

Road-stopping - the purchase of legal road land

A guide for potential buyers

What is road-stopping?

Road-stopping is the process undertaken to change legal road land (commonly known as road reserve) into fee simple land so that it can be sold. Often, legal road land is the strip of land between a property owner's front boundary and an existing formed road or footpath. It is public land legally held for roading but not formed into actual roadway.

Wellington City Council will consider applications from people wanting to buy areas of legal road land. All applications are assessed on a case-by-case basis.

This process can be undertaken under the Local Government Act 1974 or the Public Works Act 1981.

The process of buying legal road land can be lengthy and expensive, taking anywhere from 6 months to three years.

The length of time involved is partly due to the specific legislation that dictates how the Council must go about stopping the legal road land before it can be sold. The Council has added additional steps, such as consulting affected neighbours. These steps have been included as they help to avoid problems that might lead to your application being sent to the Environment Court (at your expense) for a decision. The steps for stopping legal road land can be found on Council's road-stopping process and timeline.

When we receive an application, the details of the proposed purchase are passed to the relevant parts of the Council for their comments and formal approval. The Council considers such things as:

- whether the land is required for roading purposes, such as road widening, footpaths, future services etc
- whether sale of the land is going to adversely affect other property owners in the area or the public at large
- possible streetscape changes if the land was to pass into private ownership (eg development potential)
- any significant trees or vegetation in the area and possible covenants to protect them
- any heritage or cultural sites in the area that need protection.

Costs

All costs as they occur during the process will be met by the applicant. Those costs include, but are not limited to:

- valuation
- survey plans
- legal work-yours and the Council's
- public notification
- consultants
- Council staff time
- any Council hearing costs

The process costs are approximately \$12 - \$15,000 +GST. A rebate on the process costs does apply. This is calculated at the end of the process.

Please note that the cost of purchasing the land is on top of the cost for the road-stopping process. Costs associated with any Environment Court hearing are also additional.

Valuing the land

A competent registered valuer appointed by Council will assess the value of the land. If the land adjoins your property, the valuation will be on the basis of added value to your property. If the unformed legal road you want to purchase is a stand-alone section, the assessment will be current market value.

This valuation is completed at step 3 of the process (see the road-stopping process timetable). A second valuation may be required later in the process if the sale occurs more than 18 months after the first valuation was completed. This is to reflect any change in property values that has occurred during the time the road-stopping process has taken.

Public notification

Depending on which legal process is appropriate to use in your circumstances, we may need to publicly notify the road-stopping proposal. This involves erecting signs on the unformed legal road, sending letters to surrounding property owners, and at least two public notices, a week apart, in local newspapers. Members of the public have 40 days in which to object.

If objections are received we may arrange a pre-hearing meeting with the objector/s. If the objections cannot be resolved then we will arrange a hearing in front of a Council committee. At the hearing, the committee will decide whether or not to uphold the objections. If the objections are upheld, then the road-stopping cannot proceed and the process stops. If they are not upheld and you want to continue with the road-stopping, then the objections have to be heard by the Environment Court.

Withdrawal from the process

Applicants can withdraw from the purchase process at any time before the conditional sale and purchase agreement is signed (see step 6 on the road-stopping process timetable). It is important to note that the applicant will be liable to pay all of the Council's costs up until the date of withdrawal.

Making an application

If you would like to make an application to purchase legal road land, contact a Council's Property advisor to arrange a preliminary meeting to identify any issues. Once the Property advisor instructs to proceed, please send us the following items:

- a completed application form or apply online
- an aerial photo or plan clearly indicating the area you want to purchase
- a current certificate of title for your adjoining property.

Please send your application to:

Property Services

Wellington City Council

PO Box 2199

Wellington

email: roadstopping@wcc.govt.nz