

2. 8. 2007



**REPORT BY THE CHAIRPERSON OF THE
SHIRLEY/PAPANUI COMMUNITY BOARD**

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. 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 Council's approval 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. The report was considered by the Shirley/Papanui Community Board at its meeting on 18 July 2007.

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 approval 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 a 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 the Transport Objectives stated in the City Plan.

Do the recommendations align with the Council's strategies?

11. As above.

1 Cont'd

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 comprising 550m², described as Lot 2010 LT 385980. This section is being transferred to Council ownership as land for road, enabling the Council to declare it as public road pursuant to Section 349 of the Local Government Act 1974.
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 that the Council should 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 Council declare Lot 2010 LT 385980 comprising an area of 550m² as public road pursuant to Section 349 of the Local Government Act 1974 as shown on the attachments.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

2. **ROAD LEGALISATION – BRETON CLOSE**

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. The purpose of this report is to request the Council to declare an existing section of land comprising an area of 2m² being 38040 Lot 5000 DP 309673 as road, pursuant to Section 52 of the Public Works Act 1981.

EXECUTIVE SUMMARY

2. Subdivision consent was granted to W G and M F Whalan to develop Lots 1 and 4 DP 352788 as indicated on the **attached** plans (Attachments 1 and 2).
3. The roads serving the subdivision are Englefield Road and Breton Close.
4. The extension of Breton Close requires the land owned by the Council to be declared as a road.

FINANCIAL IMPLICATIONS

5. The declaration of road process is funded by W G and M F Whalan and is a condition of the resource consent.

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

6. Council funding not required.

2 Cont'd

LEGAL CONSIDERATIONS

7. The completion of the subdivision requires the Council owned section to be legalised as a road.
8. The section as defined in 38040 – Lot 5000 DP 309673 is in freehold and will require a Council resolution pursuant to Section 52 of Public Works Act 1981 to declare it as a road.

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

9. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. 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?

11. Yes.

ALIGNMENT WITH STRATEGIES

12. Yes. This action is consistent with the objectives of the City Plan.

Do the recommendations align with the Council's strategies?

13. Yes.

CONSULTATION FULFILMENT

14. Not required.

BACKGROUND (THE ISSUES)

15. The resource consent granted to W G and M F Whalan consisted of four sections and accesses the roading network by way of an extension to Breton Close and upgrading Englefield Road.
16. The extension of Breton Close will require the land owned by the Council to be declared as road.
17. The land owned by the Council was transferred to the Council's ownership from the previous subdivision and was for road purposes.
18. The transfer of land to the Council in subdivision is a common tool used by the Council to control subdivisional roading patterns and reticulation of utilities.
19. The declaration of Council land as road is required to enable individual land titles to be issued for the four sections on completion of the subdivision.

STAFF RECOMMENDATION

It is recommended that the Council declare the section of land comprising an area of 2m², being Lot 5000 DP 309673, as road, pursuant to Section 52 of the Public Works Act 1981.

BOARD RECOMMENDATION

That the staff recommendation be adopted.