

8. NUNWEEK PARK – CANTERBURY ARTIFICIAL SURFACES TRUST – PROPOSED LEASE EXTENSION, INSTALLATION OF LIGHTING, AND REMOVAL OF TREES

General Manager responsible:	General Manager City Environment –DDI 941-8608
Officer responsible:	Manager Asset and Network Planning Manager Transport and Greenspace
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PURPOSE OF REPORT

1. The purpose of this report is to report the recommendations of the Reserves Hearings Panel to the Fendalton/Waimairi Community Board, to enable the Board to consider the proposals from Canterbury Artificial Surfaces Trust for an extension to their leased area at Nunweek Park to enable the construction of a third artificial hockey turf:

The summary of the recommendations of the Reserves Hearing Panel held on 8 February 2012 are as follows:

- (a) That the application from the Canterbury Artificial Surfaces Trust for an extension to their leased area at Nunweek Park to enable the construction of a third artificial hockey turf, be approved.
- (b) That the removal of 19 trees from the Canterbury Artificial Surfaces Trust proposed leased area, and one tree from the car-park area of Nunweek Park be approved.
- (c) That the application by the Canterbury Artificial Surfaces Trust, (CAST), to install eight sports-field lighting poles around the proposed third turf on Nunweek Park, which was made to the Transport and Greenspace Manager who has delegated authority from Council to grant this permission, be supported and is to include the condition that the lighting is not operated after 10pm.

EXECUTIVE SUMMARY

2. An application has been received from the Canterbury Artificial Surfaces Trust (CAST) to extend their lease area at Nunweek Park by an additional 5464 square metres, in addition to their current lease area of 3.1 hectares, to accommodate a third artificial hockey turf. (Refer to **Attachment 2**).
3. The proposed third turf will be fully fenced and will have three additional shelters, built on the east side of the new turf shown on the plan as dark square boxes. (Refer to **Attachment 3**).
4. Eight new lighting poles, (four each side), will be erected to light the turf for night-time use. The poles will be approximately 18 metres high, the lights themselves being of the latest design and shrouded to minimise light spill outside the turf area. (Refer to **Attachment 3**). The proposed new lighting may be utilised over all seven days of the week. However out of consideration for neighbouring properties, staff have proposed that a condition is imposed that the lighting is not operated after 10pm at night. The light spill and glare from the proposed lighting for the third turf will be further assessed under the resource consent application process.
5. The construction of the third turf will require the removal of approximately 19 existing trees from the park within, or immediately adjacent to, CAST's leased area. These trees are healthy specimens but will be required to be removed to enable the new turf to be constructed in the position proposed. Extensive replacement plantings of a mixture of native and exotic trees, and other shrubs, will be undertaken around the new turf. Thirty eight of the new plantings will be trees, be that they will be of lower stature more in keeping with the developed site. A footpath will be constructed within the park along the Wooldridge Road frontage to provide a formed pedestrian access around the turf. (Refer to **Attachment 4**). All of these proposed works will be undertaken by the applicant at their expense.

