

9. ROAD LEGALISATION – JACK HINTON DRIVE

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Asset and Network Planning
Author:	Weng Kei Chen, Asset Engineer

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council pursuant to Section 52 of the Public Works Act 1981, to declare the existing section of land, of an area 35 square metres being Pt Lot 2 DP73798 to be a road.

EXECUTIVE SUMMARY

2. The parcel of land Pt Lot DP 73798 is land held by the Council for 'road diversion'. It is the balance of road land after the formation of Jack Hinton Drive in 1998.
3. It is a narrow 0.20 metre wide strip of land along the northern side of the road between Twigger Street and Whiteleigh Avenue. This section was created primarily for the Council to control vehicle access along this section of the road and at the same time providing a tool for Council to recover some of the roading cost from properties requiring betterment to their properties by having frontages onto legal road. The location of the land is shown in the **attachment**.
4. Addington Retirement Village development has road frontage onto Whiteleigh Avenue however this development required vehicle access across the "road diversion" land. To formalise this arrangement requires a creation of easement rights across the land or the Council declaring the land as road.
5. This retirement development comprises of a three storey aged care facility building with 87 retirement units. It is also the last site to be developed along this section of road and it is therefore appropriate that this narrow strip of land be declared as road. This will allow infrastructural networks to install their distribution network and to service the development without creating further easements over this narrow portion of land. Currently Orion of the only infrastructural network that has easement rights over this narrow section for its electrical distribution.
6. In lieu of payment for rights of access this portion of land; Addington Retirement Village development will construct a two metre footpath along the northern side of Jack Hinton Drive for Twigger Street to Whiteleigh Avenue. This will complete the pedestrian facilities for this section of the road. The construction of the footpath will require the removal of all the vegetation along the Retirement Village frontage and the neighbouring residential dwellings towards Whiteleigh Avenue. This vegetation is three shrubs and low growing ground cover. The construction also includes the realignment of 40 metres of kerb and channel to provide adequate width for the footpath. The remaining footpath toward Twigger Street will only require removal of the berm and will not affect the existing Lime trees.

FINANCIAL IMPLICATIONS

7. Addington Retirement Village will provide funding of \$25,000 which is equivalent to the valuation obtained from a registered valuer. The estimated cost of the footpath construction is \$60,000 and the shortfall will be funded from the Councils subdivision budget.

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

8. Yes, the \$35,000 is available from the Subdivision Budget for this type of work.

LEGAL CONSIDERATIONS

9. To permit vehicle access and infrastructural network distributions requires the Council owned section to be legalised as road.

10. The section as defined in Pt Lot 2 DP 73798 is in freehold and will require the Council's 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?

11. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. LTCCP page 152, "Streets and Transports Objectives" – to provide public street frontages to properties.

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

13. The construction of the footpath will complete all the road facilities required of the road.

ALIGNMENT WITH STRATEGIES

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

Do the recommendations align with the Council's strategies?

15. Yes.

CONSULTATION FULFILMENT

16. Not required.

STAFF RECOMMENDATION

It is recommended that the Board recommends to the Council pursuant to Section 52 of the Public Works Act 1981 to declare this section of land, of area 35 square metres being Pt Lot 2 DP 73798, as a road.

CHAIRPERSON'S RECOMMENDATION

For discussion.