


1. 365 CASHMERE ROAD (HAPPY HOME ROAD BOUNDARY) – PROPOSED ROAD STOPPING



General Manager responsible:	General Manager City Environment, DDI: 941-8656
Officer responsible:	Chris Kerr, Acting Transport and City Streets Manager
Author:	Deborah Harris, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to submit the Board's recommendation to the Council that consent be given to stop the portion of Happy Home Road adjoining the property at 365 Cashmere Road, more particularly shown as Section 1 on Survey Office Plan 368351 **attached**.

EXECUTIVE SUMMARY

2. The subject road, shown as Section 1 on Survey Office Plan 368351, comprises an area of 107 square metres and is situated along the southern boundary of the existing residential property at 365 Cashmere Road.
3. The owners of 365 Cashmere Road applied to the Council to purchase Section 1 for amalgamation with their adjoining property.
4. At its meeting on 30 November 2005, the Board recommended to the Council that the road stopping process be commenced and this recommendation was subsequently ratified by the Council at its meeting on 15 December 2005.
5. The survey aspects of the road stopping process have been completed and therefore the Council is now in a position to declare the road stopped to enable the land to be formally transferred to the applicants.

FINANCIAL AND LEGAL CONSIDERATIONS

6. The Agreement for Sale and Purchase provides for the applicant to pay consideration in the amount of \$7,000 inclusive of GST. In addition, the applicant is also responsible for covering all costs associated with the road stopping process including, but not limited to, survey and legal fees.
7. In conclusion the proposed road stopping and disposal will result in a net gain to the Council of \$7,000.
8. The Board does not have authority to consent to stopping a road, such decisions can only be made by the full Council.
9. The Council previously agreed to stop the road pursuant to the Public Works Act 1981. The relevant sections of the Act are outlined below.

Section 116 Public Works Act 1981 – Stopping Roads

This Section says that, subject to the consent of the territorial authority and the owner(s) of the land adjoining the road in writing to the stopping, then the road can be declared formally stopped by notice in the Gazette.

Section 120 Public Works Act 1981 – Registration

This Section provides for the road to be amalgamated with the adjoining land and vesting of the same in the registered proprietor for the time being of the land in that certificate of title.

STAFF RECOMMENDATIONS

That the Council resolve:

- (a) That the area of legal road adjoining 365 Cashmere Road and described as Section 1 on Survey Office Plan 368351 comprising 107m² be declared stopped pursuant to Section 116 of the Public Works Act 1981.
- (b) That pursuant to Section 120(3) of the Public Works Act 1981, Section 1 on Survey Office Plan 368351 be amalgamated with Certificate of Title 39A/851.

BOARD RECOMMENDATION

That the staff recommendations be adopted.