

Road Stopping Policy



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1 INTRODUCTION

- 1.1 Road stopping is the legal process used to remove the status of “road” from land. Once stopped, the land may be retained, transferred, sold, vested, or used for another lawful purpose in accordance with applicable legislation.
- 1.2 Road stopping may be initiated by Council or requested by a third party.
- 1.3 This policy provides Council’s governance framework for road stopping. Operational procedures, templates, and assessment processes are set out in the Road Stopping Guidelines.

2 PURPOSE

- 2.1 The purpose of this policy is to:
 - provide a consistent and transparent framework for road stopping decisions
 - ensure statutory obligations are met
 - protect public access, infrastructure, and community interests
 - recognise mana whenua interests
 - ensure decisions are appropriately documented and legally robust.

3 SCOPE

- 3.1 This policy applies to all proposals to stop formed or unformed legal roads in the Manawātū District.
- 3.2 This policy does not apply to temporary road closures.

4 POLICY PRINCIPLES

4.1 When considering a road stopping proposal, Council will have regard to:

- current and future transport and access needs
- public access and connectivity
- infrastructure and utility services
- environmental, heritage, and planning matters
- mana whenua interests and engagement requirements
- legal and financial implications

5 STATUTORY PATHWAYS

5.1 Road stopping proposals will be undertaken in accordance with applicable legislation, including the Local Government Act 1974 and Public Works Act 1981.

5.2 Council will determine the most appropriate statutory process having regard to:

- The legal status and acquisition history of the land
- The nature and effects of the proposal
- Statutory requirements and risks.

6 DECISION-MAKING AND DELEGATIONS

6.1 All decisions under this policy will be made in accordance with Council's current delegations and applicable legislation.

6.2 This policy does not delegate any statutory powers.

7 LEGAL AND DISPOSAL REQUIREMENTS

7.1 Before stopped road land is sold, transferred, leased, vested, amalgamated, or used for another purpose, Council will obtain legal review appropriate to the nature and complexity of the proposal, including consideration of:

- Compliance with relevant legislation
- Any disposal or offer-back obligations
- Any Treaty settlement, Crown land, reserve, or title requirements
- Any easements, conditions, or approvals required.

7.2 Where stopped road land is disposed of to a private party, Council will generally seek disposal at market value unless there is a lawful public-interest reason for an alternative approach.

8 RECORDS AND REPORTING

8.1 Council will maintain appropriate records for all road stopping proposals, including:

- assessments and recommendations
- consultation and engagement undertaken
- statutory processes followed
- legal advice obtained
- decisions made and reasons for those decisions.

9 COUNCIL DISCRETION

- 9.1 Council retains full discretion whether to initiate, continue, discontinue, or complete any road-stopping proposal.
- 9.2 Nothing in this policy requires Council to proceed with a road-stopping proposal merely because statutory requirements or procedural steps can be satisfied.

10 GUIDELINES

- 10.1 Council maintains Road Stopping Guidelines, templates, checklists, and process flowcharts to support implementation of this policy.
- 10.2 Supporting operational documents do not replace legislation, legal advice, or delegated decision-making responsibilities.

11 IMPLEMENTATION AND REVIEW

- 11.1 This policy will be implemented by the appropriate Council teams and reviewed every three years, or sooner if legislation or Council requirements change.

12 REFERENCES

Local Government Act 1974

Local Government Act 2002

Public Works Act 1981

Local Government Official Information and Meetings Act 1987

Public Records Act 2005

Heritage New Zealand Pouhere Taonga Act 2014

Delegation Manual

Road Stopping Guidelines