

10. SUMNERVALE RESERVE: OWNERSHIP ISSUES

Officer responsible Parks and Waterways Manager	Author Lewis Burn, DDI 941-8522
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PURPOSE

The purpose of this report is to tidy up a number of procedural ownership issues associated with the Sumnervale Reserve and to resolve the approach for using this land. Refer also clause 21.4.

BACKGROUND

In 1991 the Council purchased the 8 ha block known as Sumnervale Reserve from Suburban Estates Limited. The Council used the cash in lieu of reserve account to fund this purchase. Sumnervale Reserve is situated at the southern end of Sumner in the valley floor below Evans Pass. This property, together with the adjoining reserve contribution, comprises 5 titles and is held for purposes inconsistent with its current use (refer attached plan).

Since purchase, the majority of Sumnervale Reserve has been licensed to Lisa Hadfield to operate a horse riding school.

A number of concept plans for the property have been considered in the past, including a small hill residential development off the end of upper Sumnervale drive which is now a cul de sac. However, it is evident that recreation reserve is the best use for the full site. This use reflects the original intention of the Council's purchase.

Currently the riding school is holding over its occupation on a month by month tenancy. The riding school has sought further tenure to continue with its present operation.

SCOPE

This report is being referred to the Board:

1. For the Board's recommendation to the Council on the legalisation actions; and
2. For the Board's approval of the "future use proposal" outlined in the staff recommendation at the end of this report.

EXECUTIVE SUMMARY

Other than formalising a small portion of the block as legal road providing for the new cul de sac at the end of upper Sumnervale Drive, the effect of the resolutions sought is to give the whole property the same legal status. This status would be Recreation Reserve subject to the Reserves Act 1977.

A direction for the future use of the site also needs to be determined. Having regard to:

1. peripheral issues;
2. zoning;
3. the small scale nature of the existing riding school activity and the community benefit provided

this report recommends the status quo for future use in the short to medium term.

CURRENT RELEVANT COUNCIL POLICY

(a) Disposal of Council Property

The Council's policy is to publicly tender properties for sale unless there is clear reason for doing otherwise. This policy has in practice been applied to long term leasing/licensing of Council land when commercial opportunity is available.

(b) Seeking Community Views

The Council's policy to endeavour to seek community views so far as they relate to the leasing issue in this case would be satisfied if any lease/licence was granted under the provisions of Section 54 of the Reserves Act 1977 because there will be an opportunity for public input in terms of the statutory notification under the Reserves Act 1977.

DESCRIPTION OF PROPOSAL (refer drawing 25681/2 attached)

1. Legalisation

Parcel A ,1876 m2 being Lot 8 DP 43027 and Lot 13 DP 46654.
Recreation purposes to be classified as Recreation Reserve.

Parcel B, 316 m2 being part Lot 1 DP 58915. Housing purposes to be declared road.

Parcel C, 8.0892 ha being Lot 5 DP 17405, Lot 17 DP 17015 and part Lot 1 DP 58915. Housing purposes to be set apart for Recreation Reserve.

Parcel D, 719 m2 being Lot 33 DP 39338. Classified Recreation Reserve. Status Quo, no action required.

2. Future Use-options

Option	Advantages	Disadvantages
1. Status Quo Continue with present use at same level in the short/medium term.	<ul style="list-style-type: none">• Continuity of use• Retention of Community facility• Modest rental income stream• Maintenance of land through grazing• Public use not compromised	<ul style="list-style-type: none">• Unilateral dealing• Long term strategic use uncertain
2. 'RFP' Request for Proposals	<ul style="list-style-type: none">• Competitive tendering• Possible alternative uses identified	<ul style="list-style-type: none">• Cost of process• Possible loss of a 'Community facility'
3. Terminate & leave vacant	<ul style="list-style-type: none">• Flexibility for development options enhanced• Unfettered public use	<ul style="list-style-type: none">• Cost of maintenance• Loss of 'Community Facility'• Loss of rental revenue

Notes:

1. Considering the restriction on significant development and the approach to keeping activity on this land low key, Option 2 may have limited appeal to proposers as offering little, if any long term commercial potential.
2. Do nothing is not an option as this leaves uncertainty for both the current users, their clients and the Council and would be inconsistent with good management procedure.
3. The Status Quo option, while a 'holding over' decision, will afford time and flexibility for future management decisions for this block and the neighbouring Richmond Hill property (see below) while safeguarding public use expectation and continued maintenance of the land.

