

10. 07. 2008

**REPORT BY THE CHAIRPERSON OF THE
SHIRLEY/PAPANUI COMMUNITY BOARD
18 JUNE 2008**

PART A – MATTERS REQUIRING A COUNCIL DECISION



1. CLASSIFICATION OF SEAFIELD PARK RESERVES

General Manager responsible:	General Manager City Environment: DDI 941 8608
Officer responsible:	Asset and Network Planning Manager, Terry Howes
Author:	Derek Roozen, Parks and Waterways Planner

PURPOSE OF REPORT

1. The purpose of this report is to recommend that the Council resolve to classify under the Reserves Act 1977 (the Act) the unclassified reserve parcels contained within Seafield Park. This action is required before the draft management plan for Seafield Park is publicly advertised, to ensure the management plan is a legally binding document under the Act when the plan becomes operative.

EXECUTIVE SUMMARY

2. Seafield Park is made up of sixteen reserve parcels of land contained in three separate blocks, spread out over a north-south span of 3.5 kilometres on the western margin of Brooklands Lagoon. Most of the southern-most block is classified recreation reserve, with the remaining portion unclassified, and most of the northern two blocks are unclassified reserves vested with the Christchurch City Council. A map of the reserves is given in **Attachment A**.
3. Planning has commenced for the public open space areas lying between the Waiamakariri River to the north, Bottle Lake Forest Park to the south, the Styx River to the west and the coast line to the east. This includes preparation of a draft management plan for Seafield Park, which has been identified by Council staff as necessary to achieve the best and most appropriate management of a resource that has significant ecological, scenic and recreational values. The planning process for Seafield Park cannot be advanced to the stage where the draft management plan is advertised for public comment until all the land covered by this plan is classified as reserve under the Act.
4. Twelve Seafield Park reserve parcels are recommended by staff to be classified in accordance with Section 16(2A)(a) of the Act, with four to be classified as recreation reserve and eight as scenic reserve. These are listed in **Attachment A**.
5. Public notice of these proposed classifications is not required, because under Section 16(5) of the Act the classifications proposed are, in the case of those proposed to be recreation reserve, a condition subject to which the land was acquired for reserve purposes (Section 16(5)(c) of the Act) and, in the case of those proposed to be scenic reserve, conforming with the Christchurch City Plan zoning of Conservation 1A (Section 16(5)(b) of the Act).

FINANCIAL IMPLICATIONS

6. There are no significant costs associated with the recommendations of this report. Processing and staff costs are internalised, and existing budgets will cover costs arising from liaison with the Department of Conservation, notification in the New Zealand Gazette and registering the Gazette notice with the District Land Registrar.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

7. Yes, the costs associated with implementing the recommendations of this report are covered in existing budgets (see Paragraph 6).

