

Central Hawkes Bay District Council – Report

TO: Council
FROM: Roothing Manager
DATE: 18 September, 2008
FILE REF: LAN6-101
SUBJECT: ROAD STOPPING – NGARURU ROAD, ONGA ONGA

1.0 SUMMARY

The Nochi Trust approached Council to stop part of Ngaruru Road, Onga Onga and vest it in adjoining land owned by the Trust. Following Council Resolution 07.330 of Council Meeting held on 4 October 2007 "That Council approve the sale of 3.7 kilometres of Ngaruru Road to Nochi Trust subject to legal road stopping procedures being completed" the Roothing Department has followed all steps as set-out by the Local Government Act 1974 to ensure compliance with said Act.

2.0 RECOMMENDATION

THAT

1. Council stops the 3.7 kilometres of partially formed and unformed parts of Ngaruru Road.
2. That the road stopping procedure is completed to enable disposal of the 3.7 kilometres of Ngaruru Road to Nochi Trust.

REASON

The objective of the decision will contribute to the following Community Outcomes:

- *A strong, prosperous and thriving economy.*

3.0 BACKGROUND

Application for Road Closure and Description of the Land:

The Nochi Trust had written to Council requesting a closure of 3.7 kilometres of Ngaruru Road, Onga Onga and to vest it in adjoining land owned by the Trust.

The distance of road through Nochi Trust is 3.7 kilometres, of which 1.5 kilometres is an unformed paper road and 2.2 kilometres is a metal road maintained by Council and includes an old wooden bridge. The distance begins at the main gate of Nochi Trust at their eastern boundary and continues through to the neighbouring boundary.

The two property owners adjoining the road have given their written approval to the proposed closure. There are no other parties who would be affected by the stopping of this road.

According to the Act the following steps must be taken in order for Council to stop a road:

1. Prepare a plan of the road proposed to be stopped along with explanation as to purpose – **Completed**.
2. At least twice at intervals of not less than 7 days give public notice of the proposal and where the plan may be inspected calling on persons objecting to the proposal to lodge their objection in writing within 40 days – **Completed**.
3. Serve notice after the first publication to the occupiers of all land adjoining the road proposed to be stopped – **Completed**.
4. Affix a notice of the proposed stopping in a conspicuous place to each end of the road proposed to be stopped – **Completed**.

Council received no objections to the stopping of the road throughout this process.

The remaining steps to be followed include:

- Formal notice by Council that the road is stopped.
- Transmit 2 copies of the notice and the plans to our legal advisor.
- Obtain a new legal description of the affected land.
- Negotiate with the adjacent landowner for purchase of the stopped portion of the road.

In October 2007 Council approved resolution 07.330 "That Council approve the sale of 3.7 kilometres of Ngaruru Road to Nochi Trust subject to legal road stopping procedures being completed."

4.0 OPTIONS

Option 1

Council stops the 3.7 kilometres of partially formed and unformed parts of Ngaruru Road.

The road stopping procedure is completed to enable disposal of the 3.7 kilometres of Ngaruru Road to Nochi Trust.

Option 2

Council does not approve the stopping of the unformed part of Ngaruru Road.

5.0 STATUTORY IMPLICATIONS

- Local Government Act 1974
- Local Government Act 2002
- Public Works Act 1981

6.0 CONSULTATION

6.1 External

- Property Owners
- Registered Valuer
- Opus International Consultants

6.2 Internal

- Staff
- Elected Members

7.0 FINANCIAL

Council will incur no road stopping costs and no future road maintenance costs from this closure.

Nochi Trust will incur costs for:

- Survey Plan compilation.
- LINZ fees.
- Their legal costs.
- Advertising the road stopping and erecting signs on the site.
- Financial payment.
- Any other consequential costs.

The net proceeds of the disposal of any surplus land are allocated to the Capital Projects Account.

8.0 POLICY/DELEGATION REFERENCE

- LTCCP
- Funding Policy
- Roothing Activity Management Plan

Shawn McKinley
Roothing Manager