
REPORT 5
(1215/11/IM)

Report of the Regulatory Processes Committee
Meeting of Wednesday 19 June 2013

Members: Mayor Wade-Brown, Councillors Gill (Chair), Best, Foster, Lester, Morrison and Pepperell.

THE COMMITTEE RECOMMENDS:

1. **ITEM 037/13RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 68, 70 AND 74 EVANS BAY PARADE, HATAITAI**
(1215/53/IM) *(REPORT 1)*

THAT Council:

1. (a) *Agree that the approximate 100 m² (subject to survey) of unformed legal road land in Evans Bay Parade (Road Land) adjoining 68, 70 and 74 Evans Bay Parade (Adjoining Land) is not required for a Public Work.*
- (b) *Approve the disposal of the Road Land.*
- (c) *Authorise Council officers to commission a section 40 Public Works Act 1981 (PWA) report from suitably qualified consultants to identify whether the area of Road Land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
- (d) *Delegate to the Chief Executive Officer the power to either offer the Road Land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA (if appropriate).*
- (e) *Authorise Council officers to initiate the road stopping process for the area of Road Land in accordance with section 116 of the Public Works Act 1981.*
- (f) *Delegate to the Chief Executive Office the power to complete the terms of sale, impose any reasonable restrictions, in respect of the Road Land adjoining 68, 70 and 74 Evans Bay Parade, either with the former owner, or their successor, or the owner of 68, 70 and 74 Evans Bay Parade, provided any such agreement is conditional upon the road being stopped.*

2. **ITEM 038/13RP ROAD STOPPING AND DISPOSAL: LEGAL ROAD
ADJOINING 3 BURN STREET, KARORI**
(1215/53/IM) (REPORT 2)

THAT Council:

1. (a) *Agree that 96 m² of unformed legal road land in Burn Street (Road Land) adjoining 3 Burn Street (Adjoining Land) is not required for a Public Work.*
- (b) *Approve the disposal of the Road Land.*
- (c) *Authorise Council officers to commission a section 40 Public Works Act 1981 (PWA) report from suitably qualified consultants to identify whether the area of Road Land must be offered back to its former owner or their successor, or whether exemptions from offer back applies.*
- (d) *Delegate to the Chief Executive Officer the power to either offer the Road Land back to its former owner(s) or their successor(s), or to approve the exercise of exemptions from offer back under section 40(2), 40(3), or 40(4) PWA(if appropriate).*
- (e) *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.*
- (f) *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 with no objections being received.*
- (g) *Delegate to the Chief Executive Officer, if no objections are received during the consultation period, the power to negotiate the terms of sale, impose any reasonable covenants, 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 3 Burn Street, provided any such agreement is conditional upon the road being stopped.*
- (h) *Note that if objections are received to the road stopping and the applicant wishes to continue with the road stopping, a further report will be presented to the Committee for consideration.*

Leonie Gill
Chair