1. Cont'd

LEGAL CONSIDERATIONS

8. In order to produce an operative management plan for Seafield Park that is a legally enforceable document under Section 41(3) of the Act, all of the reserve parcels covered by the plan need to be classified for the purposes that they are held before the draft management plan is publicly advertised. Four or these reserve parcels are already classified as recreation reserve under the Act. Of the remaining twelve, nine are vested in the Council as Recreation Reserve, two as Local Purpose (Environment and Habitat Protection) Reserve and one as Local Purpose (Road) Reserve. These reserve parcels have not been classified for their respective purposes, as able to be carried out in accordance with Section 16 of the Act. The table in **Attachment A** provides a detailed description of these reserve parcels.
9. Staff recommend the classification of scenic reserve, pursuant to Section 19(1)(a) of the Act, for the unclassified reserve parcels that sit in the two northern blocks of Seafield Park (as shown in Attachment A), which includes all of the local purpose reserves and five of the recreation reserves referred to in Paragraph 8. This involves a change of purpose to that for which the reserve parcels were originally vested in the Council. The grounds for classifying these reserve parcels as scenic reserve are that this classification best reflects the status and values of this area. The area is zoned in the Christchurch City Plan as Conservation 1A. This zoning covers areas of scenic, ecological or heritage significance. In the case of the area centred on Brooklands Lagoon, this zoning covers the coastal dune system and part of the margins of Brooklands Lagoon, including saline wetlands. **Attachment B** shows the location of the Conservation 1A zoning in this area. In addition, most of the area lies in Ecological Heritage Site 5.01 (Styx River mouth, Brooklands), which covers wetland and riparian areas containing salt marsh vegetation that is specifically noted for its ecological heritage value. See **Attachment C** for the boundaries of this Ecological Heritage Site.
10. With the enactment of the Foreshore and Seabed Act 2004, which vested ownership and management of public foreshore and seabed in the Crown, the part of each of four Seafield Park reserve parcels adjoining Brooklands Lagoon that lies below Mean High Water Springs is now Crown land in the Coastal Marine Area. This land is under the administration of the Department of Conservation, with the Canterbury Regional Council responsible for the activities that occur on the water covering this land. Consequently, it is the remaining part (that is, that part above Mean High Water Springs) of each of these reserve parcels that staff are recommending to be classified, with the exception of the one that is already classified. The map in **Attachment A** shows the approximate line of the Mean High Water Springs where it crosses the reserve parcels.
11. One of the reserve parcels referred to in Paragraph 10, and highlighted as the cross-hatched area labelled A on the plan in **Attachment A**, is a classified recreation reserve under the Act. Staff propose, as part of the planning for Seafield Park, to change the classification of this reserve parcel to scenic reserve following full consultation with the tangata whenua and the public, and adoption of the draft Seafield Park Management Plan as the operative plan. The process to consult with the tangata whenua has been initiated.
12. Public notification of the intention to classify the afore-mentioned unclassified reserves is not required, as explained in paragraph 5 above.
13. If the Council approves the recommendation, staff will arrange for the notice of the classifications to be put in the New Zealand Gazette, a copy of the Gazette notice to be sent to the Department of Conservation and also sent to the District Land Registrar for registration on the titles.

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

14. Yes, as described in the paragraphs above, including liaising with Department of Conservation staff.

1. Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

15. It is consistent with meeting the objective in the Long Term Council Community Plan 2006-16 (Page 125 of that plan) to provide a network of parks, open spaces, waterways and wetlands that meet community and environmental needs, including access to open space, protection of natural resources and scenic values, and contribution to the city's landscape.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

16. In order to ensure the best management and use of the multiple values contained in Seafield Park and contribute to meeting the objective described in Paragraph 15, the Council needs to prepare a management plan for the Park under the Act, which requires the classification of all the land in the Park before publicly advertising the draft plan.

ALIGNMENT WITH STRATEGIES

17. The proposal is consistent with achieving the appropriate management and use of the resources in the Conservation 1A Zone (coastal margin), including ensuring the natural character of the coastal environment remains substantially unchanged and providing for the range of values present on the land, including recreational, ecological, scenic, educational, cultural and heritage values. It is also consistent with the Greater Christchurch Urban Development Strategy's strategic directions to enrich lifestyles by developing an open space network and providing additional recreational opportunities in parks and natural areas, and to enhance environments by recognising the value of, and protecting, the coastline, estuaries, wetlands and waterways.

Do the recommendations align with the Council's strategies?

18. The adoption of the recommendations for classification of the reserve parcels covered by the Seafield Park Management Plan will permit the management planning process to be completed, leading to adoption of a management plan that directs management, use and development of the Seafield Park reserves in a manner consistent with the Council's long term plans and strategies, including those referred to in Paragraph 17.

