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**REPORT 4**  
*(1215/53/IM)*

**ROAD STOPPING AND DISPOSAL THE LOCAL GOVERNMENT  
ACT 1974: LEGAL ROAD ADJOINING 270 MASSEY ROAD,  
MAHANGA BAY**

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**1. Purpose of Report**

This report seeks approval to declare a portion of Massey Road adjoining 270 Massey Road be stopped.

This particular Road Stopping application originated in 2003, prior to the implementation of the Council's new Road Stopping procedures (the new process only requires one Committee report). Council officers are completing this application in accordance with the original application process involving three reports; this is the final of the three reports required.

**2. Recommendation**

It is recommended that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Recommend that the Council resolves to publicly notify that the portion of road adjoining 270 Massey Road, Mahanga Bay, comprising 226 m<sup>2</sup>, being Sec 3 S O 391376 Watts Peninsula District, as shown highlighted red in Appendix 1, be declared stopped in accordance with the Tenth Schedule of the Local Government Act 1974.<sup>1</sup>*
3. *Recommend that Council authorises the Chief Executive Officer to negotiate and complete final terms of sale.*
4. *Note the area to be road stopped (see Appendix 2 S.O. 391376) will be amalgamated with adjoining land being Pt Sec 2, Watts Peninsula District, Computer Freehold Register WN50A/48.*
4. *Note that all of Council's business units requirements in respect of their assets/services located within the area of road to be stopped have been complied with.*

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<sup>1</sup> The relevant provisions in the 1974 Act were not repealed when the 2002 Act came into force.

6. *Note that all costs associated with compliance with the above conditions will be met by the applicant. These include all survey, administration, advertising, and legal costs for this application.*

### **3. Background**

It is proposed to stop a portion of legal road of Massey Road, Mahanga Bay which adjoins 270 Massey Road. The area comprises 226m<sup>2</sup> as shown on the Survey Office Plan 391376 (see Appendix 2)

If the road is successfully stopped, the land will be amalgamated with the adjoining property at 270 Massey Road, Mahanga Bay (Pt Sec 2, Watts Peninsula District, Computer Freehold Register WN50A/48) to be used in conjunction with the existing land holding. (see Appendix 3)

### **4. Discussion**

#### **4.1 Statutory Criteria**

Road Stopping is provided for under the provision of section 342(1) of the Local Government Act (LGA) 1974, with the required procedure being set out by the Tenth Schedule of the LGA.

The Tenth Schedule requires that a local authority must initiate a road stopping action by preparing a survey plan, which is approved by the Chief Surveyor of Land Information New Zealand (LINZ). The proposal is then publicly advertised twice, and signs erected in the area proposed to be stopped. The public has an opportunity to object within the statutory 40 day timeframe.

Council declared that the area of road reserve proposed to be stopped was not required for a public work by the Regulatory Processes Committee on 25 February 2005 and the Council on 30 March 2005 (see Appendix 4 and 5). A section 40 report which investigates whether land is required to be offered back to former owners was subsequently obtained, with Council agreeing that an offer back was not required by the Regulatory Processes Committee on 24 May 2005 and Council meeting on 25 May 2005 (see Appendix 6 and 7), based on section 40(2) and section 40(4) of the Public Works Act 1981.

#### **4.2 Consultation**

Consultation with the relevant Service Authorities, Council business units and neighbours was sought as part of this application.

Conditional consent has been obtained from:

<b>Internal Business Unit</b>	<b>Condition</b>
WCC Road and Traffic	The new boundary must remain at least 10 metres from the centreline of the formed road.
WCC Parks and Gardens	Covenant to be placed over an area of bush and a pohutakawa tree.
WCC Urban Development and Transport	Covenant to be placed over an area of bush and a pohutakawa tree.