ISSUES FOR CONSIDERATION

Circularised

Internal business Units of the Council were circulated in December 2002 calling for any comment or interest in the property. Responses were received from the Community Advocate, Parks and Waterways Unit, City Water and Waste, City Streets Unit and Environmental Services Unit. Most comment was about issues arising from any development for residential use. No opposition has been expressed to the proposed actions, but rather affirmation of the intended legalisation action to secure the land as public open space recreation reserve has been received. No comment was made about the riding school activity.

Zoning

Residential Hills in the Christchurch City Transitional Plan and Conservation 1 in the proposed City Plan.

Public Use

The right of the public to have free access to and over this land must be maintained. A children's play ground and picnic area near the lower Sumnervale Drive entrance have been fenced off from the balance of the flat area. This fencing has been installed only to demarcate grazing from high public usage. The car park at this entrance is sufficient for the present, but the opportunity should not be lost for a car park extension in any future landscaping/development. The Reserve presents opportunity for informal recreation involving low impact uses and any lease/licence granted should recognise and protect this public expectation.

Sumner Valley Riding School

The riding school owned and operated by Lisa and Denys Hadfield was established in 1987, and has had a presence on this land in some form or another for about twelve years. This school is a small privately funded business, focusing on providing safe, affordable riding tuition to all ages in the local community, and to international visitors including students and tourists. The school maintains about 40 riders on a regular basis, and has built up a fair amount of local support, particularly for the facility it offers for children. Lisa Hadfield, the current Licencee, would like to continue running the school on the same low key level, but would like to site a small lockable storage (tack) shed in the yard area, and construct a basic railed dressage arena on the flat area to be able to operate effectively. The existing cottage (her building) is used as a common room and office, which she would like to see powered (at her cost).

Adjoining Purchase

The Council has a conditional agreement with the trustees of the Greenwood Estate to purchase approximately 284 hectares of the adjoining Richmond Hill property. Settlement of this purchase (which is expected in the 2003 calendar year) is awaiting Environment Court consent to a zone change to part of the property before subdivision and title can transfer to the Council. This purchase will link Scarborough Hill Park with Barnett Park and Sumner, Clifton and Richmond Hills with the Summit Road and Conservation Estate above the Harbour basin. It is too early to be specific about management options for this block but any use of the Sumnervale block should be flexible enough to allow vehicle access, possible use of the sheep yards area and a solution to the drainage issues discussed below.

Drainage / Water ways

Sumner Stream

The Sumner Main Drain is a highly modified natural stream which drained the whole Sumner catchment until the early 1970s. The Sumner Flood Relief Pipe, running from the Wakefield Avenue/Sumnervale Drive intersection to Scarborough, was installed after bad flooding in 1957 and 1968, and now takes all runoff from the south west of Sumnervale. The 2.1 metre diameter pipe is affected by rocks, gravel and silts coming off the hills.

History

Around 1995/96 a concept was prepared by the Water Services Unit for development of Sumnervale. This concept included:

1. creation of a junior playing field;
2. diversion of the waterway along the western side of Sumnervale reserve;
3. a swale and wetland to trap rocks and silt; and
4. picking up runoff from Richmond Hill in a more effective manner.

This concept did not proceed because:

1. the majority at a public meeting discussing the concept was opposed to the loss of informal playing areas;
2. the need for a playing field became less pressing; and
3. the effectiveness of the swale and wetland for trapping fine silts was questionable.

Present Drainage Issues

There remains the need to minimise the amount of rock and silt coming off the hills and lodging in the Sumner Flood Relief Pipe. This can be better accomplished by hillside stabilisation than by construction of a sediment trap. The Parks and Waterways Unit anticipates achieving this minimisation by fencing off and planting eroding or unstable areas to gradually reduce sediment runoff. This should be easy to implement with the neighbouring Greenwood Estate coming into Council ownership.

