

8. ARTHUR ADCOCK MEMORIAL RESERVE - PARKLANDS BOWLING CLUB - CAR PARK

General Manager responsible:	General Manager, City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Asset and Network Planning
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PURPOSE OF REPORT

1. To enable the Board to consider a request from the Parklands Bowling Club for the Council to take over responsibility for the development and maintenance of the club's existing car park which is located within the area of Arthur Adcock Memorial Reserve leased to the club by the Council.

EXECUTIVE SUMMARY

2. The Parklands Bowling Club is located at the end of Chadbury Street. Close by are both residential and community service facilities (**see Attachment 1**).
3. Representatives of the Parklands Bowling Club, Messrs Bill Joblin and Rob Curd, made a deputation to the 28 June 2010 Burwood/Pegasus Community Board meeting requesting that the Council take over responsibility for the club's car park, because it is now being extensively used by the community. In light of this fact they also requested that the Council consider changing the area leased by the club to exclude the car park (**see Attachment 2**).
4. The Board decided that the submission from the Parklands Bowling Club be received, and that the matters raised be referred to staff for consideration and reported back to the Board with urgency, including options for improving the safety of the car park and recognising its community usage. This report back to the Board has been delayed because of more pressing earthquake matters.
5. The entrance to the car park is off Chadbury Street which is a cul-de-sac off Queenspark Drive. In the original concept plans for the road layout of the later stages of the Parklands subdivision it was envisaged that Chadbury Street would be a through street linking the newer stages of the subdivision with the older established areas. Four important community facilities are located on Chadbury Street, namely the Parklands Shopping Centre on the corner of Chadbury Street and Queenspark Drive, Parklands Primary School, and the Parklands Kidsfest Kindergarten, which were all built during the earlier stages of the subdivision development, and the ABC Early Childhood Learning Centre, a new complex built during a later stage of the subdivision. Partly as a consequence of these facilities being located in this street it was decided not to make Chadbury Street a through street, because of the danger to children from through traffic using the street. The street was subsequently changed during the subdivision planning stage to a cul-de-sac to reduce the traffic danger to children.
6. The entrance into the bowling club car park is not located in an ideal position, but the reason for this is historical. The land for Arthur Adcock Memorial Reserve was part of the reserve contribution payable by the subdivider for an earlier stage of the subdivision of land north of Parklands School, and therefore legal road access off Chadbury Street to the reserve was not available until a much later stage of the subdivision was completed at which time the head of the Chadbury Street cul-de-sac was constructed. An arrangement by the exchange of letters was entered into with the subdivider to allow access to the reserve to be obtained across a corner of the subdividers land, which in the future would be developed into the extension for Chadbury Street. It was understood at the time that the entrance into the bowling club's leased area would be moved further north when the head of Chadbury Street was formed, which would allow for a more efficient layout of the bowling car park to be effected. This change of entrance to the car park has not been made as yet. This relocation of the car park entrance was not a resource consent condition placed on the development of the car park.