Unconditional consent has been obtained from:

- Wellington City Council Treaty Relations
- TelstraClear
- Transfield
- United Networks Ltd
- Power Co Ltd
- Public Drainage / Building Consent & Licensing
- Capacity
- Nova Gas Ltd
- Project Manager Street Lighting

In accordance with clauses 2 and 3 of the Tenth Schedule of the LGA 1974, the road stopping application was publicly notified in the Dominion Post on 17 and 24 January 2008, with a date for objections to be received being by 5pm on 7 March 2008. Information was made available at Wellington City Main Reception 101 Wakefield St, and the Main Library Information desk. Signs were also placed on the site during the notification period. No objections were received.

The New Zealand Defence Force being the only adjoining neighbour to the subject land was advised of this road stopping application, and gave their written approval.

Council officers are satisfied that if statutory requirements and Council business units conditions are met, that the proposed portion of road reserve in Massey Road can be stopped and sold.

#### **4.3 Next Steps**

1. Declare road stopped by public notification in Dominion Post.
2. Copies of the Public Notice and Survey Office Plan 391376 will be deposited in the Office of the Chief Surveyor at LINZ. At which time this part of Massey Road will cease to be road.
3. Land will be transferred to the applicant.

The sale of the land to the applicant will be on commercial terms based on added value. The Chief Executive Officer will finalise all negotiation details.

## **5. Conclusion**

The area of Council owned legal road adjoining 270 Massey Road, Mahanga Bay, has been declared by Council on 30 March 2005 as not being required for a public work. Council's obligations under the Local Government Act 1974 have been met. It is recommended that the Regulatory Processes Committee recommends to Council that officers should proceed with the road stopping and sale process under the Local Government Act 1974.

Contact Officer: *Paul Davidson, Property Advisor, Property Services*

## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*In line with Council's financial principals, assets that are declared surplus to strategic or operational requirements are sold.*

*The sale of legal road, where surplus to strategic requirements, is mandated under the Council's 2004 Road Encroachment and Sale Policy.*

### **2) LTCCP/Annual Plan reference and long term financial impact**

*Provision for undertaking this work is contained within the overall organisational budget.*

*There are no adverse financial implications imposed on the Council arising from this road stopping proposal. All of the costs associated with this proposal will be met by the applicant including all survey, administration, advertising and legal costs. This proposal will benefit the Council in financial terms as the applicant will purchase the stopped road from the Council at market value, and will then pay rates on it in the future.*

### **3) Treaty of Waitangi considerations**

*There are no Treaty of Waitangi implications.*

### **4) Decision-Making**

*This report sets out the Council's responsibilities under the relevant legislation and Council's 2004 Road Encroachment and Sale Policy.*

### **5) Consultation**

#### **a) General Consultation**

*Consultation with the relevant internal business units has been carried out as part of this application. They have all advised that they have no objection to the proposed road stopping, with Urban Design, Parks and Gardens, and Road and Traffic Maintenance giving their consent subject to certain conditions. Service Authorities have been consulted with no conditions imposed.*

*Adjoining landowners have been consulted and have provided their written consent to the proposed stopping. The proponents have agreed in writing to any conditions.*

#### **b) Consultation with Maori**

*Ngtai Toa and The Tenths Trust have been consulted and have given their consent with no conditions.*

