


12. 6. 2008

**REPORT BY THE CHAIRPERSON OF THE  
FENDALTON/WAIMAIRI COMMUNITY BOARD  
20 MAY 2008**

**PART A - MATTERS REQUIRING A COUNCIL DECISION**

**1. AREA OF ROAD LAND OUTSIDE 173 CLYDE ROAD**



<b>General Manager responsible:</b>	General Manager, City Environment, DDI 941-8608
<b>Officer responsible:</b>	Transport and Greenspace Unit Manager
<b>Author:</b>	Weng Kei Chen, Asset Policy Engineer

**PURPOSE OF REPORT**

1. This report is a response to a request by the Board following the deputation at its meeting on 27 August 2007 by Mr Schwartzfeger for the purchase of a strip of legal road (see **attachments**).

**EXECUTIVE SUMMARY**

2. Mr Schwartzfeger made a deputation to the Board requesting the Board to recommend to the Council to declare this area of road land outside his property as surplus to the Council's requirements. This was as a result of staff advice that this area was not available for disposal.
3. The road land is 1.10 metres wide and 15.9 metres in length and is presently occupied by Mr Schwartzfeger.
4. Mr Schwartzfeger has indicated to the Board that a Right of Way (ROW) easement could be a condition of purchase of this parcel of road land.
5. This narrow strip of road land is adjacent to major infrastructures, in particular the 150 millimetres water main, and Wairarapa Stream. The access for maintenance purposes to water mains is critical and the impact on neighbouring properties of its failure renders the creation of an easement to private land most undesirable.
6. This parcel of road land will not be required for physical widening of the roadway but is required for network infrastructure operations and hence cannot be considered as surplus to Council's requirements.
7. It is more appropriate for the Council to resume ownership of this parcel of road land for infrastructure operations and increase the area of road landscape for the benefit of its residents.

**FINANCIAL IMPLICATIONS**

8. No.

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

9. Yes.

**LEGAL CONSIDERATIONS**

10. Yes, Sections 319 (h), 342 and 345 Local Government Act 1974 (General Powers of Council in respect to roads/road stopping and closing of roads and disposal of land not required for road).

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

11. Yes.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

12. The staff recommendation is aligned to LTCCP page 124. To provide a network of parks, open spaces, waterways and wetlands that meet community and environmental needs.

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

13. Yes.

**ALIGNMENT WITH STRATEGIES**

14. The recommendation is consistent with Council's objectives and design practice enabling the public to view the city's natural resource.

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

15. Yes.

**CONSULTATION FULFILMENT**

16. Not applicable.

**STAFF RECOMMENDATION**

That the Board recommends to Council that:

- (a) The parcel of road land outside 173 Clyde Road not be declared surplus for disposal.
- (b) The existing fence be set back to the boundary.

The Board did not agree with the staff recommendation.

**BOARD RECOMMENDATION**

That the Council resolve:

- (a) That the land in question be declared surplus for disposal and to request that Council officers negotiate with the applicant regarding the purchase price.
- (b) That a fence be built, of suitable design which allows the daylighting of the Wairarapa Stream to be viewed from the road, and which is to be agreed in consultation with Council officers and the applicant.
- (c) That the offer made by the applicant of an additional easement in favour of the Council be agreed to in relation to existing services.

