

**8. COUNCIL HEARINGS PANEL RECOMMENDATION ON A PROPOSAL TO STOP A PORTION OF LEGAL ROAD ADJACENT TO 59 CLIFTON TERRACE**



<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services
<b>Officer responsible:</b>	Democracy Services Manager
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**PURPOSE OF REPORT**

1. The purpose of this report is to present the report and recommendation of the Council Hearings Panel (Attachment 1) following the hearing of objections pursuant to the tenth schedule of the Local Government Act 1974, relating to a proposal to stop a portion of legal road adjacent to 59 Clifton Terrace, Christchurch.

**EXECUTIVE SUMMARY**

2. The road stopping process was initiated as result of a request to the Council in August 2003 by the property owners of 59 Clifton Terrace for the Council to consider the stopping and sale of the portion of unformed road adjacent to their property.
3. The Hagley/Ferrymead Community Board on 4 August 2004 resolved to stop the portion of road shown on the plan (Attachment 2), and that the stopped road be sold to the adjoining owners pursuant to section 345 (1) (a) (i) of the Local Government Act 1974.
4. This resolution was ratified by the Council on 26 August 2004.
5. The road stopping proposal was publicly advertised on 22 September and 9 October 2004 in accordance with the provisions of the Local Government Act.
6. Two objections were received.
7. A council hearings panel comprising Councillors Sue Wells and Graham Condon, and Community Board member Stuart Bould, conducted a hearing on 13 June 2007 pursuant to the Tenth Schedule of the Local Government Act 1974.
8. The panel decided to recommend to the Council (a) that the objections be disallowed, and (b) that the objections be referred to the Environment Court as provided for in Clause 5 of the Tenth Schedule of the Act.

**FINANCIAL IMPLICATIONS**

9. There are no direct financial considerations or budget implications.

**LEGAL CONSIDERATIONS**

10. Legal considerations are limited to the need to follow the process set out in the Local Government Act 1974 relating to a proposal to stop a portion of legal road, and the hearing of objections.
11. Under Schedule 10 of the Local Government Act 1974 the Council must either allow the objections or disallow the objections.
12. If the objections are allowed the road will not be stopped and that is the end of the matter. If the objections are disallowed, the Council is required in terms of the Act to refer the matter to the Environment Court for review of the decision.
13. The decision of the Environment Court is final and conclusive.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

14. Not applicable

**ALIGNMENT WITH STRATEGIES**

15. Not applicable

**CONSULTATION FULFILMENT**

16. Not applicable

**STAFF RECOMMENDATION**

That the recommendation of the Council hearings panel as per the attached report (Attachment 1) on the proposed stopping of a portion of legal road adjacent to 59 Clifton Terrace, Christchurch, be adopted as the decision of the Council.