

REPORT 6
(1215/52/IM)

APPROVAL FOR AN ELECTRICITY EASEMENT THROUGH TOWN BELT BETWEEN WADESTOWN AND GRANT ROADS

1. Purpose of Report

To seek the Committee's approval to grant an easement for a replacement underground electricity cable (alongside the existing easement) under part of the Wellington Town Belt (between Wadestown and Grant Roads).

2. Executive Summary

Wellington Electricity Lines Limited is upgrading its existing cables network which was installed in around 1966. The cable provides power to approximately one third of the Wellington CBD. The existing cable that runs through the Grant Road Reserve is protected by way of a legal easement in perpetuity registered against the title for this property. Appendix A provides a location map of the proposed and existing easements.

The existing easement is shown in appendix B as a red dashed line. It is situated alongside a steep path which is affected by tree roots, erosion, a heritage object and stability issues. For safety reasons, and to ensure the ongoing integrity of the cable, it is proposed the cable is laid to the south-west of the existing easement corridor.

The proposed easement is shown in appendix B as a solid orange line. As this easement is underground, and any installation works will be properly rehabilitated, it will not materially alter the reserve land. In accordance with Section 48(2) of the Reserves Act 1977, a request is made to waive the requirement for public notification.

3. Recommendations

Officers recommend that the Committee:

1. *Receive the information.*
2. *Approve the granting of an electricity easement in perpetuity at an annual rental of \$1 (if demanded) over part of the Wellington Town Belt (**part of part Lot 1 DP 8709 CT WN12D/1439**), pursuant to the Town Belt Management Plan 1995 and Section 48 of the Reserves Act 1977.*

3. *Waive the requirement for public notification under Section 48 (2) of the Reserves Act 1977 in accordance with Section 48(3) of the Reserves Act 1977, as the Town Belt is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easement.*
4. *Waive the requirement for public consultation under the Town Belt Management Plan as the Town Belt is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easement (and the public is benefitted by way of continued power supply).*
5. *Note that any approval to grant the easement will be conditional on the approval of the Minister of Conservation being obtained in accordance with Section 121 of the Reserves Act 1977.*

4. Background

Wellington Electricity supplies electricity to approximately 160,000 distribution customers in Wellington, and to the Porirua and Hutt Valley regions. It is conducting a major underground cable replacement project, running from Moore Street in the CBD through to Wilton (shown highlighted red in appendix D). This is to replace cabling which was laid in 1966. The average lifespan for cabling is around 50 years.

The existing cable that passes through the Grant Road Reserve is in a steep area in close proximity to mature trees, a heritage fountain and steps. In consultation with Parks and Gardens, it has been agreed to lay a new cable to the south-west of the existing.

The Town Belt is managed in accordance with the Town Belt Deed 1873 and Town Belt Management Plan 1995, and is a reserve under the Reserves Act. The Town Belt is zoned Open Space C under the District Plan.

In accordance with the Town Belt Management Plan and Section 48 of the Reserves Act 1977, the Strategy and Policy Committee has delegated authority to grant landowner approval for easements through the Town Belt.

5. Discussion

The easement for which approval is requested is necessary to complete the cabling upgrade.

5.1 Impacts on the Open Space Values of the Proposed Easement

The proposed cabling will be underground and once laid, the land will be properly remediated by a Council-approved contractor under the supervision of Parks and Gardens. It will forevermore be usable by recreational users in keeping with the spirit and intent of the Town Belt.

In consultation with Parks and Gardens, Infrastructure and Heritage, the proposed route (shown in Appendix A and B) has been agreed as the lowest impact alternative as it avoids all mature trees of interest and any known heritage features.

Wellington Electricity has engaged a Council-approved heritage advisor who has carried out an assessment of the proposed easement route. The advisor recommends that Wellington Electricity operates under an accidental discovery protocol under monitored supervision. A similar approach has proven acceptable to Council in the past and has therefore been adopted across other sites within the city.

Various alternatives were explored and dismissed as impractical or unreasonable. Laying the cables in the road proved impractical as the angle of the bend (where Wadestown and Grant Roads intersect) would void the manufacturer's warranty. It would also necessitate the closure of these roads for up to a one month period.

