



## Christchurch City Council

# HAGLEY/FERRYMEAD COMMUNITY BOARD AGENDA

24 MAY 2006

3.00 PM

IN THE BOARDROOM, LINWOOD SERVICE CENTRE  
180 SMITH STREET

**Community Board:** Bob Todd (Chairperson), David Cox, Anna Crighton, John Freeman, Yani Johanson, Brenda Lowe-Johnson and Brendan Smith

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**PART A - MATTERS REQUIRING A COUNCIL DECISION**

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**1. APOLOGIES**

An apology was received from David Cox.

**2. CONFIRMATION OF REPORTS**

The report of the ordinary meeting held on Wednesday 10 May 2006 has been circulated to Board members.

**CHAIRPERSON'S RECOMMENDATION**

That the report of the ordinary meeting held on 10 May 2006 be confirmed.

**3. CORRESPONDENCE**

**4. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE**

**5. QUESTIONS FROM MEMBERS**

Members may at any ordinary meeting put a question to the Chairperson concerning any matter relevant to the role or function of the Community Board concerning any matter that does not appear on the order paper. All questions are subject to Standing Orders 4.1.1 to 4.1.5.

**6. DEPUTATION BY APPOINTMENT**

**HON SECRETARY MRS M RULE - SUMNER REDCLIFFS HISTORICAL SOCIETY INCORPORATED**

Mrs Rule will address the Board regarding Shag Rock Reserve naming issues.

**7. BRIEFING**

**KEVIN BENNETT - CITY HOUSING MANAGER**

Mr Bennett will brief the Board on city housing issues.

**8. ASSIGNMENT OF LEASES - RENTAL CARS LIMITED TO MOTOKA RENTALS LIMITED**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and City Streets Manager
<b>Author:</b>	Bill Binns, Property Consultant

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the Board's recommendation to the Council to approve the assignment of a Deed of Lease over part of the Property located at 33 Lichfield Street from Rental Cars Ltd to Motoka Rentals Ltd.

**EXECUTIVE SUMMARY**

2. The Council is obliged to consider and then consent to an assignment under of the Deed of Lease, which is covered in the background section of this report.

**FINANCIAL AND LEGAL CONSIDERATIONS**

3. Rental Cars Ltd (Assignor) and Motoka Rentals Ltd (Assignee) have fulfilled their contractual obligations to the Council. The consent to an assignment of a lease cannot be arbitrarily or unreasonably withheld.

**STAFF RECOMMENDATIONS**

That the Board recommend that:

1. Council agrees to the assignment of the Deed of Lease between Rental Cars Ltd and Motoka Rentals Ltd situated at 33 Lichfield Street.
2. Rental Cars Ltd and Motoka Rentals Ltd meet all costs associated with the assignment of the lease.

**CHAIRPERSON'S RECOMMENDATION**

That the staff recommendations be adopted.

**BACKGROUND**

4. In February 2000 the Council entered into an agreement to lease with Rental Cars Ltd for part of the building situated at 33 Lichfield Street.
5. The lease is for an area of 114m<sup>2</sup> being part Lot 1 DP53502 as contained in the Certificate of Title 33A/150, part of the Lichfield car park building.
6. The initial term of the lease was from 1 March 2000 for three years, three months and 21 days with two further terms each of five years, ie 22 June 2003 until 21 June 2008 with the final expiry date being 21 June 2013.
7. The current tenant, Rental Cars Ltd has requested that the Council consent to an assignment of the lease agreement to Motoka Rentals Ltd. Although the lease itself does not contain assignment provisions it can be implied by virtue of clause 36 of the Auckland District Law Society lease that assignment provisions apply and the landlord is required to consent to an assignment if:
  - (a) The proposed assignee (Motoka Rentals Ltd) is respectable, responsible and has the financial resources to meet the tenant's commitments under the lease;
  - (b) All rent has been paid and there are not other breaches of the tenant's covenants under the lease at the date of assignment;
  - (c) The assignee enters into a Deed of Covenant in a form acceptable to the Council;
  - (d) Where the assignee is a company, the company's obligations are guaranteed by the principal shareholder of that company, if required by the Council, the directors of the company;
  - (e) The assignee pays the Council's costs and disbursements in respect of the preparation and stamping of any Deed of Covenant of guarantee.

