

## Central Hawke's Bay District Council – Report

TO: Council

FROM: Roding Manager

DATE: 18 September 2008

FILE REF: LAN 6-101

SUBJECT: **ROAD STOPPING OF UNFORMED PART OF CEMETERY ROAD,  
WAIPAWA**

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### 1.0 SUMMARY

There is an unformed part of Cemetery Road between Tikokino Road and the Waipawa River, which sits adjacent to the Council owned property on Tikokino Road that Council is preparing to sell. Following Council Resolution 07.294 of Council Meeting held on 2 August 2007 "That Council approve the stopping and investigates disposal of the unformed part of Cemetery Road", the Roding Department 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 unformed part of Cemetery Road.
2. The road stopping procedure is completed to enable disposal of the unformed part of Cemetery Road.

#### REASON

**The Objective of the decision will contribute to the following Community Outcomes:**

- *A strong, prosperous and thriving economy.*
- *An environment that is appreciated, protected and sustained for future generations.*

### 3.0 BACKGROUND

There is an unformed part of Cemetery Road between Tikokino Road and the Waipawa River, which sits adjacent to the Council owned property on Tikokino Road that Council is preparing to sell. Half of the road is being used by the adjoining property owner as part of his garden activities.

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 last 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.

When this road is closed it will be included into the land to be sold so that Council will maximise the disposal of surplus land. There will be about 800m<sup>2</sup> of surplus land available after the riverbank area is vested back to the Hawke's Bay Regional Council.

The road is fenced down the middle and one half (about 400m<sup>2</sup>) or full (about 800m<sup>2</sup>) could be offered to the adjoining owner who is interested in acquiring it. He is currently occupying this land as part of his garden activities. The other half could be included into the Title for the Tikokino Road property to be sold.

## 4.0 OPTIONS

### Option 1

Council stops the unformed part of Cemetery Road.

The road stopping procedure is completed to enable disposal of the unformed part of Cemetery Road.

### Option 2

Council does not stop the unformed part of Cemetery Road and allows the land to continue to be used by the adjoining owner.

## 5.0 STATUTORY IMPLICATIONS

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

Council has authority to close roads that are not required as part of the roading network and dispose of the surplus land.

## 6.0 CONSULTATION

### 6.1 External

QV Valuations Napier

### 6.2 Internal

Chief Executive  
Regulatory Services Manager

## **7.0 FINANCIAL**

The net proceeds (income less costs) of the disposal of any surplus land are allocated to the Capital Projects Account.

## **8.0 POLICY/DELEGATION REFERENCE**

- LTCCP
- Funding Policy
- Roding Activity Management Plan

Shawn McKinley  
**Roding Manager**

