



# APPLICATION FOR PROPOSED STOPPING OF LEGAL ROAD



Pursuant to Sections 342 and 345 and the Tenth Schedule of the Local Government Act 1974  
or Sections 116 and 117 of the Public Works Act 1981



## APPLICANT DETAILS

I/We (Applicant):

of (Address):

On behalf of (Insert name of body/company if applicable):

**Hereby request the Council to consider the stopping of part/parts/the whole (delete as required) of a legal road in the District as described below:**

Name of Road:

Formed

Unformed

The road adjoins or bisects my/our land described as: (Legal Description)

Does the road provide legal access (frontage) to any other property?

Yes

No

Have the other adjoining property owners been consulted on the proposal?

Yes

No

Why is the road stopping being requested?

## I/We attach the following:




Location map showing site of proposal and actual portion of road to be stopped




Consent from other adjoining landowners




I/We will pay all survey, public notification, legal and other costs (including LINZ fees) associated with the process of meeting the requirements of the Tenth Schedule, on a monthly basis as billed during the process.

**PLEASE NOTE:** The above costs will be deducted from the value of the land at the time of sale and the applicant would pay EITHER the cost of the stopping OR the value of the land, whichever is the greater. (See Procedures on following page).

## SIGNATURE

Signed: (To be signed by the applicant or the person authorised to sign on behalf of the applicant)

Date:

Postal Address:

Phone Numbers: Work:

Home:

Mobile:

Email Address:

# PROCEDURES AS TO STOPPING OF ROADS

**NB:** *The following procedures are embodied in the Tenth Schedule of the Local Government Act 1974 and are statutory requirements that the Council must follow in the prescribed order.*

- 1** Receipt of application indicating area of road to be closed.
- 2** Applicant advised of Council's policy, that is, meeting the costs on a monthly basis as work is done. The amount paid is deducted from the value of the land at the end of the process. Advise applicant that adjoining property owners must give consent prior to Council initiating procedures.
- 3** Discussions held with the Queenstown Lakes District Council, Aurora Energy Limited, APL Property Limited, QLDC Engineering, Wakatipu Trails Trust/Upper Clutha Tracks Trust (if applicable), Otago Fish and Game and the New Zealand Walkways Commission to discover any future problems/use with the road closure.
- 4** Application placed from Infrastructure Services Committee/Wanaka Community Board to Full Council.
- 5** Committee/Board either supports or declines the request to initiate road closure procedures.
- 6** Applicant is notified that procedures are under way (if approved at [5]).
- 7** Survey undertaken and plans prepared.
- 8** Notice of Closure appears in the newspaper (opportunity for objections).
- 9** A copy of the survey office plan is lodged in Council's Offices and made available for public inspection.
- 10** Two copies of the notice are affixed on site announcing the stopping until the period of objection closes.
- 11** Letters are sent to the adjoining property owners.
- 12** If after this period objections are received, the Council attempts to resolve the objectors concerns. If this cannot be done, the objections are sent with the original application to the Environment Court for its decision.
- 13** If no objections are received then the Council places a notice in the paper declaring that the road is stopped.
- 14** Council obtains a valuation of the property to offer to adjoining owners. The Act states the Council must obtain a valuation from the competent valuer and offer it at that price (no negotiation available). If the owner agrees to purchase, settlement is reached. If the applicant refuses to purchase the land (the applicant will still have to meet the road legalisation costs to date) the Council has other means of disposing of the land e.g. auction.