6. Although the report prepared by ViaStrada Limited for the resource consent lease extension application has identified that there are enough car-parks within the park, and parking on the roads surrounding the park, CAST has elected to provide an additional 15 car-parks within the park, adjoining the existing car-parks, at an estimated cost of approximately \$37,500. This will require the removal of one tree from the existing car-park. (Refer to **Attachment 5**). These additional car-parks will then be transferred to Council ownership and available for all to use.
7. Diagonally laid across the proposed extended lease site is a Council owned 250 millimetre asbestos cement water main that will need to be moved from the proposed lease area. It has been agreed that this water main will be rerouted outside the proposed lease area at the applicant's expense.
8. The Council's intention to grant the lease was advertised in the public notices column of The Press newspaper in December 2011, and an information leaflet was distributed to households, businesses, and absentee property owners, in the vicinity of the reserve, along with sports clubs who lease or use the park. An on-site public meeting was also held and as a result of feedback at this meeting, the consultation period was extended, and further advertising and distribution of leaflets was undertaken. The advertising and onsite meeting undertaken, other than the newspaper advertising, is over and above that which is required by the Reserves Act 1977. Further details are provided under the "Consultation Fulfilment" section of this report.
9. A total of 79 submissions were received, of which 66 were in support of the proposal to lease, one of which expressed concerns about the perceived traffic generation issues from the additional artificial hockey surface, and 13 were against the proposal. Eight submitters wished to be heard in support of their submission of support or objection to the proposal to grant the lease to CAST.
10. The main issues raised by those submitters who supported the proposal included.
 - (a) Too few hockey turfs available due to both the loss of the Porritt Park facilities and increased demand.
 - (b) The new turf is needed urgently in time for this winter's hockey season.
 - (c) That currently there are limited and shortened practice times and games, limited space, awkward and/or late night time slots and resulting personal safety issues for younger players.
 - (d) That there is a loss of engagement in the sport with players leaving due to lack of facilities, and an inability to develop or accommodate growth in the sport.
 - (e) Nunweek Park is a suitable location for several reasons including efficiency in grouping facilities and infrastructure together in one location, existing facilities on site, and that the land appears suitable following earthquake events.
11. The main issues raised by those submitters who opposed the proposal included:
 - (a) Nunweek Park is not a suitable location for several reasons including downgrading of the park, loss of property values, and that the proposed turf should be built in another location.
 - (b) Denial of public access to a large area of the park, exclusive use by hockey only, and restriction of public access routes.
 - (c) Opposition to the removal of park trees.
 - (d) Issues with the proposed new landscaping.
 - (e) Adverse impacts on visual amenity from the fencing and the lighting poles.
 - (f) Disturbance to neighbours from noise and from the lighting.
 - (g) Inadequate car-parking both currently, and for an increased number of participants with the construction of the third turf, with resulting safety and other issues.

- (h) Traffic congestion and safety issues on Wooldridge Road both currently, and resulting from the construction of the third turf.
 - (i) Potential water run-off and flooding from the third turf.
12. The Reserves Act Hearing Panel convened on 8 February 2012 to hear the matter. The Panel was comprised of Councillor Barry Corbett, Chairperson; Fendalton/Waimairi Community Board members David Cartwright and David Halstead, (Refer to the minutes in **Attachment 1**)
 13. The Reserves Act Hearing Panel recommends to the Fendalton/Waimairi Community Board that they grant the lease subject to a number of conditions which are set out in the Reserves Hearings Panel's recommendations below.

FINANCIAL IMPLICATIONS

14. It is the responsibility of the Canterbury Artificial Surfaces Trust to apply for any resource and buildings consents, and to develop, build and maintain the infrastructure at their expense.
15. The removal of the trees, and implementation of the new landscaping outside of the proposed lease area, construction of the footpath, and the payment of up to \$37,500 for the construction of 15 additional car-parking spaces within the park will be the responsibility of CAST, with ownership of these developments being passed to Council upon completion of works.
16. There will be an ongoing operational cost to the Council to maintain the new landscaping, footpath, additional trees, and the 15 additional car-parking spaces, which has been assessed at approximately \$1,345 annually. These extra costs need to be balanced against the reduction in mowing costs which have been assessed at \$2,414 annually, for the extra area that will be leased to CAST, the planted areas, footpath, and extra car parks. There will therefore be a reduction of maintenance costs of approximately \$1,069.
17. The only other costs will be in staff time spent preparing this report to gain Council approval or otherwise of CAST's application, putting the lease into place, and monitoring the developments as they occur on site, these costs being already allowed for within existing Council staff budgets.

