

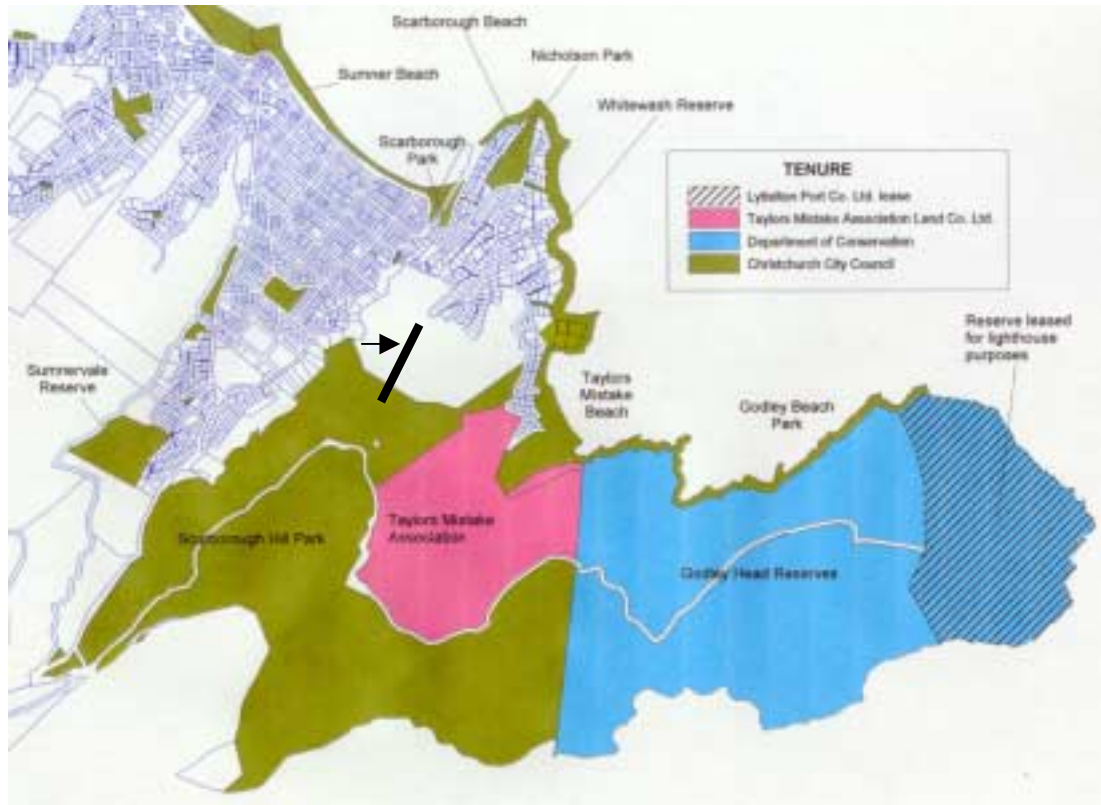
6. ACQUISITION OF LAND - SCARBOROUGH

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The purpose of this report is to consider the purchase of 7600m² of land to provide access to the Scarborough Farm and the Summit Road form Godley Drive. This report has been referred to the Hagley/Ferrymead Community Board for its comment.

BACKGROUND

As Councillors will be aware the Council, in 1997, acquired what is known as Scarborough Farm as a recreation reserve. The reserve contains an area of 221 hectares and is bounded by Evan's Pass Road and lies north and south of the Summit Road and adjoins Godley Head reserve to the east.



Scarborough Hill was once an open farm, grazing sheep and allowing public access. Over the years this has been compromised as rural land use has changed and residential subdivision has proceeded. The Onepoto or Heritage Trail, which attempted to formalise public access through the farm in 1990, has now been closed for two years at the farmer's request because of deer grazing, etc. Council officers have had consistent requests by the public over the years to re-establish walking links both over the Heritage Trail and up the hill on a farm track from Godley Drive to the Summit Road.

Scarborough Hill residents and visitors are effectively cut off from Scarborough Farm Reserve, the Summit Road and the historic walking links to Taylor's Mistake and Sumner.



The end of Godley Drive – unfinished and adjacent land for sale

PREVIOUS ACQUISITION

At its May meeting the Committee considered a report relating to the acquisition of sections 1 and 2 on the plan through the granting of reserve contribution credits. The Committee was advised that the acquisition of section 1 would provide public access from Heberden Avenue up to the concrete steps to the first hairpin on Scarborough Road, while the acquisition of section 2 would provide security of tenure for the new reservoirs to be placed on the site. The Committee approved the report and recommended to the Council that it acquire the respective parcels.

CURRENT PROPOSAL

Negotiations have been proceeding over the years to try to re-establish public access through the owner's property to the reserve. It was hoped that access would be facilitated as part of the City Plan consideration of this area but the residential area originally proposed in the draft plan was withdrawn.

The current proposal involves purchasing the existing formed farm access road to Scarborough Farm Reserve. It is proposed to fence this route off from the farm area, plant with some trees and shrubs and provide a generous walking and cycling route (see attached plan). The shingle road could also provide emergency, maintenance and possibly some recreation vehicle access, e.g. approved paragliders who currently have to go through Sumner to collect people from the bottom of the hill at Taylor's Mistake.

Agreement with the owner has not been reached, but an understanding was given to place this matter before the Council for its consideration. Currently there is a disparity between the owner's asking price for the area concerned and the Council's valuers' assessment, the details of which are included in the public excluded section of this report. In addition to the value of the land, the owner is also tying the sale of the road to a successful resource consent application to subdivide the balance of this rural land into two separate parcels, with one residential building site on each area. A further condition, should agreement be reached, is that the land be transferred to the Council as road and formed to a rural standard. In addition, there is to be no public use of the land until the road is fully formed and the boundaries fenced.

