

REPORT 8
(1215/11/IM)

Report of the Regulatory Processes Committee
Meeting of Wednesday 9 December 2009

Members: Mayor Prendergast, Councillors Gill (Chair), Best, Cook, Goulden, Pannett and Wain.

THE COMMITTEE RECOMMENDS:

1. **ITEM 078/09RP ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 227 NEWLANDS ROAD, NEWLANDS**
(1215/53/IM) (REPORT 2)

THAT Council:

1. *See Part B*
2. *Pursuant to section 40 of the Public Works Act 1981:*
 - (a) *Agree that the 1,368 m² area of unformed road (Road Land) adjoining 227 Newlands Road, Newlands 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, or whether an exemption from offer back applies under section 40(2), 40(3) or 40(4).*
3.
 - (a) *Approve the disposal of the Road Land.*
 - (b) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (c) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road subject to all statutory and Council requirements being met and no objections being received.*

- (d) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the Road Land, with the owner of the Adjoining Land, provided any such agreement is conditional upon the road being stopped.*
- (e) *Agree that any funds the Council receives as a result of this disposal, will be used to contribute towards upgrading the remaining car park, and the public space of the Newlands Centre as proposed in the Draft Newlands Centre Plan.*

4. *See Part B*

2. **ITEM 079/09RP ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 13 TANNADYCE STREET, STRATHMORE**
(1215/53/IM) (REPORT 3)

THAT Council:

- 1. *See Part B*
- 2.
 - (a) *Approve the disposal of the Road Land described as approximately 160m² (subject to survey) of unformed legal road adjoining 13 Tannadyce Street.*
 - (b) *Delegate to the Chief Executive Officer the power to either offer the Road Land back to its former owner or their successor, or to approve the exercise of an exemption from offer back under section 40(2), 40(3) or 40(4) Public Works Act 1981 (if appropriate).*
 - (c) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (d) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road, subject to all statutory and Council requirements being met and no objections being received.*
 - (e) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the Road Land, either with the former owner or their successor, or the owner of the adjoining land, provided any such agreement is conditional upon the road being stopped.*
- 3. *See Part B*

3. **ITEM 080/09RP ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 20 LUCKNOW TERRACE, KHANDALLAH (1215/53/IM) (REPORT 4)**

THAT Council:

1. *See Part B*
2.
 - (a) *Approve the disposal of the Road Land described as approximately 130m² (subject to survey) of unformed legal road adjoining 20 Lucknow Terrace.*
 - (b) *Delegate to the Chief Executive Officer the power to either offer the Road Land back to its former owner or their successor, or to approve the exercise of an exemption from offer back under section 40(2), 40(3) or 40(4) (if appropriate).*
 - (c) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with section 342 and the Tenth Schedule of the Local Government Act 1974.*
 - (d) *Delegate to the Chief Executive Officer the power to formally approve the road stopping and issue the public notice to declare the Road Land stopped as road, subject to all statutory and Council requirements being met and no objections being received.*
 - (e) *Delegate to the Chief Executive Officer the power to negotiate the terms of sale and enter into a sale and purchase agreement in respect of the Road Land, either with the former owner or their successor, or the owner of the Adjoining Land, provided any such agreement is conditional upon the road being stopped.*
3. *See Part B.*

**Leonie Gill
Chair**