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

18. Yes, as above.

LEGAL CONSIDERATIONS

19. Nunweek Park is made up of eight parcels of land, all vested in the Council pursuant to the Reserves Act 1977, these being:
 - Lot 2 Deposit Plan 37685, Lot 2 Deposit Plan 22949, Lot 2 Deposit Plan 36594, and Reserve 5135, being of a total area of 19.2215 hectares contained in title CB44C/37,
 - Lot 77 DP 316967 contained in CT 66142 of 328 square metres
 - Lot 78 DP 308722 contained in CT 33831 of 387 square metres
 - Lot 79 DP 309722 contained in CT 33832 of 496 square metres
 - Lot 105 DP 83304 contained in CT 48A/916 of 1561 square metres
 - Lot 10 DP 80414 contained in CT 46A/1072 of 38 square metres
 - Effectively part of, (1 quarter) Lot 76 DP 316867 contained in CT 66141 which is of a total area of 1,561 square metres, (390) square metres, these being of a total area of 19.5415 hectares approximately.
20. Under the requirements of section 54 of the Act, it is required that the proposal be publicly advertised, (section 54(2) in accordance with section 119 of the Act), full consideration given to any submissions or objections received, (section 120 of the Act), and obtain the consent of the Minister of Conservation (delegated to Canterbury Conservancy staff), prior to putting a lease in place.
21. An unregistered lease can be offered under the Reserves Act 1977 for a period of up to 33 years. Before issuing the lease, the Council must be satisfied that the conditions contained in the lease can be met, and that there is sufficient need for the facilities and amenities, and that some other use should not have priority in the public interest.

22. Subject to the Council obtaining approval from the Minister of Conservation to the Council's intention to issue a new lease over a larger area of Nunweek Park to the Canterbury Artificial Surfaces Trust, Council staff will put in place one lease which covers the total leased area.
23. The Board has delegated authority from the Council (dated 24 November 2011) to consider this lease application and to decide whether or not to grant it, the Board is therefore acting as Council.
24. Under the delegations to Community Boards, the Board has the authority to "plant, maintain and remove trees on reserves, parks and roads" under the control of the Council within the policy set by the Council.
25. Protected trees can only be removed by a successful application under the Resource Management Act. The trees in the park that are proposed to be removed are not listed as protected under the provisions of the Christchurch City Plan.
26. The Greenspace Manager has delegated authority from the Council (dated 24 November 2011) to approve applications for flood lights on sports parks, subject to the necessary resource consents and consultation with the appropriate Community Board.
27. Nunweek Park is zoned Open Space 2 (District Recreation and Open Space) in the Christchurch City Plan. Any necessary resource and building consents will be required to be obtained for this project prior to CAST commencing work on the site. Resource consent RMA92019203 was lodged on 1 December 2011 and is currently being assessed. A building consent application had not been lodged at the time of writing this report. The approval of this application is being made subject to any required consents being obtained.

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

28. Yes, as above.

ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS

29. LTP 2009-19
Parks, Open Spaces and Waterways
 - (a) Community – By providing spaces for communities to gather and interact.
 - (b) Recreation – By offering a range of recreational opportunities in parks, open spaces and waterways.
30. More people participate in leisure activities.
 - We organise our lives to include free time.
 - Everybody can access leisure services and facilities.
 - We enjoy a healthy work/life balance.
31. More people participate in physical and sporting activities.
 - We value active leisure time.
 - We all have access to excellent facilities and environments for physical activities.
 - A range of local, national and international sporting events are enjoyed in Christchurch city.

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

32. Yes, as above.

ALIGNMENT WITH STRATEGIES

33. The proposal aligns with the following Council strategies:
 - (a) Physical Recreation and Sport Strategy.
 - (b) Recreation and Sport Policy.
 - (c) Youth Strategy and Youth Policy.
 - (d) Social Wellbeing Policy.
 - (e) Public Open Space Strategy.

Do the recommendations align with the Council's strategies?

