

11. PROPOSED WATER SUPPLY RESERVOIRS AND ASSOCIATED INFRASTRUCTURE EASEMENTS – ELIZABETH PARK

General Manager responsible:	General Manager City Environment, DDI 941-8656
Officer responsible:	Asset and Network Planning Manager
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PURPOSE OF REPORT

1. To obtain approval from the Spreydon/Heathcote Community Board, under delegated authority from the Council, to the granting of easements over parts of Elizabeth Park under section 48(1) of the Reserves Act 1977 (“Act”). The Council is able to grant easements unto itself under section 48(6) of the Act. These easements cover the water reservoir complex comprising an existing reservoir, proposed new reservoir and associated utilities, for water pipe lines above and below this complex, and for an access route, this work being required to ensure a continuity of water supply to other park areas above the reservoir site and to residential areas below.

EXECUTIVE SUMMARY

2. At the site in Elizabeth Park there are three existing water supply reservoirs. These are clustered within an approximate 920 square metre area on the eastern and upslope side of the Victoria Park Road above Cashmere Hill. See **Attachment 1** for a location plan. Contained within this area, both above and below ground, is infrastructure associated with the reservoirs. An underground water pipe feeds water uphill to the Council’s Rangers Station in Victoria Park and beyond to the Sign of the Kiwi on the Summit Road, while a larger water main supplies the residential areas on Cashmere Hill below. An access road from the Chorus telecommunications site access road through Elizabeth Park to the reservoir site is required. **Attachments 2, 3 and 4** show the placement of these existing and proposed utilities. There are no easements currently in place for these utilities.
3. The largest of the three existing reservoirs holds 180 cubic metres of water, is of concrete and has been on the site for approximately 40 years. The other two existing reservoirs, which are smaller (each with a capacity of 65 cubic metres), are wood-stave tanks that have a shorter useful life. They had been programmed for replacement in 2011. The council now wish to replace the two wood-stave tanks with one new 500 cubic metre concrete reservoir, to be located downhill of the existing concrete reservoir close to the area currently occupied by the two wood-stave reservoirs.
4. The new reservoir will be approximately 4.8 metres in height, 14.4 metres in diameter and set into the site on a platform that will be cut into the slope, the lid level of the reservoir being approximately 1.15 metres above the top of the existing concrete reservoir. As viewed from within Elizabeth Park to the east, the visible height of the reservoir will average around 3.2 metres, although this will be screened by future plantings as described in the paragraph below.
5. Native and exotic vegetation screens the existing reservoirs from Victoria Park Road and acts as a backdrop to the reservoirs when viewed from east of the reservoirs site. **Attachment 5** shows site photos. New native shrub and tree plantings are proposed for outside the proposed reservoir complex easement area to further screen the reservoir complex on the northern, eastern and south-eastern sides. **Attachment 2** shows the extent of these proposed plantings.
6. The existing fence along the eastern side of the existing reservoirs will be removed and a new fence constructed around the outside of the area proposed to be planted. The existing pedestrian and farm vehicle access gate on a connecting fence line will be relocated to an improved location and a new track formed to this. Access to the new reservoir complex will be through a new farm gate on the downhill/northern side.
7. To enable these utilities to be located on and to cross Elizabeth Park, which is a recreation reserve vested in the Christchurch City Council pursuant to the Reserves Act 1977 (“Act”), easements are required to be put in place pursuant to the Act’s requirements. The Spreydon/Heathcote Community Board has the power under delegated authority from the Council to approve this application.

8. Elizabeth Park is a small regional park on Cashmere Spur, 15.75 hectares in area, abutting the larger Victoria Park above and the residential areas, including the Sign of the Takahe, below. The Victoria Park Road Walkway, from the Sign of the Takahe to the Victoria Park Playground, runs along the eastern side of the Victoria Park Road. The walkway will pass through the proposed reservoir complex easement area but walkers will not be restricted in any way. On the eastern side of the reservoir site is an open grassland area, including a dog exercise park used regularly by visitors, through which pass informal vehicle and walking tracks. The predominant vegetation type in Elizabeth Park on the eastern side of the Victoria Park Road, where the water supply utilities are located, is open silver tussock grassland.
9. Elizabeth Park comprises four parcels of land, including a stopped section of Victoria Park Road. The proposed easements are on two of these parcels, as described in the table below.

Proposed Easement Component	Proposed Easement Details	Proposed Easement Area (square metres) (approximate)	Land Parcel Contained In	Certificate of Title	Land Parcel Area (square metres)
Water reservoirs complex (refer to Easement 1 on the plan in Attachment 2)	Retained existing reservoir and proposed new reservoir and associated utilities. Approximately one quarter (234 square metres) of this occupied area does and will contain above ground built structures; the balance of the occupied area will be over existing and new under ground services to the reservoirs.	920	Part Lot 1 DP 11796	CB592/31	51,152
			Rural Section 37957	CB592/31	8,065
Underground mains water supply pipe from the reservoir site down to the top of the legal road section of Victoria Park Road (refer to Easement 2 on the plan in Attachment 4)	2.16 metres wide, 138 metre long easement.	298	Rural Section 37957	CB592/31	8,065