With respect to the matter relating to the subdivision of the rural land, this will require a notified resource consent that the Council will need to retain independence e.g. the use a commissioner to hear any objections. The Council can, however, accept the condition, subject to due process being complied with, the outcome (and the contract) being uncertain.

In the circumstances this matter is being referred to the Committee for its consideration.

SOURCE OF FUNDS

The purchase has been included in the strategic reserve purchase programme for the 2001/2002 year, which is potentially over-committed. The resource consent condition means that settlement could easily be extended to the 2002/2003 financial year.

The narrow grass/shingle access will be maintained as a walkway link and the estimated cost of maintenance is \$975 per year, but it will be necessary to fence the common boundary on both sides and there will be the need for two gates. The estimated cost with adjoining owner share is \$2,400 and will be funded from the Port Hills Capital fencing programme, which has a sum of \$40,000 on the 2001/02 Annual Plan.

REVIEW FOLLOWING JUNE MEETING

Following the June 2001 Parks & Recreation Committee meeting two letters of support have been received to provide an emergency access through Scarborough Farm Park from the Summit Road to the head of Godley Drive.

Both letters outline the difficulty residents have in accessing their properties after traffic accidents or major work on Scarborough and Taylors Mistake Road. Lack of emergency access prevents residents getting off the hill and emergency services getting up the hill.

The transport policy engineer has stated there is currently not the need for a fully formed road to provide access for vehicles but an emergency access link shared with pedestrians, cyclists and the occasional maintenance vehicles would be desirable. He has suggested that if there is difficulty in obtaining the land to provide the appropriate link then the option of imposing a designation over the land for roading purposes be investigated.

Advice from Legal Services indicates that it may be possible to obtain a designation, but further consideration would need to be given to alternative routes. However, the Council would need to prove that this is the only route for emergency access and that no other access can be provided. Although currently the best access is over the existing farm track, other access routes could however be provided in the locality to link with the Summit Rd.

If a designation is granted then:

- (a) The Council will not need to obtain any resource consents within the designated area; and
- (b) It facilitates the Council in using the acquisition powers within the Public Works Act 1981, including the compulsory powers if the Council so chooses.

If the land is bought under the Public Works Act then the compensation payable is, in essence, the current market value of the land.



Godley Head Reserve –access only via Taylors Mistake beach

FURTHER SUBDIVISION

It is likely in the short-term that further subdivision will occur in this locality with the owner's only option of selling rural land to adjoining residential owners. This could further impede better access onto the Scarborough Farm Park Reserve. The City Plan Hearings Committee in 1998 considered a number of submissions relating to the proposed extension of the Living Hills Zone above Godley Drive as indicated in the Proposed City Plan when it was notified in 1995. The Council decision in September 1998 was that the area be rezoned back to Rural Hills thereby ruling against any further residential subdivision between the existing houses and the park.



Effectively this decision has ruled out the possibility of acquiring good access through subdivision/reserve contribution extending to the park boundary. Recently the June 2001 Council decision on City Plan Variation 54 relating to Peninsula View cul-de-sac tidied up the adjustment of the zone boundaries in the vicinity but does not help with access to the park. Parks and Waterway Unit would prefer a wider track than indicated in the report to reinstate the heritage trail and provide other walking opportunities network (see Scarborough Godley Head Plan).

One option is to initiate a variation to the City Plan to complete the roading pattern, allow a limited residential development with the Council acquiring the balance of the large rural area remaining to fulfill our access objectives. The City Plan Team have advised that this variation would require extensive consultation with the Sumner community, landowners and involvement from the Parks and Waterways Unit. The Sumner community and surrounding landowners will be prominent in any process, including pre-consultation stage, through any analysis under section 32 of the Resource Management Act.

Owing to current City Plan priorities relating to variations there would be a reluctance to process this variation if it resulted in delays in progressing the Proposed City Plan to the operative stage. Given the current workload in resolving references it could be six to twelve months to process the variation and hear any references against a decision. We do not believe the land-owner will be prepared to go through this process given the time delay and lack of clarity as to the outcome.

CONCLUSION

It is very desirable to obtain recreational access onto Scarborough Farm Park from Godley Drive and have an emergency access road. The scenic "road" could be more popular than Rapaki Track and even the Bridle Path.

The price is significantly higher than the average Port Hills prices and the 2001/02 budget programme is over-subscribed by around \$1.3M. This means that only some of the scheduled purchases will proceed this financial year. The current purchase proposal is, however, dependent on the owner obtaining a resource consent. Therefore there is the possibility that objectors to the rural subdivision could effectively stop the access road to Scarborough Farm Park proceeding.

The option of a variation to the City Plan being initiated is a better solution, but officers do not believe the landowner will be receptive to this option owing to the time delay and lack of certainty of the outcome. His proposed two lot rural subdivision could be quicker to process, but the outcome is equally uncertain

Public access to this important scenic area of Christchurch has now been closed for 3 years, and no clear solution is in sight. The current proposal is both expensive and conditional on a rural subdivision, so is not a certainty. It is, however, the only immediate option to address the current undesirable situation of park access. If the Council does approve the conditional purchase of the park "road" it will be important that the community understands why and what the alternatives have already been considered. The issue of access needs to be debated with input from all the potential users of this significant regional park asset.

Recommendation: That the Council offer to purchase Section 3 at the price recommended in the public excluded section of this report.