

---

**MINUTES**

**TUESDAY 24 MAY 2005**

**9.20AM**

**Committee Room One  
Ground Floor, Council Offices  
101 Wakefield St  
Wellington**

---

**PRESENT:**

Councillor Gill (Chair)  
Councillor Armstrong  
Councillor Cook  
Councillor Goulden (9.20am – 10.08am)(10.13am – 10.15am)  
Councillor Pepperell  
Councillor Wade-Brown

**APOLOGIES:**

Mayor Prendergast  
Councillor Foster  
Councillor Morrison

019/05RP **APOLOGIES**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

- 1. Receive apologies from Mayor Prendergast, Councillor Foster and Councillor Morrison for absence.*

020/05RP **MINUTES FOR CONFIRMATION**  
(1215/53/IM)

**RESOLVED:**

*THAT the Regulatory Processes Committee:*

1. *Approve the minutes of the ordinary meetings held on Friday 25 February 2005, having been circulated, be taken as read and confirmed as an accurate record of those meetings.*

021/05RP **CONFLICT OF INTEREST DECLARATIONS**  
(1215/53/IM)

**NOTED:**

There were no conflict of interest in declarations received.

022/05RP **PUBLIC PARTICIPATION**  
(1215/53/IM)

**NOTED:**

There was no public participation.

023/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: 32 CARLTON STREET, MELROSE**  
Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 1)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information*
2. *Recommend that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - a) *Agree that the area of unformed legal road adjoining 32 Carlton Street, Melrose, (refer to Appendix 1) 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 land*

*must be offered back to its former owner or their successor in title, or whether an exemption from offer back applies.*

3. *Note that once the Section 40 report has been received, a further report will be presented to Council for their approval to either offer the land back to its former owner or their successor in title, or to approve the exemption from offer back.*

024/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: LERWICK TERRACE ADJOINING 58 QUEENS DRIVE, LYALL BAY**  
 Report of Lisa Black – Road Stopping and Encroachment Advisor.  
 (1215/53/IM) (REPORT 2)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - a) *Agree that the area of unformed legal road at Lerwick Terrace adjoining 58 Queens Drive, Lyall Bay, (refer to Appendix 1) 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 land must be offered back to its former owner or their successor in title, or whether an exemption from offer back applies.*
3. *Note that once the Section 40 report has been received, a further report will be presented to Council for their approval to either offer the land back to its former owner or their successor in title, or to approve the exemption from offer back.*

025/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: LEGAL ROAD ADJOINING 517 OHARIU VALLEY ROAD AND 20 TAKARAU GORGE ROAD**  
 Report of Lisa Black – Road Stopping and Encroachment Advisor.  
 (1215/53/IM) (REPORT 3)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*

2. *Recommend that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - a) *Agree that the area of unformed legal road adjoining 517 Ohariu Valley Road and 20 Takarau Gorge Road, Ohariu Valley (refer to Appendix 1) is not required for a Public Work.*
  - 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 in title, or whether an exemption from offer back applies.*
3. *Note that once the Section 40 report has been received, a further report will be presented to Council for their approval to either offer the land back to its former owner or their successor in title, or to approve the exemption from offer back.*

026/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGES ONE AND TWO: 31 THE RIGI, NORTHLAND**  
 Report of Lisa Black – Road Stopping and Encroachment Advisor.  
 (1215/53/IM) (REPORT 4)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Recommend that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - (a) *Agree that the area of unformed legal road adjoining 31 The Rigi, Northland (refer to Appendix 2) is not required for a Public Work.*
  - (b) *Agree that the land adjoining 31 The Rigi is exempt from offer-back based on Section 40 (2) and Section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents and Council's solicitors' opinion:*
    - *31 The Rigi, (being approximately 67m<sup>2</sup> as outlined on the aerial photograph).*
  - (c) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 1974.*

027/05RP **PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO: (ROAD STOPPING) 270 MASSEY ROAD, MAHANGA BAY**

Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 5)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Agree that the Council, pursuant to Section 40 of the Public Works Act 1981:*
  - (a) *Agree that the land adjoining 270 Massey Road is exempt from offer-back based on Section 40 (2) and Section 40 (4) of the Public Works Act 1981, and advice received from Land Information New Zealand accredited agents and Council's solicitors' opinion:*
    - *270 Massey Road, (being approximately 226m<sup>2</sup> as outlined on the aerial photograph in Appendix 1)*
  - (b) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 2002.*

(Councillor Goulden left the meeting at 10.08am)

028/05RP **PROPOSED ROAD STOPPING ADJACENT 41 UPLAND ROAD KELBURN**

Report of Lisa Black – Road Stopping and Encroachment Advisor.  
(1215/53/IM) (REPORT 6)

**RESOLVED AND RECOMMENDED TO COUNCIL:**

*THAT the Regulatory Processes Committee:*

1. *Receive the information.*
2. *Agree that Council resolve to publicly notify that the portion of Upland Road, Kelburn, adjoining 41 upland road described as Lot 12 and Part Lot 13, Block IV Deposited Plan 1197, comprising 102m<sup>2</sup> as shown in Appendix 1 of the officer's report, be declared stopped in accordance with the Tenth Schedule of the Local Government Act 1974 and in so declaring that the following matters are to be noted*