7. Usually when a sports club leases Council controlled park and reserve land, the car parking requirements for the leased area to be built on the park are located outside the leased area, on the understanding that the car park when not being used by members of the sports club concerned, can be used by members of the public not associated with the club when using the park for other sporting activities. In these situations the car parks required for the lessee's development on the reserve as a condition of resource consent under the City Plan, are constructed by the lessee at their expense, before being handed over to the Council to maintain in the future, at the Council's expense. This occurs on the understanding that the car parks can be used by other park users, when not being used by the leasing club concerned.
8. There are some sports clubs who lease Council-owned parks and reserve land, who reserve the required car park for club members use only. In these cases, the car park is included in the clubs leased area and the club is responsible for the ongoing development and maintenance of these car parks.
9. The car parks on the reserve required under the then Waimairi District Council Plan being included in the Parklands Bowling Club leased area is an unusual situation,, the reason being that the balance of the park is used as a local park, not a sports park, and does not have any other regional playground or sporting facilities located on it, and therefore car parking other than for the Bowling Club is not required for the park. In the majority of cases, the leased area on which sporting facilities are built is part of a much larger sports park, which requires car parks to be provided for the general public's use of the park for sporting activities. This is not the case here because the balance of the park is used as a local park. The club is solely responsible for the maintenance of the car park area because it sits within their existing lease area, this being specified within the provisions of the lease.
10. In August 1994 resource consent was granted for the construction of an extension to the club's pavilion. One of the conditions of the consent was to form the car park as shown on a plan indicating a layout with individual spaces and occupying the area between the club buildings and the western boundary of the club lease area, which is also the boundary of the park as shown on **Attachment 3**. The northern section of the leased area is set aside for a third green, which has not been developed as yet.
11. The Bowling Club car park was not required to be paved under the provisions of the Waimairi District Plan which was still partly operative at the time. The current Christchurch City Plan requires that any car park required by the plan be fully formed and sealed.
12. The immediate neighbours of the club include Parkview Primary School, Kidsfirst Kindergarten and the ABC Leaning Centre Pre-School as well as residential properties. The club believes that whilst a cul-de-sac eliminates the risk of high speed through traffic it has created a problem with parking at peak periods. The club believes parking and vehicles manoeuvring on the street are a hazard for the children and pedestrians generally. The club has consequently made the car park freely available to the parents and staff of the school and preschools, and believe it is safer and more convenient for parents to use the club's car park and then walk their children to and from the pre-school and school facilities. The schools have written in support of the continued use of the car park, these letters of support are attached as **Attachment 4**.
13. In relation to the car park design, the club is concerned that the combined pedestrian and vehicle entrance is a hazard to pedestrians and that the additional use the car park is receiving is cutting up the shingle surface increasing maintenance requirements for the club. The unsealed surface is not suitable for wheelchairs or older visitors and the unmarked surface is not suitable for multiple users. The club expect demand for parking to increase in the future.
14. The club has obtained estimates from Fulton Hogan Ltd to relocate the entrance/exit at a cost of \$5,510 excluding GST [quotation dated 26 May 2010] and also to form up and seal the car park at a cost of \$63,462 excluding GST [quotation dated 28 May 2010] attached in **Attachment 5**.

15. The school has requested a time limited parking restriction outside the school (P3), and as a result of this request Council traffic engineers have been monitoring the traffic on Chadbury Street. They have reported that they have not yet seen the street fully parked out, that this is a short cul-de-sac where vehicle operating speeds are very low, and that there have been no reported crashes near the bowling club car park in the last 10 years. Their recommendation is not to change the current layout of the bowling club car park or the vehicle crossing at this stage and see no benefit to traffic operations or safety of this proposal. They did however believe forming a footpath on the west side of the cul-de-sac head would be beneficial.

FINANCIAL IMPLICATIONS

16. If the Council were to approve the club's requests for taking over the responsibility for changing the entrance, and upgrading and maintaining the car park, it would need to allocate funds to cover the capital costs which have been estimated by Fulton Hogan Ltd in late May 2010, at the clubs request, to relocate the entrance/exit (\$5,510 excluding GST), and form up and seal the car park (\$63,462 excluding GST). The Council would also need to budget approximately \$1,000 to \$2,000 annually, for ongoing car park repairs, and associated garden maintenance. Further funding would need to be provided in approximately 14 to 20 years to reseal the car park, this being the expected life of the sealing. Funding these modifications from Council budgets could potentially encourage requests from a number of other clubs of a similar nature and is not recommended by staff.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

17. Yes, budget provision has not been made for this work in the capex or opex budgets in the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

