

## 8. CLARE PARK - PARTIAL RECLASSIFICATION

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Asset and Network Planning
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### PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to publicly notify the change of classification of part (4.2019 ha) of Clare Park (22.1564 ha) being Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve (refer **Attachment 1**). The Board has delegated authority from the Council to change a reserve classification.

### EXECUTIVE SUMMARY

2. The majority of land within the title area known as Part of Lot 5 (DP 35283) forms part of Clare Park and is permanently underwater, with the exception of an informal road across the wetland and a few small islands in the middle of the wetland. The wetland is a natural occurrence due to the low-lying topography and a combination of high ground water and surface water flows from the considerable upstream catchment area. The land form is not a direct result of the earthquakes although they may have contributed to the wetland, although the impact (if any) has not been investigated. Water collects in the wetland from Snellings Drain and the No. 2 Drain, where overflows occur from time to time. The wetland is not functioning as a wetland, suffering from lack of maintenance and is inundated with undesirable weed species such as Grey Willow, a very invasive species..
3. The proposal is to develop the existing wet area of land in Clare Park (Part of Lot 5) into a functioning wetland with the capacity to accommodate stormwater via Snellings Drain as a secondary stormwater treatment and detention system. Stormwater that requires secondary treatment from the proposed development will come down to the wetland via Snellings Drain and a realigned overflow channel which is already designated. The development and maintenance of the stormwater wetland in the existing wet area of Clare Park will require some capital investment and on-going maintenance, such as the removal of grey willow and associated weeds.
4. Lot 2 DP 303482 is a 2 hectare block of land directly north of the wetland area in Clare Park that was purchased for stormwater purposes. Lot 2 is not classified as Recreation Reserve as the intention was to develop this land for stormwater treatment and detention in conjunction with Part of Lot 5 in Clare Park. The Council is actively pursuing the acquisition of land within the vicinity of Lot 2 DP 303482 and Clare Park for stormwater purposes, plus additional land for a stormwater corridor leading down to Clare Park.
5. The development of the wet area of land in Clare Park (Part of Lot 5) into a stormwater secondary treatment area can not occur under the current Recreation Reserve classification of the Lot as per the Reserves Act 1977 (stormwater treatment is not considered a primary function of a reserve classified as Recreation Reserve). The Lot needs to be reclassified to Local Purpose (Drainage) Reserve, and the process requires public consultation, consideration of submissions by the Community Board and the Board's recommendation to the Department of Conservation for the reclassification of this area of land.
6. In December 2000, the Christchurch City Council adopted in principle, a comprehensive scheme for sustainable management of waterways, wetland and drainage within Snellings Drain and No 2 Drain catchments. The scheme included additional stormwater treatment within a wetland at Clare Park.
7. In 2005, the Council applied for a resource consent for stormwater to upgrade the Snellings Drain within the North East Catchment area. This identified the possible future use of Clare Park as part of the stormwater treatment and detention system.

## **FINANCIAL IMPLICATIONS**

8. The process to change the classification of Part of Lot 5 (DP 35283) of the recreation reserve in Clare Park will be funded through the Reserves Classification budget. The change of classification will allow the future build of the storm water treatment and detention system, which is identified in the 2012/13 Annual Plan and in the future 2013/22 Long Term Plan.

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

9. The proposed enhancement of Clare Park will support the development of land in the north in the City as identified in PC1.

## **LEGAL CONSIDERATIONS**

10. Community Boards have delegated authority from Council to exercise the delegations as set out in the Register of Delegations dated 24 November 2011. The delegations table for the Community Boards under section 5.3 Change of Classification delegated to all Community Boards states: Change of classification or purpose or revocation of a reserve (sections 24 and 24A of the Reserves Act 1977).
11. The Reserves Act 1977, Section 24 (1) clarifies the Local Authority as the administering body and outlines the circumstances and process for changing the classification of reserves. Section 24 (2) states the requirement to publicly notify the proposed change of classification and the right of objection to the change provided it is within one month after the date of the first publication of the notice. The administering body after considering the objections is to forward the objections and a copy of the (Community Board's) resolution to the Commissioner (Department of Conservation), who can change the classification of the reserve by notice in the Gazette.