34. Yes, as above.

CONSULTATION FULFILMENT

35. The Council has fulfilled the requirements of Section 54(2) of the Act, which states that the administering body, in this case the Council shall publicly notify the Council's intention to grant a lease over the reserve, for one calendar month to enable interested parties to make a formal objection or submission to the Council's proposal to grant the lease.
36. The Council's intention to grant the lease was advertised in the public notices column of The Press newspaper on Saturday 3 December 2011 closing on the Thursday 5 January 2012. An information leaflet was distributed, by either post or hand delivery to letterboxes, to approximately 154 households and businesses, and 38 absentee property owners, in the vicinity of the reserve, and to the 8 sports clubs who are lessees or are allocated the use of Nunweek Park. There was no residents' association identified for this area.
37. Interested parties, and residents, were also invited to an onsite public meeting held on Monday 12 December 2011 which was attended by approximately 12 residents, along with representatives of CAST and Canterbury Hockey. As a result of this meeting, at the request of the residents present, it was decided to extend the consultation period until Friday 20 January 2012. The Council was not obliged legally to do this, however after discussing the situation with the Council's internal solicitors, and being cognisant of the difficult year residents have had in Christchurch, the consultation period was extended. This was duly advertised in the newspaper, and another amended leaflet mailed to the parties already informed of the Council's intention to grant a lease. The advertising undertaken other than the newspaper advertising is over and above that which is required by the Reserves Act 1977.
38. A total of 79 submissions were received, of which 66 were in support of the proposal to lease, one of which expressed concerns about the perceived traffic generation issues from the additional artificial hockey surface and 13 were against the proposal. Eight submitters wished to be heard in support of their submission of support or objection to the proposal to grant the lease to CAST.
39. A Reserves Act Hearings Panel was convened on 8 February 2012 to hear the matter and decide.

RESERVES ACT HEARING PANEL RECOMMENDATION

It is recommended that the Board:

- (a) Grant a lease, pursuant to section 54(1)(c) of the Reserves Act 1977, over approximately 5,464 square metres of Lot 2 Deposit Plan 37685, Lot 2 Deposit Plan 22949, Lot 2 Deposit Plan 36594, and Reserve 5135, a recreation reserve of 19.2215 hectares contained in certificate of title CB44C/37 vested in the Council pursuant to the Reserves Act 1977, being part of the total reserve of 19.5415 hectares on which to build a third sand based artificial hockey turf, and associated infrastructure subject to the following conditions:
- (i) The approval of the Minister of Conservation to the granting of the lease is obtained.
 - (ii) The lease being granted for a period of up to 33 years as an unregistered lease pursuant to the requirements of the Reserves Act 1977.
 - (iii) The development is undertaken in accordance with the plan attached as Attachment 3
 - (iv) As part of the development Canterbury Artificial Surfaces Trust pay for and construct the footpath as shown on the plan prepared by Eliot Sinclair Drawing Set 3432137 L1 4 sheets (see Attachment 4) from the driveway into the car parks on the park south of the Hockey Complex along the Wooldridge's Road Frontage in front of the proposed third artificial hockey turf to the rest of the park north of the leased area.

- (v) As part of the development Canterbury Artificial Surfaces Trust pay for and implement the landscape plan as shown on the plan prepared by Eliot Sinclair Drawing Set 3432137 L1 4 sheets (see Attachment 4), ensuring where appropriate trees with substantial trunks and canopies are planted.
 - (vi) As part of the development Canterbury Artificial Surfaces Trust pay for the 15 additional car parks as shown on the attached plan labelled "Nunweek Park Hockey Car Park" being plan LP319105 dated January 2012 (see plan in Attachment 5).
 - (vii) As part of the development Canterbury Artificial Surfaces Trust pay for and undertake the moving of the 250 millimetre asbestos cement water main that presently diagonally bisects the site to a route outside the leased site approved by staff from the City Environment Group.
 - (viii) The use of the lights to light the artificial surface is limited to operate no later than 10pm at night.
 - (ix) The work undertaken is to a quality standard acceptable to the Transport and Greenspace Unit Manager or his delegate.
- (b) Approve the removal of 19 trees within or immediately adjoining CAST's leased area as shown on the plan prepared by Eliot Sinclair Drawing Set 3432137 L1 4 sheets (Refer Attachment 4), and one tree within the existing car-park as shown on the plan of the proposed additional car-parking spaces being labelled "Nunweek Park Hockey Car Park" being plan LP319105 dated January 2012 (see plan in Attachment 5).
- (c) Support the approval by the Transport and Greenspace Unit Manager of the application by the Canterbury Artificial Surfaces Trust to erect an additional eight lighting poles subject to the following condition:
- (i) That the lights are not to be operated after 10 pm.
- (d) Support a minimum of four picnic tables be located within 250 metres of the proposed third hockey turf and that the park bench which is to be removed when the new footpath is constructed be replaced by at least one park bench in an appropriate location or locations.