

## 7. PROPOSED ROAD STOPPING LOWER STYX ROAD AND STYX RIVER

<b>General Manager responsible:</b>	General Manager City Environment
<b>Officer responsible:</b>	Property Consultancy Manager
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### PURPOSE OF REPORT

1. For the Council to declare under Section 116 of the Public Works Act 1981 part of an unformed road adjoining the Styx River to be stopped and for that land then to vest as a Local Purpose (Esplanade) Reserve or vest in the Crown as the bed of the Styx River. (Refer to attachment).

### EXECUTIVE SUMMARY

2. Land at 75 Lower Styx Road was purchased in April 2002 and has been subject to a re definition survey of various parcels of adjoining land. That survey shows land that is road is no longer required and should be stopped then amalgamated in the adjoining Reserve or vested in the Crown as the bed of the Styx River.

### FINANCIAL AND LEGAL CONSIDERATIONS

3. There are no financial considerations involved in this transaction. The unformed legal road will either be retained by the Council as Local Purpose (Esplanade) Reserve or vest in the Crown as the bed of the Styx River. The course of the river has changed over the years and this survey recognises and defines the new river boundaries for this section of the river.
4. The land is located in a rural area and as such the Minister of Lands prior consent under Section 342 of the Local Government ACT 1974 to the stopping is required. This has been sought and obtained.

### STAFF RECOMMENDATIONS

It is recommended that the Council:

- (a) Declare under Section 116 of the Public Works Act 1981 that those portions of unformed legal road shown as Section 1 and 2 on SO Plan 351925 having a total area of 1.0790 hectares be stopped and when stopped that the land vest as Local Purpose (Esplanade) Reserve.
- (b) Declare under Section 116 of the Public Works Act 1981 that those portions of unformed legal road shown as Sections 3, 4, & 5 on SO Plan 351925 comprising an area of 5780 m<sup>2</sup> be stopped and when stopped vest in the Crown as Bed of the Styx River.

### BACKGROUND

5. The subject road is an unformed and under width legal road and provides "road" access to the Styx River. It is thought that the initial legal road layout provided not only for road frontage for nearby parcels of land but more for the purpose of a continuous "toe path" for horse drawn light barges drawn from the Brooklands Lagoon via the Waimakariri River Mouth.
6. By stopping the road and vesting the land as Local Purpose (Esplanade) Reserve physical access to the river is maintained for river users such as walkers, fisher persons and the public at large. The retention of public ownership must continue in these environments for the benefit of future generations.
7. The road serves no particular purpose other than foot access to the Styx River and by the historical changes in the course of the river the road corridor no longer is consistent with the river bank. This detail is shown on SO Plan 351925 attached.
8. A Community Board does not have the delegated authority to authorise the stopping of legal road – such a decision and resolution needs to be made by the full Council. This report is submitted to the Shirley/Papanui Community Board for consideration of the report and advise its support to the staff recommendations.

### CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.