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**REPORT 5**  
*(1215/11/IM)*

**Report of the Regulatory Processes Committee**  
**Meeting of Wednesday 15 August 2012**

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

**THE COMMITTEE RECOMMENDS:**

1. **ITEM 046/12P ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 214 EVANS BAY PARADE, HATAITAI**  
*(1215/53/IM) (REPORT 2)*

*THAT Council:*

1. (a) *Agree that approximately 71m<sup>2</sup> (subject to survey) of unformed legal road land (Road Land) adjoining 214 Evans Bay Parade, Hataitai, is not required for a Public Work.*
- (b) *Approve the disposal of the Road Land to the owners of 214 Evans Bay Parade, Hataitai.*
- (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 unformed legal 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 Office 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 214 Evans Bay Parade, provided any such agreement is conditional upon the road being stopped.*

**Leonie Gill**  
**Chair**