

7. ROAD LEGALISATION – BROOKWATER AVENUE

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Transport & Greenspace Manager
Author:	Weng-Kei Chen, Asset Policy Engineer

PURPOSE OF REPORT

1. This report seeks the Board's recommendation to Council to declare Lot 2010 LT 385980 an area of 550m² as shown on the **attachments** (No. 1 and No. 2) as public road, pursuant to Section 349 of the Local Government Act 1974.

EXECUTIVE SUMMARY

2. The subdivision consent was granted to Carlin Enterprises Ltd to subdivide Lot 605, DP 338304 into three residential lots with the extension of Brookwater Avenue.
3. The road extension has been completed and requires the Council's resolution to declare the road as public road enabling individual land titles to be issued on completion of the subdivision.

FINANCIAL IMPLICATIONS

4. The declaration of the road process is funded by the subdivider and is a condition of the consent.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

5. Council funding not required.

LEGAL CONSIDERATIONS

6. The completion of subdivision requires the Council to declare Lot 2010 Lot 385980 as public road.

Have you considered the legal implications of the issue under consideration?

7. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. LTCCP page 152 "Streets and Transport Objectives" - to provide public street frontages to properties.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

9. As above.

ALIGNMENT WITH STRATEGIES

10. This action is consistent with Transport Objectives stated in the City Plan.

Do the recommendations align with the Council's strategies?

11. As above

CONSULTATION FULFILMENT

12. Not required

BACKGROUND (THE ISSUES)

13. Carlin Enterprises Ltd was granted subdivision consent to subdivide Lot 605 DP 338304 into three residential lots. The residential lots will be served by extending Brookwater Avenue as shown on the **attached** plans. (Attachments No. 1 and No. 2)
14. The new road extension is contained in a section of land of 550m² as described in Lot 2010 LT 385980. This section is being transferred to Council ownership as land for road enabling the Council to declare as public road pursuant to Section 349 of the Local Government Act 2974.
15. The existence of the two land covenants does not permit the vesting of this road in the subdivision consent process. Legal advice received was for the Council to declare the newly constructed road as public road. The declaration of public road will allow the three residential lots to have legal frontages onto this part of the road and enable individual land titles to be issued on completion of the subdivision.

STAFF RECOMMENDATION

That the Board recommends that the Council declare Lot 2010 LT 385980 of area 550m² as public road pursuant to Section 349 of the Local Government Act 1974 as shown on the attachments.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.