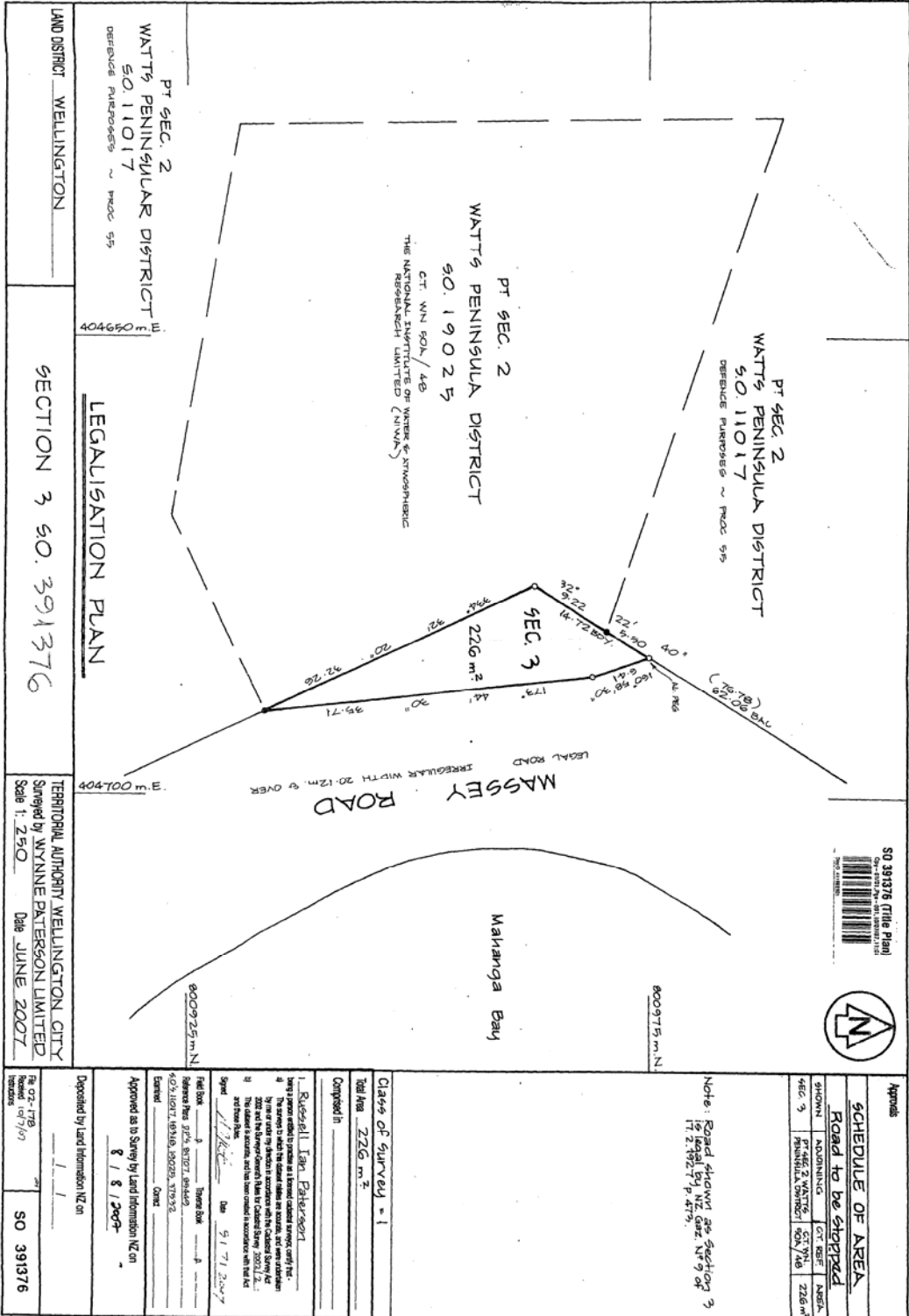
### **6) Legal Implications**

*The legal implications of the proposal are discussed in section 3.*

# APPENDIX 1 - AERIAL PHOTOGRAPH



# APPENDIX 2 - SURVEY OFFICE PLAN S.O. 391376



## **APPENDIX 3 - INITIATION REPORT**

### **Report for Road Stopping Initiation**

#### **Report for Road Stopping Initiation**

#### **Proposed Road Stopping – 270 Massey Road**

**File Ref: 480 48 MAS-270**

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#### **Proposal**

The proposed road stopping consists of part of Massey Road, Mahanga Bay. The area to be stopped is approximately 226m<sup>2</sup>, being the land adjacent to 270 Massey Road, shown as the highlighted irregular shaped area in front labelled “Sec 3” on the scheme plan by Wynne Paterson McLeod Consulting Surveyors, Drawing 02-178-2, dated 21/3/03.

#### **Zoning**

The land adjoining the road to be stopped is within the Open Space B area of the Operative Wellington City District Plan (the District Plan).

