

1. ADDINGTON RACEWAY LIMITED/WESTPACTRUST ENTERTAINMENT CENTRE CAR PARKING

Mr Mike Godber (CEO, Addington Raceway Limited) spoke on behalf of the Addington Raceway management, in support of the proposal. Mr Godber outlined positive examples of Addington Raceway's involvement with both the Christchurch City Council and NCC, and contended that because this involvement is ongoing, Addington Raceway will not support something that may affect the WestpacTrust Centre.

Officer responsible Property Manager	Author Property Projects Manager, Angus Smith
Corporate Plan Output: 8.6.5 Information and Advice	

The purpose of this report is to present a proposal from Addington Raceway for an exchange of property rights associated with car parking areas at the Addington Raceway/WestpacTrust Entertainment Centre. The proposal is requested to facilitate the Raceway undertaking a residential development on a portion of their site immediately at the end of Moule Street.

PROPOSAL

In an effort to obtain additional funds for the running of their club, Addington Raceway recently considered the residential development of a vacant site they owned on the south-east corner of Moule and Lindores Streets. This area comprises Lots 10 to 15 on the attached proposed subdivision plan. The site is vacant, unencumbered and not utilised.

Upon further consideration and investigation they arrived at a similar conclusion in respect of their land comprising proposed subdivision lots 1-9 on the same plan. This second site however is different in that it is encumbered with an easement for the right of parking in favour of the land occupied by the WestpacTrust Centre building and held under a long term lease, from the Raceway, by the Christchurch City Council (Lot 1). Essentially this status is representative of all parking land serving the Raceway and Centre. NCC who is the manager of the Entertainment Centre has been jointly appointed under a management deed by Christchurch City Council and Addington Raceway Limited to manage the car parking for both their benefits.

Please note the intent of this report is not to deal with the normal statutory and regulatory consents and processes that such a development would be subject to. Its purpose is to put forward the Raceway Club's proposal to obtain consent from the Council as an owner of property rights (easement) over the land to surrender them. In exchange the raceway club is offering two equivalent swap options, as indicated "A" and "B" on the attached plan.

ISSUES

The following issues need to be considered:

- Costs – this is an initiative from the Raceway Club and as currently proposed there are no financial benefits for the Council. Therefore, if agreed to, clearly all costs should be to the Club's account.
- Effects on resource consent and compliance with statutes and regulations – an initial investigation has provided no evidence that the proposal would have any effects in this regard. However, any responsibility, obligations and costs to ensure compliance should also be to the Raceway Club's account.
- Mike Kelly, Managing Director of NCC, has been consulted and is supportive of the proposal. He comments that staff prefer not to use the subject area because it is not well lit and is a little out of the way. Additionally demand for parking has not been high enough even in the big events to warrant its use. The grass surface is not satisfactory for wet weather parking. In any event they have used, on a number of occasions (and prefer to use) the land in front of the grandstand.
- The Raceway Club comments as follows:

“We believe it is in both our interests to maximise the car parking operation and certainly Addington Raceway Limited would not propose anything that would reduce the efficiency of the parking. Being on site and therefore close to the action I consider we are in a good position to make a judgement now the centre has been in operation almost two years.”
- NCC and Addington Raceway advise that during its first two years of operation experience has shown that the subject area has not been used for parking.
- The conflict of events between the Entertainment Centre and the Raceway Club are avoided through the Raceway Club altering the timing of meetings as a result of close consultation and management between the two entities.
- The New Zealand Metropolitan Trotting Club, which is the owner of the raceway, is an incorporated society. The income derived from the property development will be used to maintain and further develop the racecourse facilities, in particular the public stand. There would be no financial benefit to individuals or any private company from the land development.
- We consider that there would be no effect on residents. Firstly, the nearest residents are on the opposite side of Wrights Road and include commercial and industrial premises. Secondly, both areas on offer are already used for informal car parking on race nights.

- The two options suggested could be seen to enhance the overall parking for the centre as both increase the number of sealed car parks. Option A is fully sealed, whilst option B is approximately 60% sealed and has good run off for wet conditions. Both are in locations that are further away from housing and which offer better security and lighting.
- Any requirements for consultation/public notification of the development will be attended to in the normal course of events by the Council in its capacity as a regulatory authority.
- The landscape/green areas were consciously secured, with some difficulty, through the original negotiations with the Raceway over the development of the Entertainment Centre. The rationale was an acknowledged requirement to offset the large expanse of concrete and sealed areas.
- One of the primary concerns arising from this proposal is the potential effects relating to planning and resource consent issues. In response to this the Raceway has obtained an assessment of effects from Connell Wagner. These findings are contained in a report that is available on request. The conclusion of the report is:

“It is my opinion that there are no resource management reasons that would prevent the exchange in parking areas to occur. More specifically I believe that the exchange will not result in any adverse effects being generated. However, if the Council held any concerns then it may be appropriate to require the mitigation measures identified above in relation to fencing and landscaping. Such conditions could be imposed at the subdivision stage. As the applicant appears to be comfortable with such conditions it may be appropriate for them to form part of the application to be made to Council should Council be concerned that they may not have the ability to impose such conditions.”

ADVANTAGES AND DISADVANTAGES

Advantages

- The raceway club benefits financially.
- The number of sealed car parks increases.
- Both swap options A & B offer better security and lighting.
- Utilises idle land and is therefore more efficient and productive.
- Experience indicates the subject area is not actually required for car parking.
- There is no financial disadvantage for Council.
- Swap option B is slightly closer, more direct, partly sealed, has good run off and partly covered access under some circumstances.
- Swap option A is fully sealed.
- NCC prefer and have used option B in the past in preference to the subject site.

