

**5. TAYLORS' DRAIN – EASEMENT TO DRAIN WATER OVER ROAD RESERVE ADJACENT TO 95 WAIRAKEI ROAD**

<b>General Manager responsible:</b>	General Manager, City Environment, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport and Greenspace
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**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Works, Traffic and Environment Committee's recommendation that the Board approve, acting under delegated authority, to create an easement in gross for water drainage purposes over a road reserve adjacent to 95 Wairakei Road.

**EXECUTIVE SUMMARY**

2. The Council during mid 2007 undertook the upgrade of Taylors' Drain that generally is contained within private property between 95 - 155 Wairakei Road. The old box drain was removed, piped and the surrounding private properties landscaped to enhance their front yards.
3. A small area of Council land adjacent to 95 Wairakei Road held as a road reserve under the provisions of the Reserves Act 1977 was part of that upgrade process. To register an easement in gross over this access way for the piped drain the Community Board's approval is required.

**FINANCIAL IMPLICATIONS**

4. Nil.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

5. No – Funds are not required as work is complete.

**LEGAL CONSIDERATIONS**

6. The land in question is a "Road Reserve" under the Reserves Act 1977 being described as Lot 39 DP 20815. It is a formed pedestrian link between Wairakei Road and Colwyn Street. There is no impact on the use by the general public and the reserve will not be affected in any manner, therefore it is recommended that public notice is not required.

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

7. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

8. This is the legalisation of works activity completed some three years back now that legal survey has been completed.

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

9. No – see comment above.

**ALIGNMENT WITH STRATEGIES**

10. This is the legalisation of works activity completed three years back.

**Do the recommendations align with the Council's strategies?**

11. No – see comment above.

## **CONSULTATION FULFILMENT**

12. Before granting an easement under the Reserves Act 1977 the Council is required to give public notice specifying the easement intended to be granted however that requirement does not apply where the reserve is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected. In both cases the exclusion provisions of the Act apply and it is considered that public notice is not required.

## **STAFF RECOMMENDATION**

It is recommended that the Works, Traffic and Environment Committee recommend that the Board, acting under delegated authority under the provisions of the Reserves Act 1977, consent and approve without public notice the grant of an easement to drain water in gross over Lot 39 DP 20815 as shown on Digital Title Plan LT 412108 (**Attachment 1 and 2**).