

ITEM	16
MANAGER'S REPORT NO.	80
COUNCIL MEETING 1978 11 14	

RE: LETTER FROM DOMINION CONSTRUCTION
3100 - THREE BENTALL CENTRE, P.O. Box 49001, VANCOUVER
WATERCOURSE TREATMENT
PRELIMINARY PLAN APPROVAL APPLICATION #4766
5590 GORING STREET

The following is a report from the Director of Planning on a Watercourse Treatment, Preliminary Plan Approval Application #4766, 5590 Goring Street. Also appearing on the agenda is a letter on this matter from Mr. G. A. Sexsmith, Manager of Business Development for Dominion Construction.

As noted in the report, the Municipal Engineer recommends that the subject watercourse be enclosed. The Municipal Manager recommends that it be left in an open condition subject to the adoption of the five clearly defined conditions which it is believed will adequately protect the municipality's interests.

RECOMMENDATIONS:

1. THAT Council authorize the retention of the watercourse which flows along the westerly property lines of 5590 Goring Street in its existing condition subject to the registration of a Right-of-Way Plan and an Agreement containing the five conditions of the Municipal Engineer as noted in the Director of Planning's report.
2. THAT a copy of this report be sent to Mr. G. A. Sexsmith, Manager of Business Development, Dominion Construction, 3100 - Three Bentall Centre, P.O. Box 49001, Vancouver, B.C. V5X 1B1.

* * * * *

TO: MUNICIPAL MANAGER

1978 OCTOBER 31

FROM: DIRECTOR OF PLANNING

RE: WATERCOURSE TREATMENT
PRELIMINARY PLAN APPROVAL APPLICATION #4766
5590 GORING STREET

RECOMMENDATION:

1. THAT Council authorize the retention of the watercourse which flows along the westerly property line of the subject lot in its existing condition subject to the registration of a Right-of-Way plan and an agreement incorporating the provisions outlined in the following report.

REPORT

Council has directed that the treatment of watercourses in all developments be reported on by the Planning Department.

In the subject Preliminary Plan Approval Application an existing watercourse flows along the westerly property line of the site, as shown on the attached sketch. A site visit which was conducted revealed that the watercourse is well defined and stable, but that the environs of the creek are in need of a clean up and suitable landscaping improvement.

Council has recently approved the open retention of portions of this same watercourse north of Goring Street under Subdivision References S.D. #67/78 and 25/78, and the stream remains open to the south as well.

The applicant for development under PPA #4766 proposes a new office building and automotive emergency road service depot on the site, and the submitted development plans provide for retention of the creek in an open condition.

In light of the condition of the stream, its retention in a landscaped open setting to the north, and the desire to preserve existing watercourses in an open condition where possible, it would be appropriate from a Planning point of view to approve open retention in this present case.

ITEM	16
MANAGER'S REPORT NO.	80
COUNCIL MEETING	1978 11 14

The Municipal Engineer does not concur in the foregoing view, but advises as follows:

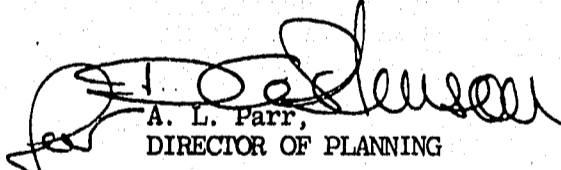
"The Municipal Engineer recommends that the watercourse traversing 5590 Goring Street be enclosed because of the hydraulic and topographic problems associated with this particular watercourse.

The Engineer wishes to recommend to Council that if a decision is made by Council, notwithstanding the above recommendation by the Engineer, to allow the watercourse to remain in its existing condition, that an easement in the name of the Corporation be taken only subject to satisfying the following criteria:

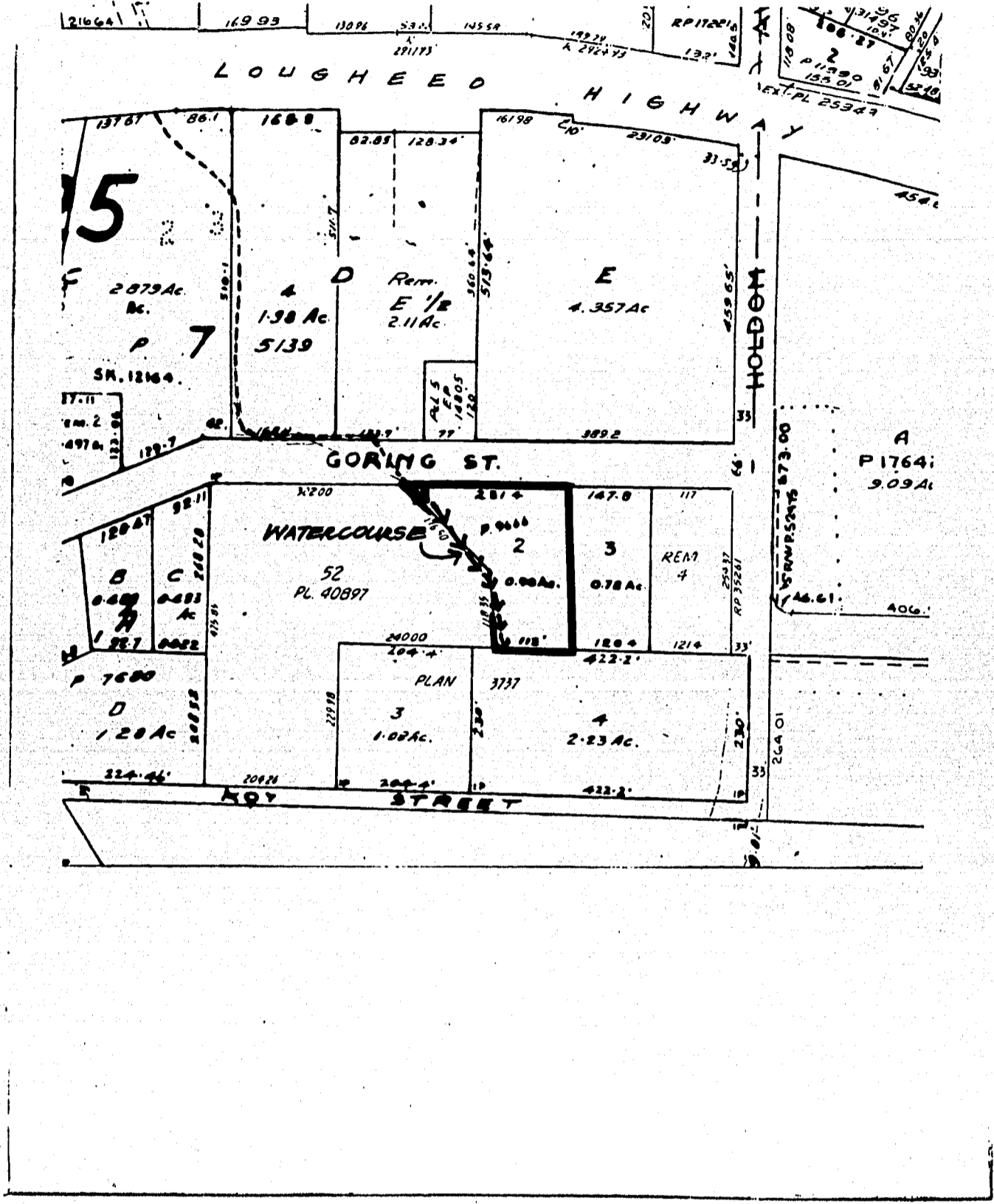
1. That the Municipality would retain the right to drain water into the said watercourse.
2. That the Municipality would have the right to construct pipes and other works in the watercourse.
3. That the Municipality would be able to go on the land to inspect the watercourse and works therein without any duty or obligation to exercise any or all of the rights granted.
4. That the owner shall not build upon or construct any works within the watercourse without prior consent and shall not foul, obstruct or impede the flow of water in the watercourse and shall maintain it in good and reasonable repair and shall repair it upon demand in writing by the Municipality.
5. That the Agreement contain a clause in which the Grantor would covenant and agree to indemnify and save harmless the Municipality from and against all claims and demands for a variety of reasons and causes.

The Director of Planning would recommend that approval of retention of the watercourse in an open condition be made subject to the owner entering into a Right-of-Way agreement with the Municipality incorporating the foregoing conditions.

ADP
DGS:JK:ad
Att.
cc: Municipal Engineer
Municipal Solicitor


A. L. Parr,
DIRECTOR OF PLANNING

ITEM 10
 MANAGER'S REPORT NO. 80
 COUNCIL MEETING 1978 11 14



Date
 OCT. '78

Scale
 1" = 200'

Drawn By

Burnaby Planning Department

WATERCOURSE
 PRELIMINARY PLAN APPROVAL #4766
 5590 GORING STREET