Underground water supply pipe from the reservoir site up to the Elizabeth/Victoria Parks boundary (refer to Easement 3 on the plan in Attachment 3)	Two metre wide, 270 metre long easement.	540	Part Lot 1 DP 11796	CB592/31	51,152
Access route to the reservoir site (refer to Easement 4 on the plan in Attachment 4)	Five metres wide, 200 metres long easement covers a formed all-weather vehicle access route. The access route will be left in place to re-vegetate over time providing stable all-weather access by vehicles to the reservoir for maintenance purposes.	1,000	Part Lot 1 DP 11796	CB592/31	51,152
Total area of proposed easements (approximate):		2,758			

10. Elizabeth Park is covered by an operative management plan. This is the Cashmere Spur and Bowenvale Valley Reserves Management Plan 1991. The management plan makes reference to a 40,000 gallon reservoir being constructed in Elizabeth Park in 1962 with a water pipe leading down to Dyers Pass Road. There is no other reference to water supply utilities in Elizabeth Park.
11. The City Plan zone for Elizabeth Park is Conservation 1 (Natural, Ecological and Heritage Parks). This zone comprises land that has areas of scenic, natural, habitat and/or ecological value.

FINANCIAL IMPLICATIONS

12. The cost of the proposed works is funded through the capital programme for Water Supply Renewals and Replacements as specified in the 2009-19 LTCCP.

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

13. Yes, see above.

LEGAL CONSIDERATIONS

14. To formalise the existing and proposed occupation by the Council's Water and Waste Unit of parts of Elizabeth Park for the purposes of water supply reservoirs, under ground pipe lines and associated utilities, and an access route through the Park to the reservoirs site, the Council will need to approve the granting unto itself of easements under section 48 of the Reserves Act 1977. The Council has the power to approve the granting of easements unto itself pursuant to section 48(6) of the Act.
15. These easements will be granted, with the consent of the Minister of Conservation and on such conditions as the Minister thinks fit, under section 48(1)(b) of the Act for the provision of vehicle access through Elizabeth Park to the reservoir site and section 48(1)(f) for the easement over

the reservoir site and the water pipes to and from the reservoirs. The easement areas have been calculated in accordance with the Council's Development Standards.

16. The Council's powers to approve or otherwise the granting of leases, licences or easements have been delegated to the community boards, the relevant one in this case being the Spreydon/Heathcote Community Board.
17. Public notification in accordance with the requirements of section 48(2) of the Act applies and has been undertaken for the reservoir complex, which contains existing and proposed above ground infrastructure. Public notification under section 48(2) of the Act is not required for the balance of the easement areas because the requirements of section 48(3) of the Act have been fulfilled:
 - the structures contained within the easements are existing and below ground, in the case of the water pipes; and
 - the proposed route to be formed will be restored to a grassed surface and there will be no restriction to public passage across it after the construction phase has been completed.
18. In addition to the Spreydon/Heathcote Community Board's approval for the granting of easements under section 48 of the Reserves Act, the Council will also need to obtain all required resource and building consents before commencing work on the site.

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

19. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. Yes, these are necessary and programmed water supply infrastructure replacement works.

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

21. Yes, see above.

ALIGNMENT WITH STRATEGIES

22. Not applicable.

Do the recommendations align with the Council's strategies?

23. Not applicable.

CONSULTATION FULFILMENT

24. Public notice of the proposed easement, upon which there is the reservoir complex, containing the existing and proposed water reservoirs and associated above and below ground infrastructure, was given in the public notices column of The Press newspaper on Saturday 5 May 2012 for one calendar month closing 5pm Thursday 7 June 2012 as required by section 119 of the Reserves Act. No submissions were received by the closing date.
25. The Summit Road Protection Authority, which has powers under the Summit Road (Canterbury) Protection Act 2001 with respect to protected land including and associated with the Port Hills Summit Road, including Elizabeth Park, has been consulted on the proposed reservoir development.
26. Staff of the Council's Regional Parks Operations Team based at Victoria Park have also been consulted on the proposed works.

STAFF RECOMMENDATION

It is recommended that the Spreydon/Heathcote Community Board, under delegated authority from the Council, approves the granting of the proposed easements to the Christchurch City Council under section 48(1)(b) of the Reserves Act 1977 ("Act") for a formed access route (of approximately 1,000 square metres in area) and section 48(1)(f) of the Act for the fresh water supply infrastructure (of approximately 1,758 square metres in area) over approximately 2,758 square metres of Part Lot 1 DP 11796 and Rural Section 37957, comprising part of Elizabeth Park, a recreation reserve of approximately 16.8 hectares contained in certificate of title CB592/31 vested in the Christchurch City Council subject to the Act, in which is contained existing and proposed reservoirs, associated above and below ground utilities, existing underground water pipe lines and the proposed formed access route, as shown in the plans in **Attachments 2, 3 and 4**, subject to the following conditions:

- (a) The consent of the Minister of Conservation being obtained.
- (b) The easement terms being negotiated by the Corporate Support Manager or his nominee.
- (c) The easement construction area being maintained by the contractors in a safe and tidy condition at all times.
- (d) The easements being registered on the title for Elizabeth Park.
- (e) The contract that is drawn up to undertake the work is to include a minimum of a \$2,000 bond payable to the Council before work is commenced on the site.
- (f) The contractor to meet the Port Hills Area Head Ranger, Victoria Park, to sign a temporary access licence before any construction work commences on the site.
- (g) The bond, less any expenses incurred by the Council including reinstatement of Elizabeth Park, to be refunded to the payee upon completion of the development to a standard acceptable to the Transport and Greenspace Manager's nominee, the Port Hills Area Head Ranger, Victoria Park.

CHAIRPERSONS RECOMMENDATION:

For discussion