#### **Purpose of this Report**

To seek Council approval to initiate the road stopping procedure for the above proposal, all in terms of the Tenth Schedule of the Local Government Act 1974.

#### **Reason for the Road Stopping**

The reason for the road stopping is to facilitate the sale of a portion of Legal Road (Massey Road) to the adjoining landowner at 270 Massey Road. The owner would like to formalise the existing situation.

#### **Purpose to which the road will be put after it is stopped**

Should the road stopping be successful, the land will be amalgamated with the adjoining property at 270 Massey Road (Pt Sec 2 Watts Peninsula Dist, Certificate of Title WN 50A/48) to be used in conjunction with the existing land holding. The owner wishes to maintain the status quo and therefore be able to retain the mature trees which surround their property. It is not envisaged that the land will be used for anything other than what it is at present, being a fenced area.

#### **Background / Site Information**

Massey Road is a long road that extends from Karaka Bay Road, around Point Halswell, and connects down onto Shelly Bay Road. The road formation is relatively narrow all the way round the Peninsula. The titled land at 270 Massey Road is mostly flat and rises gently to the rear. The surrounding topography is steep hillside covered in scrub. The only neighbours are the Ministry of Defence. The property at 270 Massey Road consists of 2,981m<sup>2</sup> in an irregular six sided configuration and is located on the western side of the road. An existing building and other structures are situated at the front of the site (nearest the road) with vehicle access to the road at the northern end.



The subject Legal Road to be stopped is located adjacent to the eastern (front) boundary of the property. The portion of road proposed to be stopped is approximately 226m<sup>2</sup> irregular diamond shaped area of land, which slopes down from the front of the site to the formed carriageway. The area contains tanks and some vegetation. The area is enclosed by a wire mesh fence.

Council's Project Manager of Road Reserve had concerns with the original proposal to stop the road, namely the need to retain a portion of this legal road for future road widening and footpath construction. Under the Roading Code of Practise, the new boundary must be at least 10 metres from the centreline of the formed road. This meant the original proposed road stopping of 315m<sup>2</sup> was reduced to approximately 226m<sup>2</sup>. Part of the original area will still need to be covered by an encroachment licence.

Parks and Gardens raised concerns regarding the vegetation on the proposed area to be stopped. They requested a covenant be placed over the bush area. This view was supported by Urban Design.

As the subject land is within a Maori Precinct Boundary, namely the Mataki-kai-poinga: Landscape Feature Precinct, the Wellington Tenth Trust was consulted, they advised Council that they had no objection to the road stopping and sale process going ahead.

### **Evaluation**

Massey Road is a "Local Road" which is defined in the Wellington City District Plan as:

*"Local Road: roads that provide direct access to properties fronting the road and includes both long and short cul-de-sacs (secondary road)".*

The function of Massey Road fits the above definition. The section of legal road subject to the proposed stopping is 41.5 metres wide at its widest point. It is an irregular diamond shaped area that runs the entire length of the eastern boundary of 270 Massey Road, extending approximately 5.5 metres past the northernmost boundary point. If the road stopping is successful the portion of legal road in front of 270 Massey Road will be approximately 15 metres wide at its narrowest point and approximately 23.5 metres wide at its widest point. The formed road in front of 270 Massey Road will remain at approximately 6.0 metres wide.

The location of the proposed road stopping is separated by approximately 5 metres from the carriageway. The proposal has no actual physical effect on the functioning of the road, as the width of the formed carriageway will not change and sufficient width will be retained for future road widening.

The area of road to be stopped currently contains some vegetation, and tanks that have been constructed for the use of the proponent's property. It is reasonable that the proponent wishes to stop the road in order to add this land to the existing property and therefore formalise the existing situation.

The proponent has gained the consent of the only adjoining neighbour, The New Zealand Defence Force.

The road stopping application will, in Council officers opinion, have little or no adverse effects on the existing roading network, the streetscape or the environment generally as

the road proposed to be stopped is already occupied by the proponent, and is of a topography, size and shape unlikely to be required for roading purposes in the future. Should the proposal be approved, the land will easily be incorporated into the proponent's property with no visual change required to facilitate the amalgamation.

