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**Step
5**

**4
Weeks**

Section 40 PWA report

Property Advisor, or a Land Information New Zealand (LINZ) accredited agent, will determine if section 40 of the Public Works Act 1981 applies to the road stopping proposal. This establishes whether the land has to be offered back to a previous owner or their successor.

If the land has to be offered back to a former owner, the Council's offer-back process will be followed. This may take several months. If section 40 does not apply, or the offer-back is rejected, the process continues as below.

Possible rejection

**Step
6**

**6
Weeks**

Survey office plan and Sale and Purchase Agreement

A Survey Office Plan defining the legal road land being stopped, and an Agreement for Sale and Purchase are required. The survey office plan needs to be LINZ approved.

Note

The steps outlined in this process are pursuant to the Local Government Act 1974 (LGA) road stopping legislation. In some exceptional cases road stopping under the Public Works Act 1981 may occur. Road stoppings under the PWA do not require public notification so steps 7, 8 and 9 are not required.

The PWA process will only be used in cases where a land exchange is involved or the proposed stopping meets strict criteria in line with the LINZ Standard for Road Stopping or Resumption of road LINZS15002 is complied with. Use of the PWA road stopping process is discretionary.

**Step
7**

**7
Weeks**

Public notification

Property Advisor arranges public notification of the road stopping proposal.

The period of public notification is a statutory minimum of 40 days from the date of the initial advertisement.

No objections received

**Step
8b**

**Up to
52
weeks**

Objections received

Should objections be received, Property Advisor may arrange a meeting with the objector/s to try and resolve their concerns. If objections cannot be resolved, they will prepare an objection report for the appropriate Council Committee and schedule any oral submissions.

The Committee hears objections and makes a recommendation to the full Council on whether or not the objections should be upheld.

If the Council decides not to uphold the objections and both the applicant and objector wish to continue, details are forwarded to the Environment Court. The Environment Court rules on the validity of the objections and whether or not the Council can stop the road.

Possible rejection

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**Step
9**

Public notice to declare land stopped

Property Advisor arranges a further public notice to declare the area of unformed legal road has now been stopped.

**3
Weeks**

**Step
10**

Title for stopped road land issued

Property Advisor arranges an application to LINZ for a new land appellation (title) for the stopped road.

**7
Weeks**

**Step
11**

Settlement and transfer

The applicant pays for the land and any outstanding invoices relating to the road stopping process costs. Then Property Advisor instructs a lawyer to apply to LINZ to issue a title for the amalgamated property, i.e. the stopped legal road land and the applicant's existing land.

If a significant period has elapsed since the initial valuation, the Council may arrange an updated or final valuation of the land before requesting payment. This would take into account variations such as:

- the final survey area
- any market movements since the date of the initial valuation
- other factors affecting the value of the land.

If there have been objections, the Council and/or the Environment Court may impose further conditions on the road stopping. In these circumstances, it may also be necessary to obtain an updated valuation if the conditions are likely to affect the value of the stopped road.