

12. BARNETT PARK - ELECTRICAL EASEMENT IN GROSS FOR ORION NEW ZEALAND LIMITED'S SUBSTATION

General Manager responsible:	General Manager City Environment, DD 941-8656
Officer responsible:	Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to enable the Board to consider an application lodged by Orion New Zealand Ltd (the applicant) for an electrical easement in gross over their 66KVA substation site at Barnett Park, which covers approximately 5,423 square metres of Reserve 4630, a classified recreation reserve (page 289 New Zealand Gazette 1992) of 32.7542 hectares contained in Certificate of Title 238/181, this being one of the three lots that make up Barnett Park.

EXECUTIVE SUMMARY

2. The Council has received an application from Orion New Zealand Limited to obtain an electrical easement in gross over their 66KVA substation site at Barnett Park and to extend the facility by approximately 2,497 square metres. The applicant is in the process of extending the facility to cater for the increased consumption of electricity as a result of new subdivisions being built in the adjacent areas. This is shown on the aerial photograph (Attachment 1). There is a need to protect the existing and proposed underground cabling in the area. The park has a total area of approximately 40.11 hectares of which only 3,240 square metres will be fenced off, approximately 0.8 percent of the total land area.
3. Staff recommend that the easement application be granted subject to the 13 conditions. The costs for survey and registering the new easement on the Council's title will be the responsibility of the applicant. Staff are also recommending that the easement be granted in accordance with the Council policies for the charging of staff time to process the application.
4. Staff are not recommending that a one off compensation payment as decided by independent valuation for the privilege of putting the encumbrance (easement) upon the Council's title as per the Council's policies, be charged, the reason being that the substation has been on the site since approximately 1969/70. In 1969/70 the Reserves and Domains Act 1953 did not allow the then Council to grant an easement unto itself, the Municipal Electricity Department being part of the Council at the time. The present substation therefore has "existing use rights". The reason why public advertising is being undertaken is because more structures are to be built upon the site, and therefore a larger area of the easement is to be fenced off from the public than at present.

FINANCIAL AND LEGAL CONSIDERATIONS

5. The original substation was built in 1969/70, for the Municipal Electricity Department, which was at that time a division of the Christchurch City Council. The land at the time was held as recreation reserve under the Reserves and Domains Act 1953. This Act did not have the requirement for the territorial administering body, in this case the Christchurch City Council, to grant an easement unto itself as required by Section 48(6) of the later 1977 Act.
6. The current management plan for Barnett Park dated August 1992 states in the Management Objectives and Policies section of the plan under the administration section, section 1, policy 1.1.

"Southpower shall be granted an easement subject to Section 48 of the Reserves Act 1977 for their electricity substation site.

Comment: The above is a requirement of the Reserves Act which to date has not been completed."

The reason the easement was not granted originally has been elaborated upon in paragraph 5 above.

7. Although the granting of an easement was foreshadowed in the management plan, staff consider that because the applicant is in the process of upgrading the substation, which will require a greater area of the park to be fenced off for safety reasons, and additions are to be made to the above ground built structures presently on the site, it is necessary to undertake public advertising of these proposed additions, as required by Section 48(2) of the Reserves Act 1977.
8. The easement area applied for will cover approximately 5,423 square metres, of which approximately 3,240 square metres will be fenced off from the public. This is an increase of approximately 2,497 square metres of the park area, which will not be available to the public to use. The reason why the easement applied for is larger than that required for the built structures and protective fencing, is because of the need to protect the existing and proposed underground cabling in the area. The park has a total area of approximately 40.11 hectares of which only 3,240 square metres will be fenced off, approximately 0.8 percent of the total land area (see Attachments 2 and 3).
9. The Board has delegated authority from Council (16 December 2004) to make the decision on behalf of Council whether to grant the easement or not.
10. Staff recommend that the normal one off compensation payment for allowing the encumbrance, most of which is already built upon the site, being placed upon the Council's title, as required by Council policy (27 September 2001), not be charged, for the reasons set out in paragraph 5 above.
11. Staff recommend that Council officer's time to process this application as required by Council policy (12 July 2001) be charged together with all the costs of public advertising, and registering the easement on the Council's title.

