
**Report of the Regulatory Processes Committee
Meeting of Wednesday 21 March 2012**

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

THE COMMITTEE RECOMMENDS:

1. **ITEM 019/12RP ROAD STOPPING AND DISPOSAL: LEGAL ROAD BETWEEN 9 AND 25 VOLTAIRE STREET, KARORI (1215/53/IM) (REPORT 2)**

THAT Council:

1. *Pursuant to section 40 of the Public Works Act 1981:*

 - (a) *Agree that approximately 1,141m² (subject to survey) of unformed road (Road Land) situated between 9 and 25 Voltaire Street, Karori is not required for a public work.*
 - (b) *Authorise Council officers to commission a section 40 report from suitably qualified consultants to identify whether the Road 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) of the Public Works Act 1981.*
 - (c) *Delegate to the Chief Executive Officer the power to either offer the area of unformed legal 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) of the Public Works Act 1981 (if appropriate).*

2. (a) *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.*

- (b) *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.*
- (c) *Approve the disposal of the Road Land (subject to the proposed road stopping being successful).*
- (d) *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 Road Land situated between 9 and 25 Voltaire Street, Karori, either with the former owner, or their successor, or the Port Nicholson Block Settlement Trust, or Ngati Toa, or the successful purchaser following the Road Land being marketed for sale.*

2. **ITEM 020/12RP ROAD STOPPING AND DISPOSAL - LEGAL ROAD SEATOUN SCOUT HALL, 36 FERRY STREET, SEATOUN (FORRES STREET)**
(1215/53/IM) (REPORT 3)

THAT Council:

- 1. (a) *Agree that the area of approximately 512m² (subject to survey) of unformed legal road land at 36 Ferry Street, Seatoun is not required for a Public Work.*
- (b) *Subject to public consultation, approves the disposal of the Road Land described as approximately 512m² (subject to survey) of unformed legal road at 36 Ferry Street, Seatoun, including disposal of the building on the site known as the Seatoun Scout Hall “as is”, subject to conditions (to be imposed on any development of the site) in recognition of and for the purpose of preserving its heritage status.*
- (c) *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) of the Public Works Act 1981 (if appropriate).*
- (d) *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.*
- (e) *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.

- (f) *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 and Hall, either with the former owner or their successor, or on the open market, provided any such agreement is conditional upon the road being stopped.*

3. **ITEM 021/12RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 2 LOWER WATT STREET, WADESTOWN (1215/53/IM) (REPORT 4)**

THAT Council:

1. (a) *Agree that the area of approximately 161m² (subject to survey) of unformed legal road adjoining 2 Lower Watt Street, Wadestown is not required for a Public Work.*
- (b) *Approve the disposal of approximately 161m² of unformed legal road land adjoining 2 Lower Watt Street, Wadestown to the owners of that property.*
- (c) *Authorise Council officers to undertake or commission from suitably qualified consultants a section 40 Public Works Act 1981 report 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 area of unformed legal 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) Public Works Act (if appropriate).*
- (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road 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 area of unformed legal 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 the power to negotiate the terms of sale, impose any reasonable covenants, and enter into a sale and purchase agreement in respect of the unformed*

legal road land adjoining 2 Lower Watt Street, Wadestown, either with the former owner, or their successor, or the owner of 2 Lower Watt Street, Wadestown, provided any such agreement is conditional upon the road being stopped.

4. **ITEM 022/12RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 50 AND 52 MCKINLEY CRESCENT, BROOKLYN**
(1215/53/IM) (REPORT 5)

THAT Council:

1. (a) *Agree that approximately 94m² (subject to survey) area of unformed legal road land adjoining 50 and 52 McKinley Crescent, Brooklyn, is not required for a Public Work.*
- (b) *Approve the disposal of approximately 12m² (subject to survey) area of unformed legal road land adjoining 50 McKinley Crescent, Brooklyn, to the owner of that property for amalgamation with their existing title,*
- (c) *Authorise Council officers to commission a section 40 report to identify whether approximately 94m² (subject to survey) area of Road Land, must be offered back to the former owner(s) or their successor(s), or whether exemptions from offer back applies under section 40(2), 40(3), or 40(4) of the Public Works Act 1981.*
- (d) *Delegate to the Chief Executive Officer the power to either offer approximately 12m² (subject to survey) area of unformed legal 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) the Public Works Act 1981 (if appropriate).*
- (e) *Authorise Council officers to initiate the road stopping process for approximately 94m² (subject to survey) area of 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) *Approve the stopping and amalgamation of approximately 82m² (subject to survey) of Road Land with the adjoining property at 52 McKinley Crescent.*

- (h) *Delegate to the Chief Executive Office the power to negotiate the terms of sale of approximately 12m² (subject to survey) area of Road Land to 50 McKinley Crescent, Brooklyn, provided any such agreement is conditional upon the road land being stopped.*

5. **ITEM 023/12RP ROAD STOPPING AND DISPOSAL – LEGAL ROAD ADJOINING 45 MOXHAM AVENUE, HATAITAI (1215/53/IM) (REPORT 6)**

THAT the Regulatory Processes Committee:

1.
 - (a) *Agree that approximately 26m² (subject to survey) of unformed legal road land adjoining 45 Moxham Avenue, Hataitai, is not required for a Public Work.*
 - (b) *Approve the disposal of the approximately 26m² of unformed legal road land adjoining 45 Moxham Avenue, Hataitai, to the owner of that property.*
 - (c) *Authorise Council officers to undertake a section 40 Public Works Act 1981 report 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 area of unformed legal 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) of the Public Works Act 1981 (if appropriate).*
 - (e) *Authorise Council officers to initiate the road stopping process for the area of unformed legal road in accordance with the Public Works Act 1981.*
 - (f) *Delegate to the Chief Executive Officer the power to formally approve the road stopping, and issue the public notice to declare the area of unformed legal 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 complete the terms of sale, impose any reasonable covenants, in respect of the unformed legal road land adjoining 45 Moxham Avenue, either with the former owner, or their successor, or the owner of 45 Moxham Avenue, provided any such agreement is conditional upon the road being stopped.*

6. **ITEM 027/12RP DECISION ON OBJECTIONS TO THE PROPOSED ROAD STOPPING AND DISPOSAL: LEGAL ROAD ADJOINING 62 WELD STREET, WADESTOWN**
(1215/53/IM) (REPORT 7)

THAT Council:

1. (a) *Not uphold the objections from Wadestown School's Road and Safety Committee, and Mr Kieran Simon to the proposal to stop 106 m² of road land adjoining 62 Weld Street, Wadestown.*
- (b) *Authorises officers to refer the proposal to stop 106 m² of road land adjoining 62 Weld Street, Wadestown, and the objections from Wadestown School's Road and Safety Committee, or Mr Kieran Simon to the Environment Court, if needed.*
- (c) *Delegates to the Chief Executive Officer the power to approve and conclude any action relating to Environment Court proceedings, if needed.*

Leonie Gill
Chair