. This will be reviewed near the end of the process before final approval is granted.
- The Council appoints the valuation and legal consultants. Applicants may engage their own Surveyor, but it is recommended that this is not required until the appropriate stage is reached.
- Unless problems are encountered, a road stopping normally takes approximately one year to complete.
- Any application for road closing is subject to the final approval of the Minister for Land Information and Council is not in a position to guarantee any application.

For more information, please contact the Roading Manager, phone (09) 430 4200.

Road Stopping Process

(in accordance with Schedule 10 of the Local Government Act 1974*)



* Stopping the road under the Public Works Act is a similar process but does not need to go through public consultation

Road Stopping Application Form



Send or deliver your application form to: Roding Group
Whangarei District Council
Forum North
Private Bag 9023
Whangarei 0148

For more information, please phone (09) 4304200

Notes for the applicant

The Council may request further information to better understand the potential effects of this proposal. If the information is not received by the Transportation Group within six months of the request being made, the application may lapse and a new application may be required unless prior approval is obtained.

Once this application is lodged with the Council, it becomes public information. If there is sensitive information in the proposal, please let the Council know. For more information please read the enclosed information sheet on road stopping.

1a. Applicant Details

Name: _____

Postal Address: _____

Phone (hm): _____ **(mobile):** _____ **Fax:** _____

Email: _____

1b. Property Owner Details (if different from above)

Names of all property owners: _____

Contact person: _____

Postal address: _____

Phone (hm): _____ **(mobile):** _____ **Fax:** _____

Email: _____

2. Property Details

Site address: _____
(specify unit/level number, location of building within site/block number, building name and street name)

Land use: _____
(ie district zoning, eg activity zones, industrial, residential, rural etc)

Legal description: _____
(eg Lot 13 DP 36208 or MBLK 2B1B NONE TUATEANUI)

4. Council Applications for this Project

Common applications	Have applied already (write application number if known)	Office use only: (information provided)
Project information memorandum (PIM)	_____	<input type="checkbox"/>
Building consent	_____	<input type="checkbox"/>
Vehicle access	_____	<input type="checkbox"/>
Encroachment licence / landowner consent	_____	<input type="checkbox"/>
Land use resource consent	_____	<input type="checkbox"/>
Subdivision resource consent	_____	<input type="checkbox"/>
Sewer connection/disconnection	_____	<input type="checkbox"/>
Stormwater connection/disconnection	_____	<input type="checkbox"/>
Water connection/disconnection	_____	<input type="checkbox"/>
Other	_____	<input type="checkbox"/>

5. Attachments

Certificate of title (copy of current certificate) Contact Land Information New Zealand on 0800 665 463	Attached	<input type="checkbox"/>
Aerial view of the property showing the area proposed to be stopped clearly marked.	Attached	<input type="checkbox"/>
Adjoining landowner consultation forms.	Attached	<input type="checkbox"/>
Service authority consultation forms.	Attached	<input type="checkbox"/>

6. Applicant statement

I/We understand that the road stopping must be carried out in compliance with the Local Government Act 1974 and/or the Public Works Act 1981 and Whangarei District Council's Road Stopping Policy and Code for Subdivision and Development.

I/We understand that Whangarei District Council cannot guarantee that any given application will be successful.

If the road stopping is concluded successfully, I/we agree to pay the Council either the actual costs involved in the stopping including the value of the land as determined by Whangarei District Council's Valuer. If, for any reason, the stopping process is not concluded, I/we agree to reimburse to the Council the actual costs it has incurred to date in processing the proposed stopping.

Signature(s) of all property owners:

_____ **Date:** _____

_____ **Date:** _____

_____ **Date:** _____

Office use only:

Date received: _____ **Property ID:** _____

Service Authority Consultation Letter

Date: _____

To: _____

Fax number: _____

Email: _____

Dear Sir/Madam

Proposed road stopping at: _____

I am intending to apply to the Whangarei District Council to purchase a portion of the legal road adjacent to my property at:

I have attached a plan diagram showing the area I wish to purchase.

As part of the road stopping process, I am required to consult all service authorities that may be affected by the proposed road stopping.

Can you please confirm in writing to the above address whether:

- You have any services present within the portion of road proposed to be stopped; and
- You support or have any objections to the proposed stopping of the road, or whether you have any specific requirements to enable the road to be stopped.

If you have any questions or would like clarification of the proposed boundary line, please contact me on:

I look forward to your reply and thank you for your assistance.

Yours faithfully

(Signature)

(Print name)

(Date)

Service Authorities

You must obtain written approval from all service authorities affected by the Road Stopping before Council can assess your application and/or begin work on your proposal.

To find out which authorities are affected you will need to contact and lodge a request with *beforeUdig* at <http://www.beforeudig.co.nz/>

BeforeUdig is an online service which enables anyone undertaking excavation works to obtain information on the location of underground pipes and cables in and around any proposed dig site; helping to protect themselves and valuable assets during these works.

It provides a 'one stop shop' for contractors to communicate about their planned activities with utilities and asset owners.

Please include these approvals with your application

Adjoining Landowner Consultation Letter

Date: _____

To: _____
[Adjoining Landowner]

Dear Sir/Madam

Proposed road stopping at: _____
[Road Name]

I am intending to apply to the Whangarei District Council to purchase a portion of the legal road adjacent to my property at:

[Applicant's Address]

I have attached a plan diagram showing the area I wish to purchase.

The road stopping process requires me to consult with adjoining landowners. I hereby request from you an indication as to whether you support or object to this proposal. If objecting to this proposal, please indicate your reasons for this, and if possible how the proposal could be modified to address your concerns.

Any support expressed in response to this letter does not preclude you from making a submission when the proposal is formally consulted on by the Council.

Please provide your written response to me at the above address.

If you have any questions or would like clarification of the proposed boundary line, please contact me on:

[Applicant's contact details]

I look forward to your reply and thank you for your assistance.

Yours faithfully

(Applicant's Signature)

(Print name)

(Date)

Response from adjoining landowner(s)

I/We are the property owner(s) at: _____
[Adjoining landowner's address]

In relation to the road stopping proposed above, I/we:

Support this proposal (subject to the following conditions, if any): _____

or

Do not support this proposal because/unless: _____

Spindy05

Signature(s) of adjoining property owner(s): _____

Print name(s): _____ Date: _____