The assignor has fulfilled its obligation under the lease to satisfy the above assignment conditions.

8. In support of the assignment of lease, Dollar Thrifty Automotive Group Inc (the USA based master licensor of the Thrifty car business) have sufficient confidence in the relevant business knowledge of the shareholder and employees of Motoka Rentals Ltd to approve the transfer of the master licence from Rental Cars Ltd to Motoka Rentals Ltd.
9. In summary:
  - The assignee Motoka Rentals Limited is a New Zealand registered company.
  - The shareholders are Neil Francis MacKay and Keith Marshall.
  - The Capital for the project is being raised through a secured loan from the ANZ Bank.

## 9. ROAD NAMING

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Environmental Policy and Approvals Manager
<b>Author:</b>	Bob Pritchard, Subdivisions Officer

### PURPOSE OF REPORT

1. The purpose of this report is to obtain the Board's approval of names for one private road and two new formed and sealed rights of way.

### EXECUTIVE SUMMARY

2. The approval of proposed road and right of way names is delegated to Community Boards.
3. The Subdivision Officer has checked all proposed names against the Council's road name database to ensure they will not be confused with names currently in use. The names have also been discussed with staff at Land Information NZ who act on behalf of the emergency services in respect to road naming.

#### (a) **15 Smugglers Cove - Smugglers Cove Partnership**

This is a subdivision creating five new allotments at the end of Smugglers Cove, overlooking Pegasus Bay. Several names were submitted, however some names were already in use, or were considered too similar to existing names. The applicants' remaining choices are **Arahiwi** or **Tirohanga Lane**. Rik Tau of Ngai Tahu approved both names as suitable. Tirohanga means 'View'. Ara means 'Lane' or 'Path'; as the descriptive suffix 'Lane' is already included in the name, to call it Arahiwi Lane would create a duplication.

#### (b) **110 Port Hills Road - Texco Developments Ltd**

This subdivision creates ten new residential allotments to be served by a fully formed and sealed right of way. The proposed name for the right of way is **Romar Lane**.

#### (c) **Broad and Jubilee Streets - Independent Fisheries Ltd**

This is a private road, formerly known as Staunton Street. It has been stopped and purchased by Independent Fisheries Ltd who have also acquired the former Jubilee Hospital Site. The applicant company wish to name the carriageway **Shadbolt Boulevard**, after Mr HL Shadbolt, the founder of the company in 1959. Under his guidance, the company expanded to the extent that it was employing 400 people in the 1980s.

### FINANCIAL AND LEGAL CONSIDERATIONS

4. The administration fee for road naming is included as part of the subdivision consent application fee, and the cost of name plates is charged to the developer. There is no financial cost to the Council. Local Authorities have a statutory responsibility to approve road names.

### STAFF RECOMMENDATION

It is recommended that the Board consider the proposed names above and approve them if deemed suitable.

### CHAIRPERSON'S RECOMMENDATION

For discussion.

**10. NEW ZEALAND COMMUNITY BOARDS' FORUM JULY 2006 - BOARD MEMBER ATTENDANCE**

<b>General Manager responsible:</b>	General Manager Regulation and Democracy Services, DDI 941-8549
<b>Officer responsible:</b>	Community Board Principal Adviser
<b>Author:</b>	Clare Sullivan, Community Board Principal Adviser

**PURPOSE OF REPORT**

1. The purpose of this report is to seek Board approval for the attendance of Board member Brenda Lowe-Johnson at the forthcoming New Zealand Community Boards' Forum to be held in Lower Hutt from 13 to 15 July 2006.

