
REPORT 2
(1215/11/IM)

Report of the Regulatory Processes Committee
Meeting of Tuesday 24 May 2005

Members: Mayor Prendergast, Councillors Gill (Chair), Armstrong, Cook, Foster, Goulden, Morrison, Pepperell and Wade-Brown.

THE COMMITTEE RECOMMENDS:

1. **ITEM 023/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: 32 CARLTON STREET, MELROSE**
(1215/53/IM)(REPORT 1)

THAT Council:

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

 - a) *Agree that the area of unformed legal road adjoining 32 Carlton Street, Melrose, (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.*

2. *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.*

2. **ITEM 024/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE ONE: LERWICK TERRACE ADJOINING 58 QUEENS DRIVE, LYALL BAY**
(1215/53/IM)(REPORT 2)

THAT Council:

1. *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, (Appendix 2) 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.*
2. *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.*

3. **ITEM 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**
(1215/53/IM)(REPORT 3)

THAT Council:

1. *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 (Appendix 3) 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.*
2. *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.*

4. **ITEM 026/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGES ONE AND TWO: 31 THE RIGI, NORTHLAND**
(1215/53/IM)(REPORT 4)

THAT Council:

1. *Pursuant to Section 40 of the Public Works Act 1981:*
 - (a) *Agree that the area of unformed legal road adjoining 31 The Rigi, Northland (Appendix 4) 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 67m² 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.*

5. **ITEM 027/05RP PROPERTY FOR DISPOSAL UNDER SECTION 40 PUBLIC WORKS ACT 1981 – STAGE TWO: (ROAD STOPPING) 270 MASSEY ROAD, MAHANGA BAY**
(1215/53/IM)(REPORT 5)

THAT Council:

1. *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 226m² as outlined on the aerial photograph in Appendix 5)*
 - (b) *Authorise Council officers to proceed with the road stopping process under Section 342 and 345 of the Local Government Act 2002.*

6. **ITEM 028/05RP PROPOSED ROAD STOPPING ADJACENT 41
UPLAND ROAD KELBURN**
(1215/53/IM)(REPORT 6)

THAT Council:

1. *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 102m² as shown in Appendix 6, 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 and actioned:*
 - (a) *The area of stopped road (Section 1 on SO 341430) will be amalgamated with adjoining land being Lot 12 and Part Lot 13, Block IV Deposited Plan 1197 held in Certificate of Title WN272/277.*
 - (b) *That all service authority requirements in respect of their assets/services located within the area of road to be stopped be complied with.*
 - (c) *That all costs associated with the compliance of the above conditions be met by the proponent, including all survey, administration and legal costs involved in this application.*
2. *Authorise the Manager, Property and Standards to negotiate and complete terms of sale.*

Leonie Gill
CHAIR