
REPORT 6
(1215/11/IM)

Report of the Regulatory Processes Committee
Meeting of Wednesday 17 April 2013

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

THE COMMITTEE RECOMMENDS:

1. **ITEM 019/13RP ROAD STOPPING AND ACQUISITION – LEGAL ROAD ADJOINING 1 FRANKLYN ROAD, TAWA**
(1215/53/IM) (REPORT 2)

THAT Council:

1. (a) Agree that approximately 55m² (subject to survey) of unformed legal road land in Franklyn Road, and approximately 80m² in Chester Road (Road Land) adjoining 1 Franklyn Road (Adjoining Land) are 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 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) 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.
- (h) If no objections are received during the consultation period then it delegates 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 1 Franklyn Road, provided any such agreement is conditional upon the road being stopped.
- (i) Agree to the acquisition of approximately 18m² of land currently held in Computer Freehold Register WN551/275, for that land to be vested in the Wellington City Council as road.
- (j) Delegate to the Chief Executive Officer the power to negotiate and finalise the terms of the acquisition described in (i) above, and enter into a sale and purchase agreement, by way of exchange.

Leonie Gill
Chair