The existing cable location cannot be reused as retrenching above the current cable location would be extremely dangerous and may interfere with ongoing electricity supply to the city. In addition, the Council would like to preserve the mature trees, heritage fountain, underground stream and walkway integrity in this area.

As the cables are intended to be located below ground there will be no impacts on the open space values. Wellington Electricity has engaged the services of a landscape architect who will, in consultation with Parks and Gardens, ensure the site is properly rehabilitated after the cables have been laid.

Any maintenance works are to be strictly controlled by the wording of the easement.

5.2 Consultation and Engagement

Relevant policies from the Wellington Town Belt Management Plan around public consultation and the granting of utilities are:

Public consultation and community involvement (1): All decisions relating to the negotiation of fresh, renewed and new leases, licences, easements and long term concessions, which grant special rights over the use of Town Belt land, shall be publicly notified. Written submissions shall be invited but provision for public hearings shall be at the discretion of the Chief Executive, Wellington City Council, or delegated authority. Each case shall be decided on its merits according to the objectives and policies of the management plan, and taking account of the public submissions.

Utilities (2): Easements shall be granted for utilities that are located underground in terms of Section 48 of the Reserves Act.

The intention of the Town Belt is to forever provide a public recreation ground for the inhabitants of the City of Wellington. As this easement will not

materially alter the reserve land, nor affect the recreational qualities of the land a request is made to waive the requirement for public notification. This is in accordance with Section 48(3) of the Reserves Act.

The Council has previously agreed to waive public notification under Section 48(3) in situations such as this on Town Belt land where the public benefits derived are great (enhanced long term electricity supply) and long term impacts are immaterial.

Targeted consultation will be carried out with the Port Nicholson Block Settlement Trust, New Zealand Historic Places Trust and the Friends of Wellington Town Belt.

The Central Government 2010 National Infrastructure Plan raised concerns surrounding regulation and red tape preventing progress leading to its goal of permanently raising New Zealander's living standards. The report goes on to state the importance of electricity input for industrial, commercial and residential users and emphasises the importance in supporting improved economic activity and improved living standards.

The Moore Street zone substation feeds some of the most important loads in the Wellington Electricity network area, including parliament, courts of law, sea ports and the Central railway station and Westpac Stadium. The nitrogen gas filled, 33kV subtransmission cables that feed Moore Street zone substation from Wilton GXP are adequately rated for existing loads, but the cables have recently experienced poor reliability.

5.3 Process

If the Committee agrees with the Report's recommendation the following steps will be taken in the process:

- Council to seek approval from Minister of Conservation, in accordance with section 48 and 121 of the Reserves Act 1977;
- Wellington Electricity to apply for resource consent;
- Wellington Electricity to install the electrical cabling and rehabilitate the site to Council's satisfaction; and
- Survey and registration of the easement (at Wellington Electricity's cost).

5.3 Financial Considerations

All costs associated with the preparation and registering of this easement will be borne by Wellington Electricity. Wellington Electricity will be responsible for all costs associated with construction, landscaping, mitigation measures and heritage supervision.

The book value for the land is \$8 per square metre. Council officers have obtained valuation advice from a Council-approved valuation consultant who suggests that any easement fee payable would be nominal and outweighed by

the costs of obtaining formal valuation advice. It is therefore proposed that Wellington Electricity will pay \$1 for the easement rights.

6. Conclusion

The granting of this easement is essential to continuing electrical supply to the CBD. This is consistent with the Council's commitment to maintaining and upgrading city infrastructure. It is also in keeping with Central Government's desire to improve the regulatory environment to facilitate the private sector's investment in infrastructure leading to enhanced economic outcomes.

Contact Officer: *Tracy Morrah, Principal Property Advisor*

Supporting Information

1) Strategic Fit / Strategic Outcome

Agreement to the easement will contribute to Council meeting the city's economic objectives.

2) LTCCP/Annual Plan reference and long term financial impact

The project is fully funded by Wellington Electricity.

3) Treaty of Waitangi considerations

The proposed easement is consistent with the existing easement.

4) Decision-Making

This is not a significant decision. The report sets out a number of options and reflects the views and preferences of those with an interest in this matter who have been consulted with.