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

12. As above.

## **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

13. LTCCP 2009 – 19, Parks, Open Spaces and Waterways – Volume 1 Section 119
  - (a) Safety - by ensuring that our parks, open spaces and waterways are healthy and safe places, and by controlling and minimising flood and fire hazards.
  - (b) Environment - by enabling people to contribute to projects that improve our environment.
  - (c) Governance - by involving people in decision-making about parks, open spaces and waterways.
  - (d) Health - by providing areas for people to engage in healthy activities. By managing surface water.
  - (e) Recreation - by offering a range of recreational opportunities in parks, open spaces and waterways.
  - (f) City development - by providing an inviting, pleasant and well cared-for environment. By ensuring the drainage network allows the city to function during rainfall.

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

14. Yes, as above.

## **ALIGNMENT WITH STRATEGIES**

15. Aligns with:

- (a) Waterways, Wetlands and Drainage Guide 2000 - Volume 1 and 2 in relation to Clare Park as part of the Avon River/Otakaro catchment.
- (b) Surface Water Strategy 2009 - Development of Clare Park as a functioning wetland, and stormwater treatment and retention area.
- (c) Future Lower Avon Catchment Management Plan.

### **Do the recommendations align with the Council's strategies?**

16. Yes as above.

## **CONSULTATION FULFILMENT**

- 17. The change of reserve classification under the Reserves Act 1977, S24 2(c) states: *"Every person claiming to be affected by the proposed change of classification ... shall have the right of objection ... at any time within one month after the date of the first publication of the notice of the proposal"*.
- 18. Preliminary discussions have been undertaken with the Department of Conservation who have indicated they support the proposed reclassification, providing the sports grounds are not unduly affected by the proposed development.

## **STAFF RECOMMENDATION**

It is recommended that the Burwood/Pegasus Community Board:

- (a) Approves in principle the change of classification of part (4.2019 ha) of Clare Park (22.1564 ha) being Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve.
- (b) Approves the public notification of the proposed change of classification of Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve for one month.
- (c) Appoints the following Burwood/Pegasus Community Board members [members names to be entered] to the Hearing Panel for the consideration and deliberation of public submissions to the proposed reserve change of classification and forward their recommendation(s) back to the Community Board.

## **THE OBJECTIVES**

19. The objectives posed for Clare Park have arisen through strategic planning based around the Snellings Drain within the North East Catchment area. These include:
  - (a) to improve the functions of the wetland in Clare Park
  - (b) to ensure improvements of Clare Park are consistent with the hydrology of the area
  - (c) to facilitate urban development upstream in the catchment
  - (d) to improve water quality and discharge to the Avon River
  - (e) to enhance the multiple purpose of Clare Park as a significant regional park
  - (f) to improve the integration of the catchment management for the Avon River.
20. The Council is shortly to commence work on the lower Avon Catchment Management Plan, Clare Park will be identified as a key facility in this plan.
21. The Clare Park facility also supports the Council's adopted Surface Water Strategy.

## **THE OPTIONS**

### **Option 1**

22. Do nothing.

### **Option 2**

23. Require future developers to treat and detain the storm water up-stream in their own development.

### **Option 3**

24. Change the classification of Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve to enable the development of the wet area of land in Clare Park into a functioning wetland for storm water treatment and detention, that will provide a key facility for the lower Avon River catchment.

## **THE PREFERRED OPTION**

### **Option 3**

25. Change the classification of Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve to enable the development of the wet area of land in Clare Park into a functioning wetland for stormwater treatment and detention, that will provide a key facility for the lower Avon catchment.