

# **SUPPLEMENTARY A G E N D A**

## **HURUNUI DISTRICT COUNCIL**

**Thursday 29 October 2009**

### **ROAD STOPPING AND LEGALISATION – HALL STREET**

Report by Senior Planning – advising that Mr and Mrs R Vercoe were granted a Resource Consent for a two lot subdivision in Hall Street Motunau Beach in 2007 and on review of their certificate of title it was noted that the existing formed road crossed over a portion of their existing title. During negotiations it was revealed that Council prepared a survey plan in 1984 to identify areas of that title to be legalised as public road.

Pages 298- 302



**Meeting Date:**

29 October 2009

**REPORT TO:** Council

**SUBJECT:** Road stopping and legalisation - Hall Street

**REPORT BY:** Senior Planner

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Signature: Author  
Helga Rigg

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Manager

### **Summary Report**

In 2007, Mr and Mrs R Vercoe were granted resource consent for a two lot subdivision of their property located at 4 Hall Street, Motunau Beach. On review of their certificate of title, it was noted that the existing formed road (Hall Street) crossed over a portion of their existing title. During negotiations, it was revealed that Council prepared a survey plan in 1984 to identify areas of that title to be legalised as public road. These areas are shown as A, B and C on the attached plan SO 16333. The area marked as D is to be stopped as legal road.

### **Recommendation**

THAT THE COUNCIL GRANTS CONSENT FOR THE ROAD STOPPING AND LEGALISATION ACTION DETAILED IN THE COUNCIL'S CONSENT FORM (APPENDIX 1) IN RELATION TO SO PLAN 16333 TO BE CARRIED OUT UNDER THE PROVISIONS OF THE PUBLIC WORKS ACT 1981

## **BACKGROUND**

Mr and Mrs Vercoe are the owners of a 1911m<sup>2</sup> property located at 4 Hall Street, Motunau Beach. In September 2007, the Vercoe's applied for a two lot subdivision of their property. On review of the certificate of title, the surveyor discovered that the existing formed road (Hall Street) crossed over a portion of the existing title. In discussion with Council, it was revealed that Council prepared a survey plan in 1984 to identify areas of that title to be legalised as public road. These areas are shown as A, B and C on the attached plan SO 16333. The area marked as D was to be stopped as legal road.

The Vercoes are keen to complete their subdivision approved by way of RC070182 so that they can obtain individual titles for the two proposed allotments. In order to proceed with their subdivision, the road stopping and legalisation needs to be completed.

This road stopping and legalisation action is to be carried out under the provisions of the Public Works Act 1981, and it is proposed that the unformed road to be stopped will be amalgamated with the adjoining property titles and the road to be legalised will vest in the Council, as referred to in the attached Council Consent form. Although the Council of the day approved the original survey plan as part of the freeholding of the whole of Motunau Beach, our recent legal advice is that the process through LINZ will be proceed much smoother with a Council resolution.

This is a matter of formalising what physically exists on the ground.

## **OPTIONS CONSIDERED**

### **Do Nothing**

In March 2009, the Council entered into a binding agreement with the Vercoes giving an undertaking that it would take steps to close the section of road marked D on SO 16333 and complete vesting of land contained with the areas marked A, B and C. As such the option to do nothing is not an option.

### **1<sup>st</sup> Option – Road stopping and legalisation**

That the Council grants consent to enable the completion of the road stopping and legalisation under the provisions of the Public Works Act 1981

## **POLICY AND PLAN CONSIDERATIONS**

There are no Council policies or plans associated with this decision.

## **SIGNIFICANCE**

The recommendation is not deemed significant.

## **MĀORI IMPLICATIONS**

Reference has been made to Te Poha o Tohu Raumatī (Te Rūnanga o Kaikōura's Environmental Management Plan) on this issue, and no implications for Māori have been identified.

## **FINANCIAL CONSIDERATIONS**

Agreement has already been reached that costs in relation to the road stopping are to be met by the Council up to a sum not exceeding \$3,500.00 including GST.

**CONCLUSION**

After considering all issues, options and the known views of those affected, as well as giving consideration to the level of significance and the legal and financial implications, the conclusion / recommendation of this report is THAT THE COUNCIL GRANTS CONSENT FOR THE ROAD STOPPING AND LEGALISATION ACTION DETAILED IN THE COUNCIL'S CONSENT FORM (APPENDIX 1) IN RELATION TO SO PLAN 16333 TO BE CARRIED OUT UNDER THE PROVISIONS OF THE PUBLIC WORKS ACT 1981

**COMMUNITY OUTCOME(S)**

A desirable place to live, work and play  
Enhance our essential infrastructure

DWLP  
ESIN

**APPENDICES**

Councils consent form  
SO Plan 16333

### COUNCIL'S CONSENT

Pursuant to a Resolution of the **HURUNUI DISTRICT COUNCIL** dated the 19<sup>th</sup> day of July 2007 the Council hereby consent to:-

1. The land in the First Schedule being stopped pursuant to Section 116 of the Act and vested in **SILVACREST FARMS LIMITED** being the registered proprietors of the land contained in Certificate of Title CB17B/1109 and amalgamated with the land in the said Certificate of Title pursuant to Section 117 of the Act.
2. The land in the Second Schedule being taken as road pursuant to Section 114 of the Act and vested in the **HURUNUI DISTRICT COUNCIL**.

#### FIRST SCHEDULE

All that piece of land situated in the Canterbury Land District described as follows:-

Area	Being
1. 371m <sup>2</sup>	Adjoining Lot 40 on Deposited Plan 20871 Block XV Stoneyhurst Survey District shown as the area marked "D" on SO Plan 16333 lodged in the office of Land Information New Zealand at Christchurch.

#### SECOND SCHEDULE


All that piece of land situated in the Canterbury Land District described as follows:-

Area	Being
1. 449m <sup>2</sup>	Part Lot 25 on Deposited Plan 20871 Block XV Stoneyhurst Survey District shown as the area marked "A" on SO Plan 16333 lodge in the office of Land Information New Zealand at Christchurch.
2. 18m <sup>2</sup>	Part Lot 26 on Deposited Plan 20871 Block XV Stoneyhurst Survey District and shown as the area marked "B" on SO Plan 16333 lodged in the office of Land Information New Zealand at Christchurch.
3. 1m <sup>2</sup>	Part Lot 26 on Deposited Plan 20871 Block XV Stoneyhurst Survey District shown as the area marked "C" on SO Plan 16333 lodged in the office of Land Information New Zealand at Christchurch.

Dated at Amberley this 19<sup>th</sup> day of July 2007

THE COMMON SEAL of the  
HURUNUI DISTRICT COUNCIL

was hereto affixed  
in the presence of:-

  
\_\_\_\_\_  
**P. I. CLIFFORD**  
\_\_\_\_\_  
CHIEF EXECUTIVE OFFICER  
\_\_\_\_\_  
HURUNUI DISTRICT COUNCIL  
\_\_\_\_\_  
P.O. BOX 13 AMBERLEY