**EXECUTIVE SUMMARY**

2. The purpose of the forum is to examine the nature of relationships between Councils and their Community Boards. The theme of the forum is "Meeting Expectation". The forum will consider the expectations that Community Board members, Councillors, staff and electorates have of each other and of themselves. The aim is that participants will go away with:
  - A clearer understanding of the functions of Community Boards, Council and staff; and
  - Guidelines on how Councils, Community Boards and staff can work together positively to achieve good governance and vibrant communities.

**FINANCIAL AND LEGAL CONSIDERATIONS**

3. There are no legal considerations.
4. The total costs for Brenda Lowe-Johnson's attendance would be around \$1,000, which would be met from the Board's operational budget for 2005/06. This cost includes the \$500 conference registration fee, \$215 for return flights and \$270 for two nights' accommodation.

**STAFF RECOMMENDATIONS**

1. It is recommended that the Board gives consideration to the approval of the attendance of Brenda Lowe-Johnson at the New Zealand Community Boards' Forum 2006, in Lower Hutt during the period 13 to 15 July 2006.
2. That Brenda Lowe-Johnson present a report to the Board following the Forum.

**CHAIRPERSON'S RECOMMENDATION**

That staff recommendations be adopted.

**11. CASHEL STREET - PROPOSED 30-MINUTE PARKING RESTRICTION**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8656
<b>Officer responsible:</b>	Transport and City Streets Manager
<b>Author:</b>	Paul Burden/Barry Cook, Acting Network Operations Team Leader

**PURPOSE OF REPORT**

1. The purpose of this report is to seek the approval of the Board to install a 30-minute parking restriction on the south side of Cashel Street, immediately west of the Clarkson Avenue intersection between Barbadoes Street and Fitzgerald Avenue (refer attached).

**EXECUTIVE SUMMARY**

2. Currently on-street parking on the north side of Cashel Street between Barbadoes Street and Fitzgerald Avenue and a section on the south side east of Barbadoes Street is restricted to 30 minutes. There is a section measuring 98 metres, comprising of approximately 11 on-street car parking spaces, immediately west of the Clarkson Avenue intersection that is unrestricted. On-street parking between Clarkson Avenue and Fitzgerald Avenue is also unrestricted. These areas of unrestricted parking are resulting in all day commuter parking with very limited or no turnover of parking spaces.
3. Business proprietors have expressed concern over the availability of on-street parking for their customers and as such have requested that a P30 parking restriction be installed immediately west of Clarkson Avenue for a length of 98 metres. The affected businesses are Flooring Specialists, Big T Supermarket, Ski Industries, Trellis Warehouse and the Engineers Union. Although some of these businesses do have limited numbers of off-street car parking spaces, some do not and they rely heavily on the availability of kerbside parking for their business to function successfully.
4. Cashel Street is classified as a "local" road in the City Plan and is located in a commercial/retail area of the city with conflicting demands for on-street parking. The Council's Parking Strategy ranks short-term private vehicle parking as a higher priority than commuter parking in these situations.
5. All proprietors support the proposed restriction.
6. It is likely that the economic vitality of these businesses is being adversely affected by the lack of available on-street car parking on Cashel Street. The situation can be overcome through the installation of a short-term (30 minute) parking restriction covering approximately 11 spaces immediately west of Clarkson Avenue.

**FINANCIAL AND LEGAL CONSIDERATIONS****Cost**

7. Installation of signs and posts is within existing budgets.

**Legal**

8. The Land Transport Rules provide for the installation of parking restrictions.

**STAFF RECOMMENDATION**

It is recommended that the Board agree that the parking of vehicles is limited to a maximum of 30 minutes on the south side of Cashel Street from a point 11.5 metres west of the Clarkson Avenue intersection and extending 98 metres in a westerly direction.

**CHAIRPERSON'S RECOMMENDATION**

That the staff recommendation be adopted.

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

<b>General Manager responsible:</b>	General Manager City Environment, DD 941-8656
<b>Officer responsible:</b>	Greenspace Manager
<b>Author:</b>	John Allen, Policy and Leasing Administrator

### 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.

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- (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.

#### **13. RESOLUTION TO EXCLUDE THE PUBLIC**

Attached.