

This is to advise that the item on the agenda for the meeting to be held on **19 December 2001** is as follows:

As recommended at the Hagley/Ferrymead Community Board meeting 21 November 2001, emergency decision making provision was approved. It was agreed that the Chairperson and three available Board members have the power to make emergency decisions on behalf of the Board during the Christmas period, 12 December 2001 until 7 days before the first Board meeting 30 January 2001.

This meeting is to consider and approve (or not) the application to erect a garage partially on legal road fronting Main Road. This requires the Board's approval.

1. STRUCTURE ON STREET APPLICATION – B L & S A ANSLEY – 58 MULGANS TRACK

Officer responsible City Streets Manager	Author Weng-Kei Chen, Asset Policy Engineer, DDI 371-1655
Corporate Plan Output:	

The purpose of this report is to obtain approval for an application to erect a garage partially on legal road fronting Main Road. This requires Community Board approval. The owners have experienced frustration with the Council's process and this issue is of some urgency for a decision prior to the next Board meeting in late January.

I will be grateful if this application can be considered by members of the Board who have the delegated power to consider such issues. I will be available to brief the Board members if required. Tony Murray and Dayle Sutherland of Linwood are fully aware of this application.

THE PROPOSAL

The site is in a steep hill section and vehicle access to the proposed dwelling site is practically impossible. The owner is proposing to erect the garage prior to construction of the dwelling and is proposing to use the garage for storage of building material while the future dwelling construction is in progress. There is already a group of five garages along this small section of Main Road. The attached plans show the location of the site and the proposed garage.

BACKGROUND

The location of the new garage has had a controversial history going back to 1996. The original occupant was required by the Council to vacate the site when the previous owner applied for subdivisional consent. The garage was intruding into private property and occupying approx. 15m² of legal road. Mr and Mrs Ansley (the present owners) applied to the Council for Resource Consent to erect a dwelling on the site on 10 October 1999 and through a long process of consultation the application was publicly notified on 14 April 2000. Submissions were heard on 11 December 2000 and 23 January 2001. The Resource Consent was granted on 27 February 2001 and one of the conditions states "that prior to any building consent being issued for the dwelling a Deed of Licence to occupy legal road in front of the applicant's site be approved by the Christchurch City Council."

Recommendation: The proposal is consistent to the policy adopted by the Council in 1996 and accordingly I recommend for its approval subject to:

1. Deed of Licence being entered with the Council.
2. Building consent be granted for the garage.
3. A formed, sealed drive be constructed from the garage to the sealed road pavement.
4. The adjacent site be kept tidy at all times during the construction of the structure.
5. The Council will not be responsible for the maintenance of the garage and the driveway on legal road.
6. The building is to be erected within 6 months of its approval.