

Road-stopping process timetable

Step Step 1 to 11

Weeks Approximate time in weeks for this step of the process

Step
1

Week
1

The applicant discusses the proposed purchase with one of the Council's property advisors and makes an application with:

- a completed application form containing an explanation of why they wish to purchase the unformed legal road
- a current certificate of title for their adjoining property
- an aerial photo or plan of their adjoining property with the area proposed to be purchased clearly marked
- service authority consents (see application form)
- an application fee of \$517.50 (including GST)
- current photos of the proposed road-stopping area.

This pays for up to five hours processing by Council staff. Once processing time exceeds five hours, the applicant will be charged \$103.50 (including GST) per hour. A partial refund may be given if the proposal is declined early in the process ie before step 4. In such cases, \$207 (including GST) equivalent to two hours processing time of the original application fee is not refundable and applicants are charged for any additional hours. For example, if staff spent three hours on an application and it was then withdrawn or declined, the applicant would get \$207 (including GST) of their original fee back. If four hours had been spent, they would get \$103.50 (including GST) back. No refunds will be made following a favourable Council decision at step 4.

All costs as they occur during the process will be met by the applicant. This includes, but is not limited to, survey costs, public notification costs, valuation costs, the Council's legal costs and staff processing time. But a proportion of these costs may be deducted from the land valuation in order to establish a final settlement price. The Council may share some of the costs of the process if the application is successful.

Step
2

Weeks
6

Council property staff liaise with other Council business units to determine whether there is any reason why the unformed legal road cannot be sold; what, if any, conditions are required; and other things including which neighbours need to be consulted.

Possible rejection

Step
3

Weeks
4

- A** The Council writes to neighbours and interest groups providing details of the application. All parties are advised that if they wish to comment they will have an opportunity at step 7 of the process.
- B** The Council arranges for an independent registered valuer to value the land on the basis of added value to the applicant's property. This is known as betterment.

The applicant is advised of the value and told that if the sale is completed within 18 months of the date of the valuation, this valuation will be the purchase price (subject to final survey).

If more than 18 months passes before the sale is completed, a new valuation may be commissioned at step 11 of this process.

In the event that objections are received at step 7, the Council or the Environment Court may impose conditions on the road-stopping. Under these circumstances it may be necessary to obtain a second valuation at step 11.

Step
4

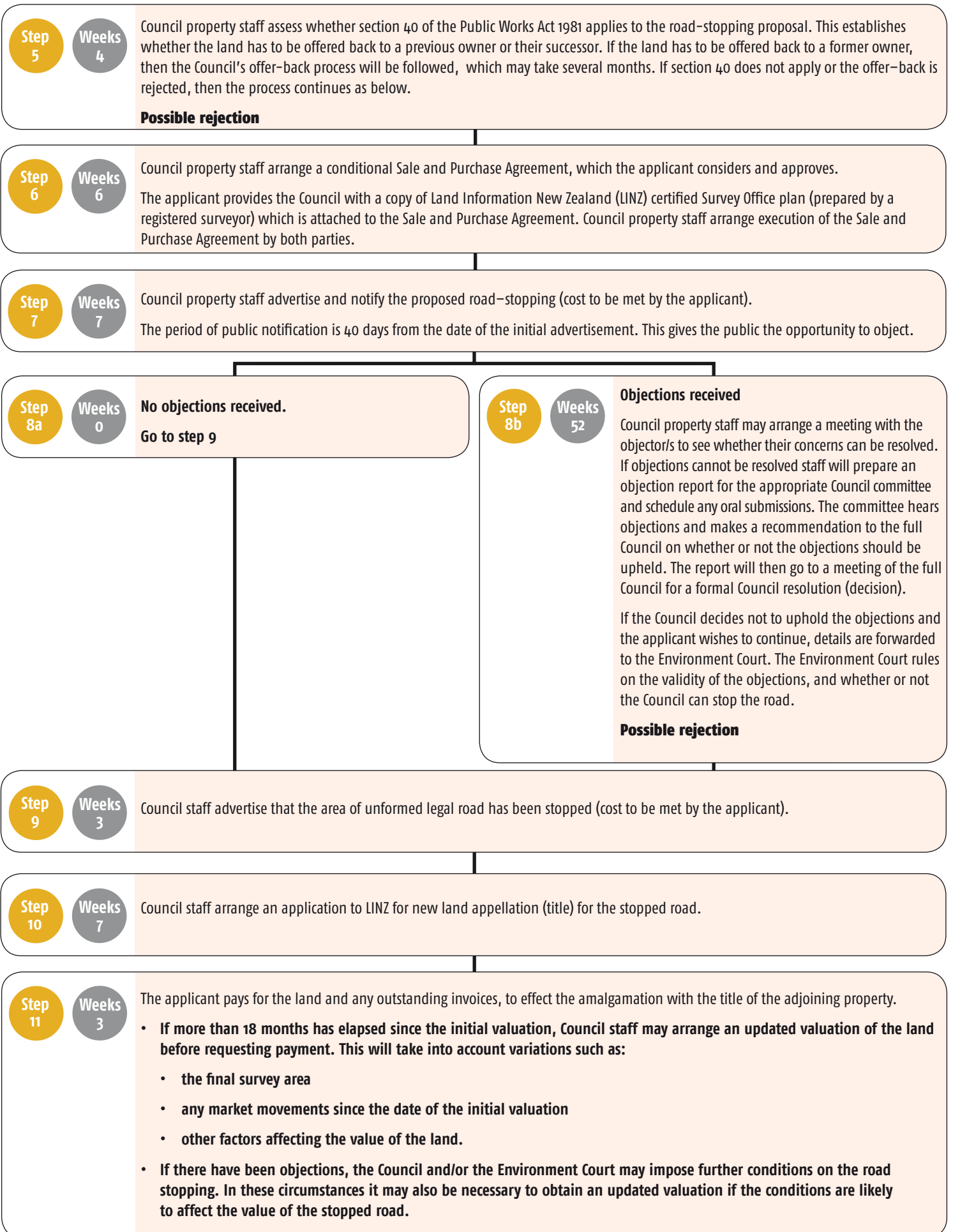
Weeks
12

Council property staff prepare a road-stopping report for the appropriate Council committee meeting. The report requests authorisation to initiate the road-stopping process and providing that all statutory and City Council requirements are met, the area of unformed legal road can be stopped and sold.

If the report is passed (agreed to) by the committee it will then go to a meeting of the full Council for a formal Council resolution or decision.

Possible rejection

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Indicative time: No objections received–53 weeks

Indicative time: Objections received–105 weeks