5) Consultation

As the Town Belt is not likely to be materially altered or permanently damaged and the rights of the public are not likely to be permanently affected by the granting of the easement, this report recommends proceeding with targeted consultation.

6) Legal Implications

Council's lawyers have been consulted during the development of this report.

7) Consistency with existing policy

The measures proposed by Wellington Electricity are consistent with the Town Belt Management Plan.



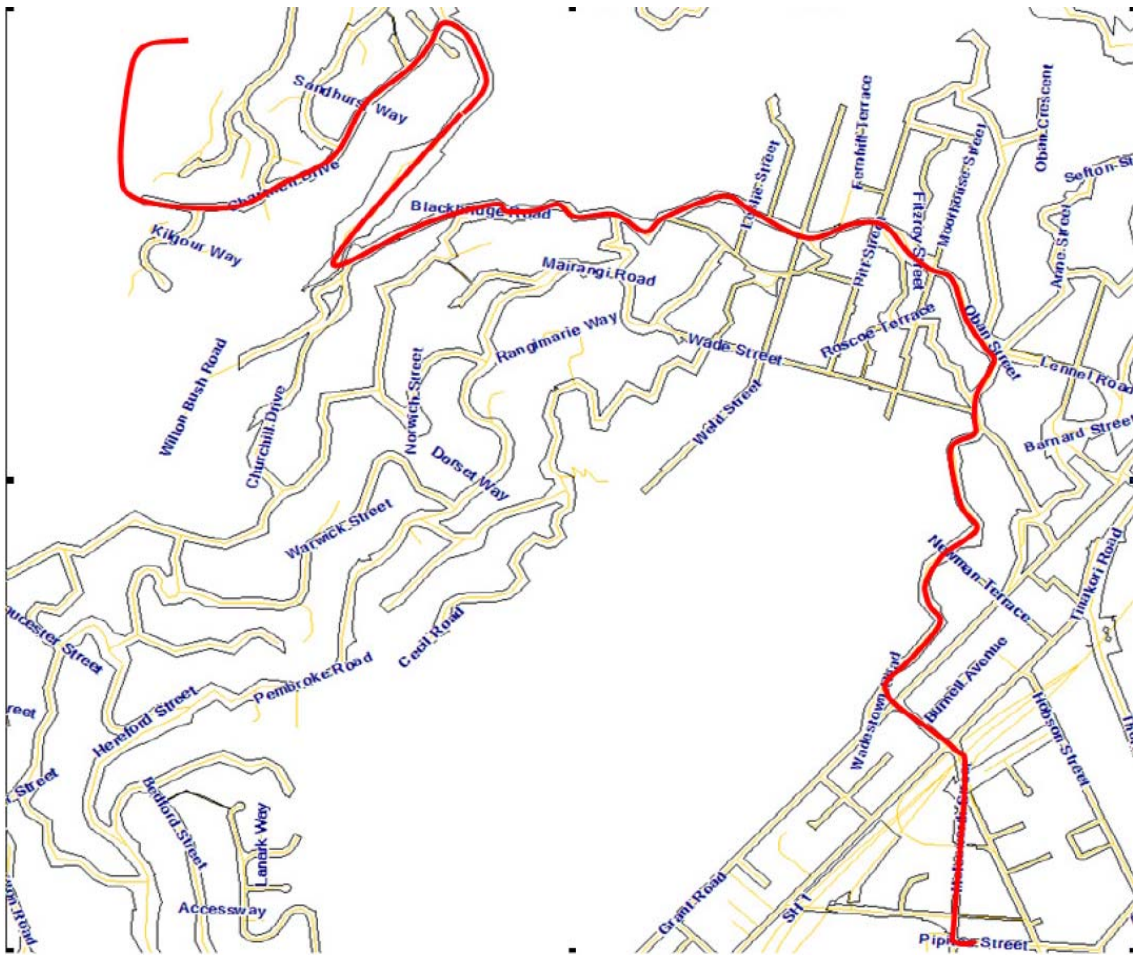
*Appendix A
Location Plan*



Appendix B
Existing and Proposed Easements



*Appendix C
Proposed Easement*



*Appendix D
Plan of CBD – Wilton 33kV Cable Replacement Project*