STAFF RECOMMENDATION

It is recommended that the Board grant Orion New Zealand Limited a registered electrical easement in gross in accordance with Section 48(1)(d) of the Reserves Act 1977, over approximately 5,423 square metres of Barnett Park, a classified recreation reserve (page 289 New Zealand Gazette 1992), the specific land being Reserve 4630, of 32.7542 hectares contained in Certificate of Title 238/181, subject to the following conditions:

- (a) There is no impediment to water flow caused by any earthworks, excavation or fencing or other works to Rifle Range Drain, or the flow of water off the hillside, from the subdivisions and land above into this drain.
- (b) That the Barnett Park Walkway past the substation is to be relocated to the west side of Rifle Range Drain as shown on the attached overlaid aerial photograph by Council employed contractors, to the satisfaction of the Greenspace Manager or his designate at Orion New Zealand Limited's expense.
- (c) That the rerouted Barnett Park Walkway up the hill is constructed on a grade by Council employed contractors to the satisfaction of the Greenspace Manager or his designate at Orion New Zealand Limited's expense.
- (d) That Orion New Zealand Limited obtain the prior approval of the Greenspace Manager, or his designate for the materials, style, and colour of all fences prior to the ordering of materials for the erection of the fences upon the site, so as to ensure that the fences blend in as far as possible with the rural surroundings.
- (e) Public advertising of the proposal in accordance with Section 48(2) of the Reserves Act 1977.
- (f) The consent of the Minister of Conservation being obtained.
- (g) The easement terms being negotiated by the Corporate Support Unit Manager, in consultation with the Greenspace Policy and Leasing Administrator.
- (h) The easement construction area being maintained by Orion New Zealand Limited and their contractors in a safe and tidy condition at all times.
- (i) All costs associated with the survey and registration of the easement on the Council's title, being the responsibility of Orion New Zealand Limited.

- (j) The applicant is to provide the Council, within three months of completion of the work, a surveyed easement plan on which the easements as shown on the attached aerial photograph are shown on the title.
- (k) The Council charge the applicant for the officer's time etc, required to process the application in accordance with Council Policy (12 July 2001).
- (l) The applicant is to pay a \$2,000 bond to the Council via the (Greenspace Contract Manager, Linwood Service Centre) before any construction work commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee upon completion of the development to a standard acceptable to the Greenspace Manager or his designate.
- (m) All costs associated with the development and future maintenance of the infrastructure on the site will be paid for by Orion New Zealand Limited.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND

12. The applicant proposes to install two new transformers at their existing substation on Barnett Park. The proposed works will also include replacing the existing wire mesh security fencing, installing additional perimeter fencing, and constructing a metalled driveway. Overall, the proposal is a discretionary activity under the provisions of the Christchurch City Plan.
13. Allowance was made when constructing the high voltage 66 KVA overhead lines to the substation for a future extension to be made to the substation to supply electricity to the growing residential area east of the Ferrymead Bridge. This extension is now required to service the electricity needs of the growing area.
14. The existing substation is located near the end of Bay View Road on an area of upper flats that are more rural in character than the adjoining sports-field area. A natural waterway, known as Rifle Range Drain, and sections of the Barnett Park Walkway both pass alongside the substation site.
15. The valley floor at the back of Barnett Park is an extremely sensitive area in a flood situation, where a major retention pond development is planned as part of a future subdivision. The Rifle Range Drain, although dry during the dry summer months, is a critical waterway draining a very large rural catchment during periods of wet weather. It is essential therefore that there is no blockage of the drain and impediment to water flow during or after construction works by any earthworks, excavations, fencing, driveway construction, or any other works.
16. In addition, in between the two fenced off areas, but within the area the applicant has applied for the easement, is an important hillside waterway draining run-off from the hillside and subdivisions above.

It is essential that there is no impediment to the water run-off from this hillside across to Rifle Range Drain and the floodplain beyond. Any form of fencing across this drainage route, irrespective of design and construction materials, will act as a barrier to water run-off, which will significantly increase the risk of flooding to surrounding areas.