CONSULTATION

The conclusions and recommendation in this report have been arrived at after consultation with Parks and Waterways planners. As mentioned previously, internal circulation has been carried out. Discussions have also been held with Lisa Hadfield and there is agreement on maintaining a low key community based operation with any further development restricted to minor improvements only. A non exclusive licence for a fixed term of 7 years would satisfy her tenure aspiration and would be appropriate to the level of capital improvement investment on the land.

Public consultation would be carried out through the statutory public notification requirements of the Reserves Act 1977 prior to the new Licence being issued. The legalisation actions do not require public notification, as the result of the legalisation actions will be to formalise the current primary use, that is, recreation and formed road.

CONCLUSION

The legalisation processes proposed by this report are necessary to complete an overdue tidying up action and reaffirm the intention behind the Council's original purchase of the Sumnervale Reserve. Over the years there has been considerable deliberation given to a wetland development concept for this land, but this has been discounted as probably not effective or needed, and is not supported by the local community feeling. There are still drainage issues (associated with silting during major storms) of the Sumner main drain to be resolved, but the Council will have better options to deal with this problem in the future.

It is important to retain the right of public access together with vehicle access for the Council and for management of the adjoining Greenwood Estates block which will likely be held eventually for recreation reserve. It is also important to recognise that this land has a proposed conservation zoning and a balance needs to be achieved with recreation when considering use and activity so that intrinsic values are not compromised. Grazing of the Reserve should continue so as not to have any impact on the Council's maintenance budget. The continued occupation as a riding school under a licence will not compromise public access and use and will preserve management options in the future for this land and the Richmond Hill block.

The Sumner Valley Riding school, although limited in the services that it can offer, does provide some community benefit to the Sumner district and to a lesser extent to the Christchurch region. Support can be justified to allow this use to continue on its present scale but the injection of substantial capital into significant buildings and or support structures is seen as neither practical nor appropriate to the future management and use of this land considering its physical limitations, zoning, and access.

Staff

Recommendation: 1 Legalisation Action

That the Board recommend to the Council the adoption of the following resolution.

Resolution

The Christchurch City Council hereby resolves:

- a) Pursuant to Section 114 of the Public Works Act 1981, the land described in Schedule 1 be declared road.

Schedule 1

Part Lot I DP 58915 being part of the land comprised in CT 34D/133 and shown as parcel B on drawing 25681/2, being 316 square metres (subject to survey).

- b) Pursuant to Section 52 (4) of the Public Works Act 1981 the land described in Schedule 2 be set apart as recreation reserve under Section 17 of the Reserves Act 1977.

Schedule 2

Lot 5 DP 17405, Lot 17 DP 17015 and Part Lot 1 DP 58915 being all of the land comprised in CT 627/58 and the balance of the land comprised in CT 34D/133 and shown as parcel C on drawing 25681/2, being 8.0892 hectares (subject to survey).

- c) Pursuant to Section 16 (2A) of the Reserves Act 1977 the land described in Schedule 3 be classified recreation reserve under Section 17 of the Reserves Act 1977.

Schedule 3

Lot 8 DP 43027 and Lot 13 DP 46654 being all of the land comprised in CT 22B/183 and CT 28F/77 respectively and shown as parcel A on drawing 25681/2 being 1876 square metres.

2 Future Use

- a) That the Board, subject to completion of the legalisation action in (1) above, approve the granting of a licence pursuant to Section 54 (1)(d) of the Reserves Act 1977 to Lisa Hadfield trading as Sumner Valley Riding School for a term of 7 years for the purposes of a horse riding school and grazing of part Sumnervale Reserve being part Lot 5 DP 17405, part Lot 17 DP 17015 part Lot 1 DP 58915 and part Lot 13 DP 46654.
- b) That the respective areas to be covered by the licence and the terms and conditions be concluded by the Property and Parks & Waterways Managers to take account of access to and management of the Richmond Hill block, drainage requirements, current fencing, and areas to be revegetated / retired from grazing.
- c) The Licence proposed in recommendation (a) to be subject to public notification and the consent of the Minister of Conservation.
- 3 Pending the completion of recommendation 2, the Sumner Valley Riding School's occupation continue on a month to month basis.
4. That the applicant licensee be responsible for all costs associated (including statutory public notification and Ministerial consent) with putting the Licence in place.

Chairperson's

Recommendation:

For discussion.