
REPORT 8
(1215/11/IM)

Report of the Regulatory Processes Committee
Meeting of Wednesday 10 February 2010

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

THE COMMITTEE RECOMMENDS:

1. **ITEM 007/10RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 130 CHURCHILL DRIVE – CROFTON DOWNS (1215/53/IM) (REPORT 3)**

THAT Council:

1. *See Part B*
2.
 - (a) *Approve the disposal of the Road Land described as approximately 1,301m² (subject to survey) of unformed legal road adjoining 130 Churchill Drive, Crofton Downs.*
 - (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.*

4. *See Part B.*

2. **ITEM 008/10RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 91 TIO TIO ROAD – SEATOUN**
(1215/53/IM) (REPORT 4)

THAT Council:

1. *See Part B.*

2. (a) *Approve the disposal of the Road Land described as approximately 454m² (subject to survey) of unformed legal road adjoining 91 and 93 Tio Tio Road, Seatoun.*

(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(s) of the Adjoining Land, provided any such agreement is conditional upon the road being stopped.*

3. *See Part B.*

3. **ITEM 009/10RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 217 EVANS BAY PARADE – EVANS BAY**
(1215/53/IM) (REPORT 5)

THAT Council:

1. *See Part B.*

2.
 - (a) *Approve the disposal of the Road Land described as approximately 210m² (subject to survey) of unformed legal road adjoining 217 Evans Bay Parade, Evans Bay.*
 - (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.*

4. **ITEM 010/10RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 65 TOTARA ROAD, MIRAMAR (1215/53/IM) (REPORT 6)**

THAT Council:

1. *See Part B.*
2.
 - (a) *Approve the disposal of the Road Land described as approximately 55m² (subject to survey) of unformed legal road adjoining 65 Totara Road, Miramar.*
 - (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.*

5. **ITEM 011/10RP ROAD STOPPING AND DISPOSAL – THE LOCAL GOVERNMENT ACT 1974: LEGAL ROAD ADJOINING 109 FEATHERSTON STREET, WELLINGTON**
(1215/53/IM) (REPORT 7)

THAT Council:

- 1. *See Part B.*
- 2.
 - (a) *Agree that the approximately 4 m² area of unformed road (Road Land) on the corner of Featherston and Waring Taylor Streets, that adjoins 109 Featherston Street, Wellington is not required for a public work, can be stopped and amalgamated with the applicants land that is contained on CFR WN20D/669.*
 - (b) *Agree that the approximately 4 m² area of unformed road (Road Land) on the corner of Featherston and Ballance Streets, that adjoins 109 Featherston Street, Wellington is not required for road, and can be stopped and amalgamated with Wellington City Council land that is contained on CFR WN20D/265.*
 - (c) *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 on the corner of Featherston and Waring Taylor Streets, Wellington.*
 - (b) *Approve the stopping of the Road Land on the corner of Featherston and Balance Streets, Wellington.*

- (c) *Authorise Council officers to initiate the road stopping process for the Road Land in accordance with the Public Works Act 1981.*
- (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, with the owner of the Adjoining Land, provided any such agreement is conditional upon the road being stopped.*

Leonie Gill
Chair