
REPORT 8
(1215/11/IM)

Report of the Regulatory Processes Committee
Meeting of Wednesday 8 September 2010

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

THE COMMITTEE RECOMMENDS:

1. **ITEM 061/10RP AIRSPACE ROAD STOPPING AND DISPOSAL UNDER THE PUBLIC WORKS ACT 1981, ADJOINING 1-15 PIPITEA STREET, THORNDON**
(1215/53/IM) (REPORT 1)

THAT Council:

1. *See Part B.*
2. (a) *Agree that the area of road airspace (refer to the blue highlighted areas in Appendix one of the officer's report), adjoining 1-15 Pipitea Street Thorndon, is no longer required for a Public Work.*
- (b) *Authorise Council officers to commission a section 40 report from a suitably qualified consultant to identify whether the road airspace 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) of the Public Works Act 1981. Refer to Appendix two of the officer's report.*
- (c) *Consent to the road stopping under sections 116-121 of the Public Works Act 1981 both as the owner of the road and as the Territorial Authority.*
- (d) *Delegate to the Chief Executive Officer the power to either offer the airspace 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), once the section 40 report has been received.*

- (e) *Delegate to the Chief Executive Officer the power to;*
- (i) *negotiate the terms of sale and enter into a sale and purchase agreement in respect of the airspace stopped road, either with the former owner or their successor, or the owner of the adjoining Land.*
 - (ii) *request the Minister of Lands to stop the legal road air space and undertake all necessary action to give effect to the sale.*

Leonie Gill
Chair