Disadvantages

- No financial benefit to the Council.
- Slightly further away from the complex.
- There is not a direct line of sight from the car park to the centre.
- Swap option A has a less direct route and slightly further from the centre than option B.
- Swap option B is approximately 60% in seal and 40% in grass, whereas option A is fully sealed.
- Adverse aesthetics – reduced green/landscaped area.
- No absolute certainty over resource consent/planning issues until application is made and granted.

SUMMARY

Obviously the weighting placed on these advantages and disadvantages will differ between individuals. The decision, however, is relatively simple, especially considering the fact that the car parking appears to be only necessary for resource consent purposes rather than a proven need. In essence, does the Council wish to make a compromise to facilitate what is essentially a sport club endeavouring to support itself financially and derive highest and best use from its assets.

Should the Council agree to the proposal it obviously has an opportunity to ask for some compensation on the transaction and in doing so, the quantum is a matter of judgement and negotiation. Undoubtedly anyone else in the same position would probably act opportunistically. However, the Council may wish to consider other community and public benefits in such deliberation.

Should the Council agree to the proposal it is considered that swap option B is more preferable to A. In addition it would be prudent to cover the following matters in any resolution agreeing to the proposal:

1. That Addington Raceway Ltd develop the land as generally outlined in this report and the proceeds of such development be utilised for further development of the club and its facilities.
2. That Addington Raceway Ltd meet all costs incurred by the Council.
3. That Addington Raceway Ltd accept responsibility and indemnify the Council for any and all compliance issues, including any costs related thereto, and including the likes of future reverse sensitivity issues and any mitigating measures the Council, acting in its capacity of a property owner, may deem necessary.

4. That the Council decide whether or not there should be payment of a consideration from Addington Raceway Ltd to the Council for relinquishing the easement, and if so, that the value of this consideration be determined by the Council.

PLANNER'S REPORT

The Christchurch City Council's Senior Planner reviewed this report and her comments follow:

The purpose of this report is to provide a review of the Connell Wagner planning assessment conducted in relation to this proposed exchange of parking areas.

I agree with the conclusion reached in the Connell Wagner report, that the proposal to provide parking adjoining the public stand and to develop part of the existing grassed parking area for residential purposes will not result in any adverse effects on the environment. The predominant planning provisions permit residential development of this land. The area proposed to be used for parking adjoining the stand is well separated from any sensitive land uses.

I disagree with the conclusion in the Connell Wagner report that this swap does not breach any of the conditions of the resource consent obtained to enable the establishment and operation of the WestpacTrust Centre. Conditions 2 and 19 of that consent make it clear that the parking layout is to be 'substantially' or 'generally' in accordance with the plans submitted with the application. While these words provide a degree of flexibility it is not considered that this major change could occur within the bounds of this resource consent. An alternative parking layout would need to be assessed under the Resource Management Act. Having concluded this, I would not consider such a process to be overly difficult if similar numbers of parking spaces are able to be provided. I have discussed this option with the Senior Traffic Planner who is satisfied such an alternative would be acceptable in general terms. Given the evidence of limited use of the whole parking area, a reduction in required spaces may be an option, but this too would need to be via the resource consent process.

Another matter to consider is the impact of housing being established on this land on the continued functioning of the WestpacTrust Centre. The Connell Wagner report suggests use of the parking areas adjoining the proposed residential development may cause some nuisance to future residents. It then suggests fencing and landscaping of the northern boundary of the residential sites may be appropriate to form a buffer. It is also worth noting that parking is provided by way of the earlier resource consent to the south of the proposed housing. Although this area may be used only infrequently, the Committee should consider this possibility in making their decision. Perhaps an option would be to

exchange this area of land also so that it was not available for parking in the future, with additional parking being provided as replacement parking elsewhere on site or a reduction in overall parking numbers being sought.

The only other area on which I question the Connell Wagner report is in relation to the potential limitation on the WestpacTrust Centre use as a result of housing being sited closer to that facility. Condition 29 of the resource consent for the WestpacTrust Centre makes it clear that the operation of the facility is to comply with the Proposed City Plan noise standards or obtain a resource consent. It is worth noting that the earlier resource consent allowed for both indoor and outdoor events, including outdoor motorised events.

*The noise standard applicable in any instance varies based on the sensitivity of the adjoining **zoning** rather than the sensitivity of the adjoining **use**. The zoning of the land proposed to be developed as residential is Open Space 3B, a 'moderately noise sensitive' zone for the purpose of working out which noise standard applies. If the land is developed for residential use and a change to residential zoning is requested and obtained in the future, living (residential) zones are classified as being in the 'most noise sensitive' zone. This means a tougher noise standard would apply and that would have the potential to further restrict the amount of noise that could be produced by the activities of the WestpacTrust Centre. In bringing this to the attention of the Committee, I am just highlighting it as a potential issue; I am not aware whether noise produced on the site is marginal, complying or not currently complying with the existing noise standard. It may be worth doing some monitoring to assess this situation to ascertain whether this is a critical issue.*

TABLED STATEMENT OF EVIDENCE

A statement of evidence, "Addington Raceway Limited and WestpacTrust Centre Proposed Easement Exchange", by Gregory John Dewe, dated 21 July 2000, was circulated to the Committee by the Chairman prior to the meeting for information. A copy is tabled.

Recommendation: That the proposal be declined on the basis that the Council wishes the grassed area adjacent to Moule Street to be retained as open space and that such policy should apply to any other vacant open space (to avoid the possible detrimental affect to the operations of the WestpacTrust Centre through the encroachment of residential housing.)

(Note: Councillor Ganda requested that his vote against this recommendation be recorded.)