17. Greenspace Unit staff are satisfied that the perimeter fencing as shown on the attached aerial photograph will not impede water run-off. However it is important that the applicant notes that fencing cannot be extended across the bottom of the hillside between the two areas to be fenced off from the balance of the park.
18. Similarly, the applicant proposes to construct a new metalled driveway between the two enclosed areas for heavy vehicle access. Greenspace Unit staff are satisfied that the proposed driveway will not act as a barrier to water run-off provided that it is not raised above the existing ground level.
19. The proposed perimeter fence will not enclose the entire easement area but is to be constructed as two separate enclosed areas, one being around the substation building closest to the entrance, the other around the transformer site and pylon.
20. The proposed perimeter fence around the transformer area and pylon will require a section of the Barnett Park Walkway where it starts to climb the hillside on the eastern side of the valley to be rerouted. Greenspace Unit staff are satisfied that this section of track can be re-routed outside the perimeter fence. The new location of this section of track, and the standard of construction, is to be approved by the Greenspace Manager or his designate, the work being undertaken by Council approved contractors, with all costs so incurred being met by the applicant. The track route up the hill may need to be varied from that shown on the plan, to enable the track to be graded satisfactorily for walkers.
21. There is also currently an informal track alongside the existing substation that provides direct access from the Bay View Road park entrance to the uphill section of the Barnett Park Walkway, which also provides an alternative loop circuit on the flat. This informal track will be closed off by the proposed perimeter fencing. However the applicant proposes that a new alternative track be constructed on the other side of the Rifle Range Drain. Greenspace Unit staff are satisfied that the new track can be created by simply mowing a pathway in the same manner as the other tracks across the flat. This work will be undertaken by Council approved contractors, with all costs so incurred being met by the applicant. Walkers will be able to utilise the existing bridges and culverts to cross Rifle Range Drain.
22. Greenspace Unit staff accept that the substation has existed on the site for approximately 37 years, however there is a need to minimise any further adverse effects on visual amenity for

reserve users from the proposed additions. This can be achieved by modifications to the design and colour of the fencing to ensure reasonable compatibility with the character of the surrounding rural environment.

23. The actual design, materials and colour of the proposed perimeter fencing have not been specified by the applicant, at this stage, although discussions with the applicant's representatives on site have indicated that powder-coated steel fencing of an open design, similar to swimming pool fencing, is being considered. The applicant's agent has stated that Orion would be agreeable to a condition requiring Council approval of the design, materials and colour of the fencing prior to the purchasing and installation, of the fence. Greenspace Unit staff are in agreement with this condition.
24. The easement approval process will include public consultation as required by Section 48(2) of the Reserves Act 1977. There is a possibility that as a result of the formal public submissions received, there may be some changes required to the proposal, which can be made before construction of the facilities occur. This may require a variation to the resource consent conditions to be made to satisfy a reasonable submission received under the Reserves Act advertising process.
25. Greenspace Unit staff recognise that the proposed internal security fence is a replacement for the existing wire mesh/barbed wire security fences around the transformers. Although this fence encloses a much smaller area than the proposed boundary fence, it is of necessity (security of very high voltage equipment) much higher. Therefore measures will need to be taken to minimise the visual intrusive nature of this fence upon the environment. For example, the use of plastic-coated wire mesh, and powder coated posts and stays of a similar visually recessive colour approved by the Greenspace Manager or his designate prior to the purchase of materials for the erection of the fence will minimise the impact of the fence upon the environment.

OPTIONS

26. There are only two options:
 - (a) Grant the easement over the existing facilities and over an additional area to allow the present facilities to be extended to service the growing electricity requirements for the new subdivisions occurring in the area, as foreshadowed in the Christchurch City Plan, and as planned when the high voltage line across the hills was constructed to the site. The extensions will ensure that a reliable electricity supply is available for the growing suburb. Staff are of the view that the proposed additions and upgrading are likely to have no more than a minor effect on the reserve environment provided that appropriate measures to avoid or mitigate the effects as discussed in the background to the report are enshrined in the conditions, that the granting of the easement is subject to, or
 - (b) Not to grant the easement over the additional area required to allow the present facilities to be enlarged to cater for extensions required to service the growing electricity requirements for the new subdivisions occurring in the area, as planned when the high voltage line across the hills was constructed to the site. In light of the effects that this would have on a reliable electricity supply for the area, and the previously mentioned facts about why an easement was not able to be put in place originally, and the minor nature of the effects that the proposed additions will have on the reserve, officers believe that not to grant the easement would be very unreasonable.