

#### 4. DECLARING LAND TO BE ROAD – GOULDING AVENUE

<b>General Manager responsible:</b>	General Manager of City Environment
<b>Officer responsible:</b>	Manager Transport and City Streets Unit
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##### PURPOSE OF REPORT

1. This purpose of this report is to seek the Board's recommendation to the Council to give consent pursuant to Section 114 of the Public Works Act 1981, to declare for road an existing segregation strip (Part Lot 1 and Part Lot 2 DP 14080) adjoining the Dress-Smart redevelopment in Goulding Avenue.

##### EXECUTIVE SUMMARY

2. The Dress-Smart Mall, situated in Hornby and being bounded by the Main South Road (SH 1), Shands Road and Goulding Avenue, is currently being redeveloped.
3. Part of the redevelopment involves the construction of a new exit point onto Goulding Avenue as depicted in Attachment 1.
4. In order to facilitate the new exit point, three pin oak trees, shown on the plan, were required to be removed from the road berm. The Community Board recommended to the Council that the application for removal of the trees be declined, however at its meeting on 16 December 2004, the Council approved the removal.
5. The bold line on the plan delineates the location of a segregation strip or, as it is more commonly known, a link strip. The segregation or link strip is held, in this case, by the Council to prevent vehicular access to and from the site via Goulding Avenue.
6. In order to create legal access to the Dress-Smart site, the segregation strip needs to be removed by way of declaring the area as road.
7. By way of granting the resource consent and the removal of the pin oak trees, the Council has accepted that the subject area will be developed as an access point to Goulding Avenue.
8. It is therefore recommended that pursuant to Section 114 Public Works Act 1981, the Council resolves to declare the segregation strip to be road, thereby removing the legal impediment to the area being used for access.

##### FINANCIAL AND LEGAL CONSIDERATIONS

9. The applicant of the Dress-Smart development is to pay appropriate compensation to the Council for the removal of the segregation strip, and the reasonable costs incurred by the Council in this matter. At the time of writing this report the amount of compensation was still to be determined.
10. The Community Board does not have authority to consent to declare land to be road - such consent needs to be given by the full Council. The Board has, however, recommendatory powers to the Council.
11. Section 114 Public Works Act 1981 – Declaring land to be road:

This Section says that, subject to the consent of the territorial authority in whose district the land is situated, the Minister of Lands may, by notice in the Gazette, declare any land to be road.

**STAFF RECOMMENDATION**

It is recommended that pursuant to Section 114 of the Public Works Act 1981, the Christchurch City Council consent to the 10 square metre segregation strip, more particularly described as Part Lot 1 and Part Lot 2 DP 14080 contained in Certificate of Title CB748/78, being declared road and vested in the Christchurch City Council.

**DEPUTY CHAIRPERSON'S RECOMMENDATIONS**

That the staff recommendation be adopted.