### **Consultation**

The proponent consulted with the following relevant service authorities as part of the proposal. The authorities have commented as follows:

- Nova Gas Ltd: fax dated 4 February 2004 – no mains or services in this street.
- PowerCo: letter dated 23 February 2004 – no objection provided that:
  1. The new boundary must leave PowerCo gas pipes in road reserve.
  2. If applicable, relocation of any PowerCo gas pipes necessary to accommodate the land purchase, will be at the proponent's cost.  
Note: The records show no PowerCo gas pipes in the land to be purchased.
- TelstraClear: letter dated 10 February 2004 – no objection.
- Cabletalk Limited on behalf of Telecom: 16 December 2003 – no objection provided that when encountering Telecom ducts and/or cables, the following conditions are required to be adhered to:
  1. The 124 Call Centre is staffed Monday to Friday from 7:30am to 6:00pm, to accept plan requests and make appointments for onsite locations.
  2. There is a 24 hour emergency service available on 0800 111 124
  3. Please contact Telecom Cable Location – Ph 124, Fax: 0800 110 124, A/hrs: 0800 111 124, Website: [www.124locate.co.nz](http://www.124locate.co.nz) at least 48 hours (two working days) prior to commencing, so that appropriate arrangements can be made to dispatch plans.
  4. An outside cable locate requires a minimum of 24 hours (one working days) notice. This is available Monday to Friday from 8:00am to 5:00pm (onsite locates outside these hours are available, with prior arrangements).
  5. A free stand-over for all high capacity cables, requires a minimum of 48 hours (two working days) notice.
  6. A clearance of 300mm should be maintained between any excavation and Telecom cables and/or ducts.
  7. If excavation must take place within 300mm from Telecom cables and/or ducts, hand tools should be used to avoid damage.
  8. If Telecom cables/ducts are damaged or need to be relocated (due to the proposed work), the concerned parties will be held responsible and expected to cover all costs.
- WCC Street Lighting (Alan Lowrie): fax dated 4 February 2004 – no objection.
- WCC Water Supply (Samir Hermiz): letter dated 4 December 2003 – no objection.
- WCC Public Drainage (Stuart Gunn): letter dated 10 December 2003 – no objection.

- UnitedNetworks Limited: fax dated 15 December 2003 – no objection provided that:
  1. All activities near any overhead lines must be carried out in accordance with the New Zealand Electrical Code of Practice for Electrical Safety Distances (NZECP 34:2001).
  2. The proponent must contact Siemens Energy Services to obtain plans of the lines.
  3. If the plans obtained from Siemens Energy Services indicate that there are assets in the vicinity, they must be notified.
  4. If during construction any underground electricity cables are found or any outage is caused, the proponent must halt construction immediately and contact UnitedNetworks.

The following comments have also been sought and received:

- WCC BCLS (Angela Jones): Memorandum dated 25 September 2003 – no objection.
- WCC Roading (Peter Sumby): email dated 30 October 2003 – no objection provided that the new boundary is at least 10 metres from the centreline of the formed road. This will mean part of the area will still need to be covered by an encroachment licence.
- WCC Parks and Gardens (Grant Evans): Memorandum dated 15 July 2004 – no objection provided that a covenant be placed over the bush area.
- WCC Urban Design (Peter Kundycki): email dated 15 July 2004 – no objection provided that the bush is retained.
- Wellington Tenth Trust: letter dated 29 July 2004 – no objection.

### **Conclusion**

In conclusion, Council officers recommend that this particular road stopping be initiated pursuant to the Tenth Schedule of the Local Government Act 1974.