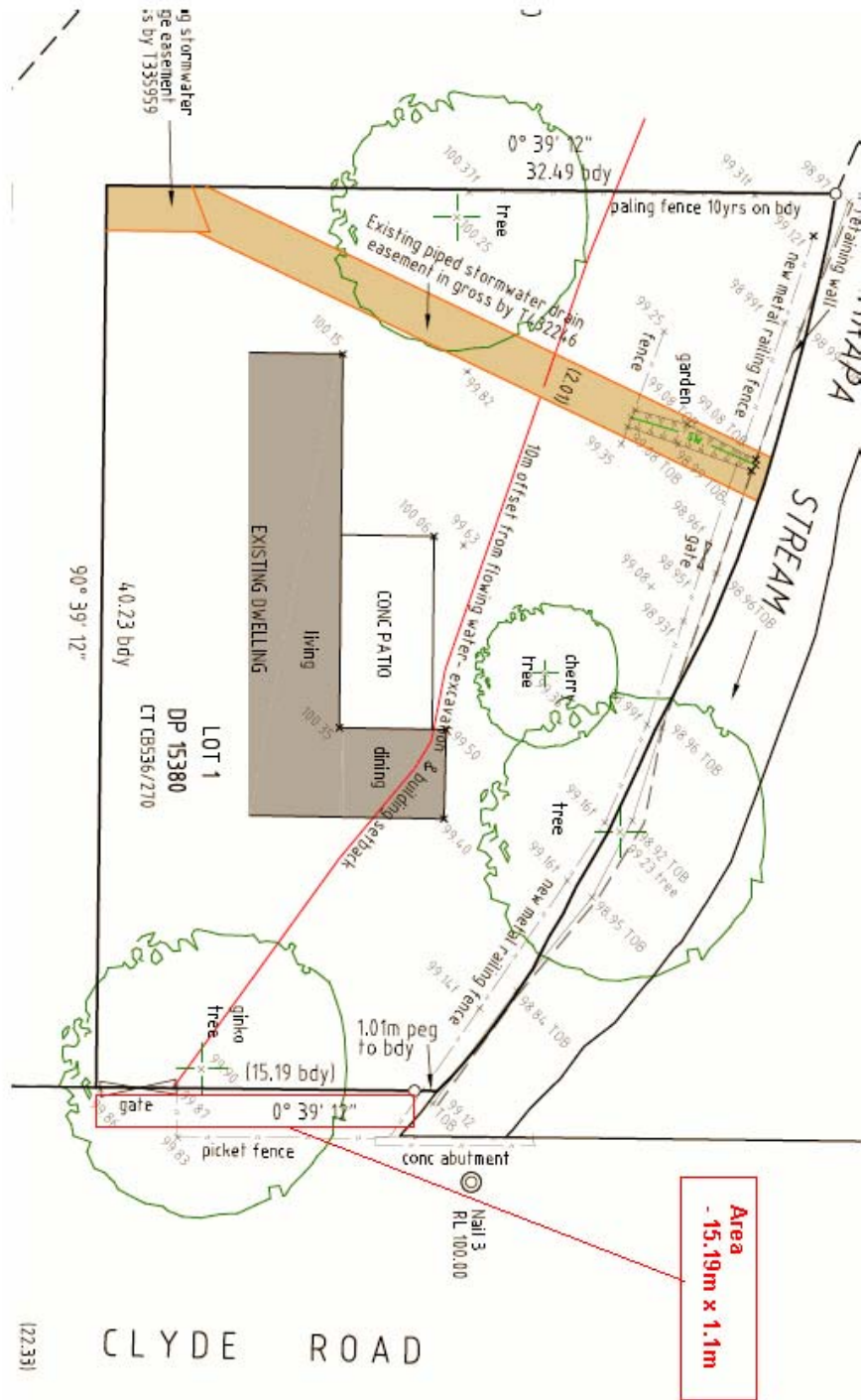
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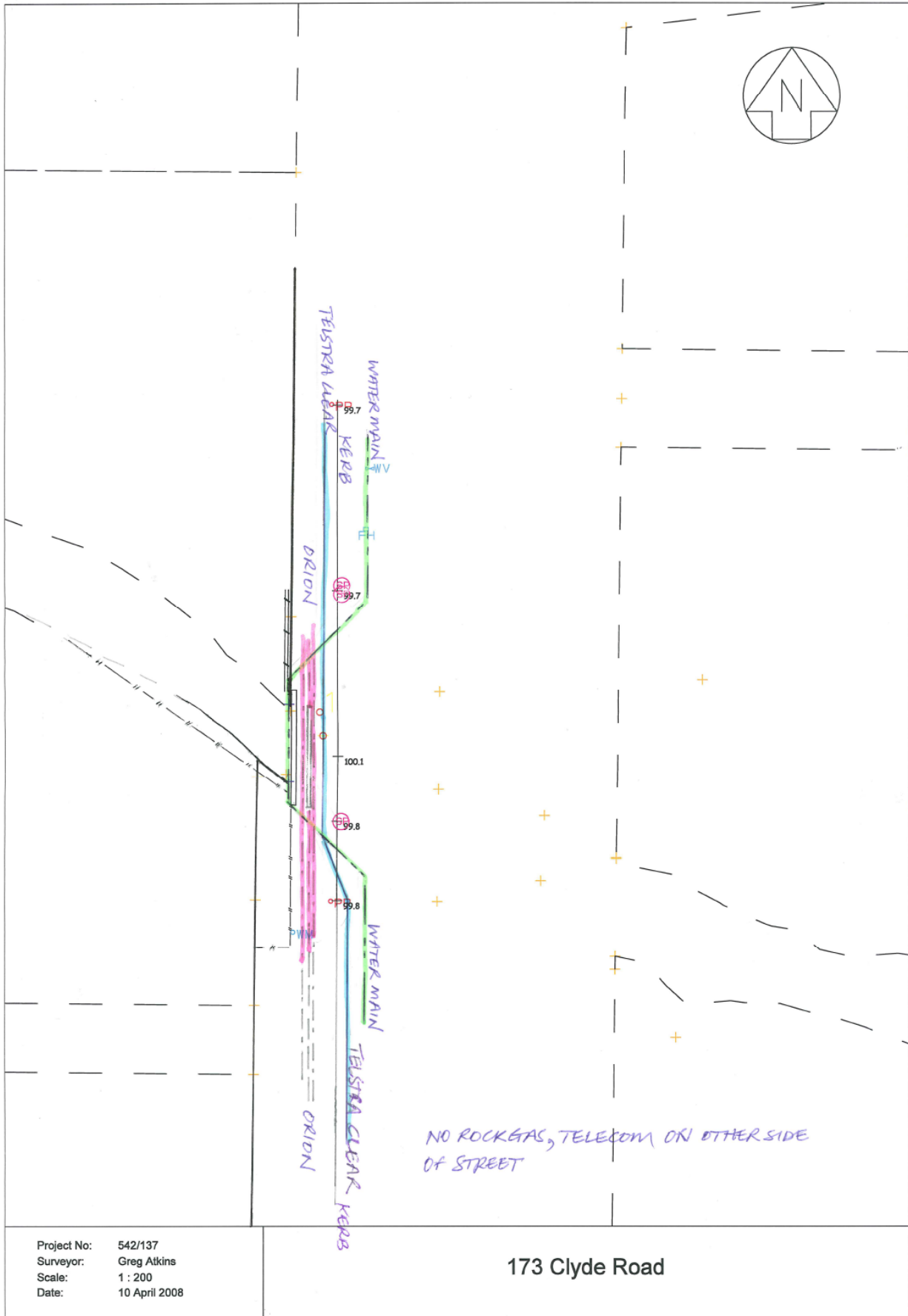
**BACKGROUND (THE ISSUES)**

17. Clyde Road was upgraded in 1990 and at the time of the upgrading the resumption of road land occupied by the previous owner was not addressed. This parcel of road land continued to be occupied to the benefit of the adjoining owner.
18. The parcel of land is adjacent to Wairarapa Stream and consists of lawn with a picket fence adjacent to the footpath and abuts to the headwall of the culvert across Clyde Road.
19. There are some significant infrastructures adjacent to this narrow strip (1.10 metre wide) of road land – 150 millimetre water main, Wairarapa Stream, Orion and Telco reticulations (see **attachment 2**). This road land is not considered surplus to Council's requirement when considering the need of road space required for the maintenance and installation of network services. Utility Network Operators have rights to be on road reserve and their rights are outlined in their respective utilities legislations.
20. The disposal of this strip of road land adjacent to a major waterway is not consistent to Council's objective of protecting the city's natural assets for the enjoyment of its residents.

**VAL CARTER  
CHAIRPERSON**

ATTACHMENT TO CLAUSE 1





Project No: 542/137  
Surveyor: Greg Atkins  
Scale: 1 : 200  
Date: 10 April 2008

173 Clyde Road