

4. 10. 2007



**REPORT BY THE CHAIRPERSON OF THE
FENDALTON/WAIMAIRI COMMUNITY BOARD**

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. STORMWATER EASEMENT 173 CLYDE ROAD

General Manager responsible:	General Manager City Environment, DDI 941- 8656
Officer responsible:	Transport & Greenspace Manager
Author:	David Rowland, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to grant the owners of 173 Clyde Road a new alignment to an existing easement and also accept the surrender of the old and surplus easement.

EXECUTIVE SUMMARY

2. The property at 173 Clyde Road has an existing stormwater easement traversing the properties north facing yard leading towards the Wairarapa Stream, as shown on the attached plan.
3. The owners have requested that the Council give favourable consideration to them surrendering the present easement and that it be replaced by relocating it immediately adjacent to the western boundary.
4. The Council's only cost is the formation of associated piping at the extreme northern end of the new easement adjacent to the Wairarapa Stream; all other costs will be borne by the owners. The Council originally did not complete, at its cost, pipe work within the existing easement and the Legal Services Unit has advised that it remains the responsibility of the Council to do so.

FINANCIAL IMPLICATIONS

5. The majority of the costs to implement the suggested rearrangement of the present easement is to be borne by the property owners and the Council has provision in this year's budget to fund the Council contribution.

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

6. Yes

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

7. The legal implications have been fully considered and the proposal from the property owners is sound. The surrender and creation of the new easements are standard practice.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

8. NA

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

9. NA

ALIGNMENT WITH STRATEGIES

10. NA

1 Cont'd

Do the recommendations align with the Council's strategies?

11. N A

CONSULTATION FULFILMENT

12. Not required.

STAFF RECOMMENDATION

It is recommended that the Council resolve that:

- (a) The surrender of the drainage right in gross over Lot 1 DP 15380 created by Transfer 432246 contained in Identifier CB536/270 at 173 Clyde Road Fendalton be accepted.
- (b) Consent be granted to the creation of a stormwater easement in gross to be created adjacent to the western boundary of Lot 1 DP 15380 as shown on the plan attached to this report.
- (c) The owners of the property at 173 Clyde Road be responsible for the costs as generally outlined in this report.
- (d) The Corporate Support Manager be authorised to finalise and conclude the transaction.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND

- 13. The owners of 173 Clyde Road have been concerned for some time about the existence of the stormwater easement that crosses their front yard leading down to the Wairarapa Stream. Their major concern is the existence of an incomplete open disposal system that is a health and safety hazard given that they have a young family. The boundary with the Wairarapa Stream is fenced. However, the open storm water drain is not.
- 14. The suggested proposal by the property owners is an effective and logical conclusion to overcome their concerns.
- 15. Generally the discussions with the owners have covered the following issues:
 - (a) That they will surrender the easement in gross in favour of the Council over the front lawn leading to the Wairarapa Stream.
 - (b) The easement will then be relocated to and along the western boundary of Lot 1 DP 15380.
 - (c) The Council will be responsible for the cost of and install a new 750 mm pipe back some 4.25m from the northern stream boundary and on the new alignment of Lot 1 plus the installation of a new headwall.
 - (d) The owners being responsible for the full cost of installing the balance of the new pipe works from the Council installation back to the existing easement as shown on the plans prepared and supplied by Connell Wagner, a total of around 24.1 m including the removal of any trees, scrubs and the like as needed.
 - (e) All costs associated with plan preparation (survey) and legal expenses to implement the creation of the new easement plus the surrender documentation will be borne by the owners.