### **Recommendation**

Pursuant to the Tenth Schedule of the Local Government Act 1974, the undersigned recommend the initiation of the road stopping procedure for an area of land adjacent to 270 Massey Road, Mahanga Bay (Pt Sec 2 Watts Peninsula Dist, Certificate of Title WN 50A/48), comprising of 226m<sup>2</sup> and shown as “Sec 3” on the scheme plan by Wynne Paterson McLeod Consulting Surveyors, Drawing 02-178-2, dated 21 March 2003, subject to the following conditions:

1. That the area of stopped road be amalgamated with the adjoining land (held in Certificate of Title WN 50A/48) and a new title issued for all of that land.
2. That a covenant be registered on the new title requiring that the owners of the property at 270 Massey Road retain the vegetation separating the site from the legal road carriageway.

3. That compliance with all the above service authorities requirements, as outlined in the correspondence in respect of their assets/services located within the area of road to be stopped, is required.
4. That all costs associated with the compliance of the above conditions be met by the proponent, including all survey, administration and legal costs in this application.

Prepared by: Ryan Tozer  
Junior Property Advisor  
Property and Parking Services  
Wellington City Council

Dated: 16 June 2006

## APPENDIX 4 - COMMITTEE DECISIONS

### Regulatory Process Committee – Meeting 25 Feb 2005

#### Report of the Regulatory Processes Committee Meeting of Friday 25 February 2005

**Members:** Mayor Prendergast, Councillors Gill (Chair), Armstrong, Cook, Foster, Goulden, Morrison, Pepperell and Wade-Brown.

#### THE COMMITTEE RECOMMENDS:

1. **ITEM 009/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: 270 MASSEY ROAD, MAHANGA BAY, SEATOUN (1215/53/IM) (REPORT 2)**

*THAT Council:*

1. *Pursuant to Section 40 of the Public Works Act 1981:*

  - a) *Agree that the area of unformed legal road adjoining 270 Massey Road, Mahanga Bay, Seatoun comprising 226m<sup>2</sup> attached to this report as appendix 1 is not required for a Public Work.*
  - b) *Authorise Council officers to commission a Section 40 report from suitably qualified consultants to identify whether the land must be offered back to its former owner or their successor in title, or whether an exemption from offer back applies.*

2. *Note that once the Section 40 report has been received, a further report will be presented to Council for their approval to either offer the land back to its former owner or their successor in title, or to approve the exemption from offer back.*

## APPENDIX 5 - COUNCIL DECISIONS

Council Meeting 30 March 2005

**MINUTES**  
**WEDNESDAY 30 MARCH 2005**  
**5.34PM**  
**COUNCIL CHAMBER**  
**FIRST FLOOR, TOWN HALL**  
**WAKEFIELD STREET**  
**WELLINGTON**

**PRESENT:**

Mayor Prendergast  
Councillor Ahipene-Mercer  
Councillor Cook (5.34 – 7.57pm)  
Councillor Foster  
Councillor Gill  
Councillor Goulden (5.34 – 7.11pm, 7.15 – 8.02pm)  
Councillor McKinnon  
Councillor Morrison  
Councillor Pepperell  
Councillor Ritchie  
Councillor Ruben  
Councillor Shaw  
Councillor Wade-Brown (5.50 – 8.02pm)  
Councillor Wain

**APOLOGIES:**

Councillor Armstrong  
Councillor Wade-Brown (for lateness)

***ITEM 009/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: 270 MASSEY ROAD, MAHANGA BAY, SEATOUN***

*(1215/53/IM) (REPORT 2)*

*THAT Council:*

- 1. Pursuant to Section 40 of the Public Works Act 1981:
  - a) Agree that the area of unformed legal road adjoining 270 Massey Road, Mahanga Bay, Seatoun comprising 226m<sup>2</sup> attached to these minutes as appendix 1 is not required for a Public Work.*
  - b) Authorise Council officers to commission a Section 40 report from suitably qualified consultants to identify whether the land must be offered back to its former owner or their successor in title, or whether an exemption from offer back applies.**
- 2. Note that once the Section 40 report has been received, a further report will be presented to Council for their approval to either offer the land back to its former owner or their successor in title, or to approve the exemption from offer back.*