18. Arthur Adcock Memorial Reserve is made up of three land parcels, Lot 1 DP 82355, Lot 45 DP 324885, and Sec 2 SO Plan 19528, being a recreation reserve of a total area of 3.7772 hectares vested in the Council pursuant to the Reserves Act 1977 (Act). The reserve has a drainage retention basin, informal recreational areas, and the area leased to the Parklands Bowling Club located on it. Except for the area leased to the bowling club it is essentially used as a local reserve by adjacent residents for informal recreation.
19. Section 17 (1) of the Act states *"It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with the retention of open spaces and outdoor recreational activities, including recreational tracks in the countryside."*
20. The provision of car parks on a reserve to support people visiting the reserve for recreational purposes is therefore a legitimate use of reserve land, as is set out in the Christchurch District Planning Scheme, however the use of reserve land to provide car parking for traffic generated by activities *taking* place on adjacent land is not a legitimate use of reserve land held under the Act.
21. Section 17 2(a) of the Act provides, *"The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54"*. Section 54 relates to leasing powers of administering bodies in relation to recreation reserves. The lease the Council has with the Parklands Bowling Club specifies the car park shall be used only for bowling related activities, and that the facilities shall not be sub-leased. The Legal Services Unit advise that technically, allowing others to use the car park constitutes sub-letting regardless of any payment by the other party and is not in accordance with the purposes that recreation reserves are set aside for as set out in section 17 above.

22. Therefore, for the Council to formally approve the use of the car park for the provision of temporary parking while letting off or picking up children from the adjacent preschools or primary school, would be ultra-vires in terms of the requirements of the Act and the lease.
23. Other situations similar to this have occurred in the past. In one situation where the Council had a clear responsibility to assist to enable an historic building to be recycled for a profitable business, the Council did allow parking to take place on land that was recreation reserve, because there was no land available in close proximity to fulfil the City Plan car parking requirement. In this particular case the reserve designation was removed off the area of land required for the car park, (a public consultative process, requiring the Minister of Conservation's approval), allowing the land to be held in fee simple by the Council and used to fulfil the car parking requirement of the District Plan by an adjacent business. The issues which lead to the aforementioned actions being taken, are not present in the Parklands Bowling Club car park situation, the car parking requirements for the educational facilities in the street being already satisfied from a City Plan requirements perspective. The removal of the reserve designation from land held under the Reserves Act 1977 is a decision for the full Council, not being delegated to Community Boards.

Have you considered the legal implications of the issue under consideration?

24. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

25. This request does not align with the LTCCP, or the Council's Activity Management Plans for Council park and reserveLand.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

26. No, because the Council is not legally able to formally extend the use of the present car park within the Parkland Bowling Club's leased area of Arthur Adcock Memorial Reserve to adjacent property owners who's activities on their properties generates increased traffic movements not normally associated with residential properties.

ALIGNMENT WITH STRATEGIES

27. The thrust of this request does not align with the Council's strategies.

Do the recommendations align with the Council's strategies?

28. No.

CONSULTATION FULFILMENT

29. Not applicable.

CONCLUSION

30. The use of the Parklands Bowling Club car park by other than bowling club members or people visiting the bowling club, is a breach of the club's present lease conditions.
31. The use of the car park by members of the public visiting and using the reserve other than the Bowling Club's facilities presently is in breach of the club's current lease requirements but is allowed under the Reserves Act 1977; a change would need to be made to the lease conditions to allow this parking to occur legally.
32. The Council has no authority under the Reserves Act 1977 to allow the use of the car park by members of the public for car parking purposes connected with activities occurring on adjacent land.

33. The issues which have lead to the reserve designation being removed from a reserve in the past to enable car parking for adjacent businesses to take place on Council owned land so as to comply with City Plan requirements are not present in the Parklands Bowling Club car park situation, the car parking requirements for the educational facilities in the street being already satisfied from a City Plan car parking requirement perspective.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board request that Council staff write to the Parklands Bowling Club acquainting them with the legalities of the situation, and therefore why the Council is not able to assist the Club to upgrade and maintain its car park for these reasons.