

1. BURNSIDE PARK – PROPOSED LOCAL PURPOSE RESERVE CLASSIFICATION (PART)

Officer responsible Parks & Waterways Manager	Author Lewis Burn , Property Services Officer DDI 371 1522, LA-004-001-16
Corporate Plan Output: Consents 9.4.8	

The purpose of this report is to obtain the resolution of the Council to classify part of Burnside Park as a local purpose reserve.

This matter was referred to the Board for recommendation to the Council. Although a local matter, the Board does not have the delegation for new classifications.

BACKGROUND

At its meeting on 9 May 2001, the Council approved an application made by the Waimairi Lions Club to lease the former potting shed / nursery building on Burnside Park. The granting of the lease was subject to a number of conditions including the successful outcome of the classification of some 7,000 square metres of Burnside Park (on which area is situated the building) as a local purpose (community buildings) reserve.

Since the Council's resolution, discussions have been held between the Council officers and the Department of Conservation in relation to this classification and the possible classification of an adjoining area of land containing water supply and electrical infrastructure as a local purpose (public utility) reserve. The outcome of those discussions resulted in two areas being identified for classification as local purpose reserves. The submitted drawing 24167/1a showed Sections 1 and 2 as proposed for local purpose reserve (community buildings) with Section 3 intended as local purpose reserve (public utility). The area intended for public utility reserve incorporates the existing pumping station / power kiosk / wells / pipe lines and the concrete water tower. The classifications are generally in line with an intention to classify for local purpose reserve as set out in the old (1980) Waimairi County Council Management Plan for Burnside Park.

PROCEDURE

After extensive investigation it has been concluded that while held for recreation purposes none of the land comprising Burnside Park has previously been formally classified under the provisions of the Reserves Act 1977. The procedure therefore is to classify for the intended local purpose rather than a change of classification. On 19 December 2001 confirmation was received in writing from the Department of Conservation that the Department approved in principle, the classifications intended and as shown on the submitted drawing. The Department's approval was conditional on the Council giving public notice in accordance with the Reserves Act 1977 of the intention to so classify and there being no sustainable objections. A public notice was inserted in the Christchurch Press on Saturday 22 December 2001 inviting submissions or objections to the intended classifications by 13 February 2002.

SUBMISSION

On closing of the public notice, one written submission was received from Vodafone New Zealand. This submission in general supported the intended classifications but Vodafone have raised issues in relation to their proposed cell site facility on the Burnside Park water tower and the appropriateness of the public utility classification in relation to their activity. The application for a cell site which has been approved by the Cell Sites Subcommittee, is presently being considered by the Department of Conservation as an easement in terms of Section 48(1)(f) of the Reserves Act 1977 and as such has no relevance to the underlying classification of the land. At the date of writing this report, no decision has been made by DOC on the intended easement to Vodafone. It is possible that DOC may bring into consideration the proposed public utility classification of the water tower. When this issue becomes clearer a further report will be made to the Board.

SUMMARY/CONCLUSION

The proposal to classify part of Burnside Park as local purpose reserve meets with the intent of the former Waimairi County Council Management Plan and has been approved by the Department of Conservation. The public notice has not signalled any opposition to the classification although Vodafone have raised their concern about the public utility classification of the water tower in relation to their proposed telecommunication use, which is presently under consideration by DOC. It is considered however that there is no reason not to proceed with community building classification as intended and a resolution of the Council is required to enable the formal Gazette procedure to take place so that the granting of a lease to the Waimairi Lions Club can proceed. The matter of the public utility classification will be the subject of a further report.

Recommendation: That the following resolution be adopted by the Council:

Resolution

1. That pursuant to Section 16 (2A) of the Reserves Act 1977, the Council classify as local purpose (community buildings) reserve, the land described in schedule 1.

Schedule 1

Part Lot 232 DP 17066 being part of Certificate of Title 12A/979 shown as Section 1 on City Design drawing 24167/1a (6330 square metres, subject to survey).

2. That pursuant to Section 16(1) of the Reserves Act 1977, the Council request the Department of Conservation to confirm its in principle decision to classify as local purpose (community buildings) reserve, the land described in schedule 2.

Schedule 2

Part Lot 1 DP 16376 being part of Certificate of Title 12A/980 shown as Section 2 on City Design drawing 24167/1a (875 square metres, subject to survey).

(Note: Cheryl Colley declared an interest and withdrew from the meeting during the consideration of this item.)