**APPENDIX 6 -  
COMMITTEE DECISIONS  
Regulatory Process Committee - Meeting 24 May 2005**



**REGULATORY PROCESSES  
COMMITTEE**

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**MINUTES**

**TUESDAY 24 MAY 2005**

**9.20AM**

**Committee Room One  
Ground Floor, Council Offices  
101 Wakefield St  
Wellington**

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**PRESENT:**

Councillor Gill (Chair)  
Councillor Armstrong  
Councillor Cook  
Councillor Goulden (9.20am – 10.08am)(10.13am – 10.15am)  
Councillor Peppereil  
Councillor Wade-Brown

**APOLOGIES:**

Mayor Prendergast  
Councillor Foster  
Councillor Morrison

019/05RP **APOLOGIES**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Receive apologies from Mayor Prendergast, Councillor Foster and Councillor Morrison for absence.*

027/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO: (ROAD STOPPING) 270 MASSEY ROAD, MAHANGA BAY**  
Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 5)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Agree that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - (a) *Agree that the land adjoining 270 Massey Road is exempt from offer-back based on Section 40 (2) and Section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents and Council's solicitors' opinion:*
    - *270 Massey Road, (being approximately 226m<sup>2</sup> as outlined on the aerial photograph in Appendix 1)*
  - (b) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 2002.*

(Councillor Goulden left the meeting at 10.08am)

028/05RP **PROPOSED ROAD STOPPING ADJACENT 41 UPLAND ROAD KELBURN**  
Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 6)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Agree that Council resolve to publicly notify that the portion of Upland Road, Kelburn, adjoining 41 upland road described as Lot 12 and Part Lot 13, Block IV Deposited Plan 1197, comprising 102m<sup>2</sup> as shown in Appendix 1 of the officer's report, be declared stopped in accordance with the Tenth Schedule of the Local Government Act 1974 and in so declaring that the following matters are to be noted*



**APPENDIX 7 - COUNCIL DECISIONS**  
**Council Meeting - 25 May 2005**



**WELLINGTON CITY COUNCIL**

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**MINUTES**

**WEDNESDAY 25 MAY 2005**

**5.30PM**

**COUNCIL CHAMBER  
FIRST FLOOR, TOWN HALL  
WAKEFIELD STREET  
WELLINGTON**

**PRESENT:**

Mayor Prendergast  
Councillor Ahipene-Mercer  
Councillor Armstrong  
Councillor Cook  
Councillor Foster  
Councillor Gill  
Councillor Goulden  
Councillor McKinnon  
Councillor Morrison  
Councillor Pepperell  
Councillor Ritchie (5.37 – 6.01pm)  
Councillor Ruben  
Councillor Shaw  
Councillor Wade-Brown  
Councillor Wain

- (b) *Agree that the land adjoining 31 The Rigi is exempt from offer-back based on Section 40 (2) and Section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents and Council's solicitors' opinion:*
  - *31 The Rigi, (being approximately 67m<sup>2</sup> as outlined on the aerial photograph).*
- (c) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 1974.*

5. **ITEM 027/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO: (ROAD STOPPING) 270 MASSEY ROAD, MAHANGA BAY**  
(1215/53/IM)(REPORT 5)

*THAT Council:*

- 1. *Agree that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - (a) *Agree that the land adjoining 270 Massey Road is exempt from offer-back based on Section 40 (2) and Section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents and Council's solicitors' opinion:*
    - *270 Massey Road, (being approximately 226m<sup>2</sup> as outlined on the aerial photograph in Appendix 5)*
  - (b) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 2002.*

6. **ITEM 028/05RP PROPOSED ROAD STOPPING ADJACENT 41 UPLAND ROAD KELBURN**  
(1215/53/IM)(REPORT 6)

*THAT Council:*

- 1. *Agree that Council resolve to publicly notify that the portion of Upland Road, Kelburn, adjoining 41 upland road described as Lot 12 and Part Lot 13, Block IV Deposited Plan 1197, comprising 102m<sup>2</sup> as shown in Appendix 6 of the officer's report, be declared stopped in accordance with the Tenth Schedule of the Local Government Act 1974 and in so declaring that the following matters are to be noted and actioned:*