CONSULTATION FULFILMENT

19. Public notification of the intention to classify is not required, as explained in paragraph 5 above.

STAFF RECOMMENDATION

That the Board recommends to the Council that it adopts the following resolution, pursuant to Section 16(2A)(a) of the Reserves Act 1977:

- (a) Classifies the land parcels set out in Schedule 1 below recreation reserve as defined by Section 17 of the Reserves Act 1977, which is in accordance with the purpose the land was vested, and for these classifications to be gazetted in the New Zealand Gazette and registered against the certificate of title for each parcel of land:

Schedule 1

- Lot 3 Deposited Plan 305575 of 378 square metres contained in certificate of title 22283.
- Lot 78 Deposited Plan 311069 of 6,780 square metres contained in certificate of title 43593.
- Lot 79 Deposited Plan 311069 of 384 square metres contained in certificate of title 43594.
- Lot 80 Deposited Plan 319911 of 1,393 square metres contained in certificate of title 78475.

1. Cont'd

- (b) Classifies the land parcels set out in Schedule 2 below scenic reserve as defined by Section 19(1)(a) of the Reserves Act 1977, which is in accordance with the Christchurch City Plan zoning of the area these land parcels lie in as Conservation 1A (Coastal margins) and the area's status as an ecological heritage site (EHS 5.01 (Styx River mouth, Brooklands)), and for these classifications to be gazetted in the New Zealand Gazette and registered against the certificate of title for each parcel of land:

Schedule 2

- Lot 2 Deposited Plan 52199 of 4.8413 hectares contained in certificate of title CB38A/248.
- The remaining part, with the enactment of the Foreshore and Seabed Act 2004 having vested ownership and management of the part that is public foreshore and seabed in the Crown, of Lot 1 Deposited Plan 44428 of 24.7960 hectares contained in certificate of title CB39B/190.
- Lot 8 Deposited Plan 44428 of 2.9550 hectares contained in certificate of title CB39B/191.
- Lot 9 Deposited Plan 44428 of 1.9500 hectares contained in certificate of title CB39B/192.
- The remaining part, with the enactment of the Foreshore and Seabed Act 2004 having vested ownership and management of the part that is public foreshore and seabed in the Crown, of Lot 1 Deposited Plan 44685 of 12.5000 hectares contained in certificate of title CB12K/388.
- Lot 8 Deposited Plan 342547 of 9,581 square metres contained in certificate of title 174710.
- Lot 10 Deposited Plan 342547 of 5.1840 hectares contained in certificate of title 174712.
- The remaining part, with the enactment of the Foreshore and Seabed Act 2004 having vested ownership and management of the part that is public foreshore and seabed in the Crown, of Lot 2 Deposited Plan 27026 of 5.4076 hectares contained in certificate of title CB9B/790.

BACKGROUND (THE ISSUES)

20. Seafield Park is a partly disjointed group of public reserves administered and managed by the Christchurch City Council, averaging 400 metres in width, by approximately three and a half kilometres in a north-south direction on the western margin of Brooklands Lagoon. The Park is categorised by the Council as a regional park in conjunction with the lagoon and Spencer Park to the south. It is made up of three discrete blocks of land, separated by private land, comprising sixteen land parcels.
21. Seafield Park, in its existing state, arguably has an "identity crisis", in that, firstly, it contains a range of environmental values across its extent - from regionally significant vegetation communities and wildlife habitat, with an accompanying scenic attractiveness, to rural open and forested space valued for a spectrum of recreational activity. This latter space, in itself, ranges from developed, facility-based family recreational areas to more remote, "natural", undeveloped passive recreation areas. Secondly, there is a range of degrees of naturalness - from an estuarine area with a relatively high native species content to exotic plantation; and levels of modification - from a relatively intact environment in the coastal marine area to largely exotic pastureland, with some of the latter being converted into recreated tidal wetland areas. Thirdly, much of the northern two blocks of the Park (that is, the parts within the coastal marine area) were vested as Crown land with the enactment of the Foreshore and Seabed Act 2004. These vested land areas are, therefore, not part of Seafield Park under the administration of the Council, but are under the control of the Department of Conservation.

1. Cont'd

22. The Council's then Parks Unit prepared a draft management plan in 1995, but this was not put before the Council for approval to be advertised for public comment. In this draft plan, the ecological significance of Seafield Park and the adjacent Brooklands Lagoon was highlighted, with the observation made that the Park should be accessible to the public for appropriate forms of recreation that cause minimal damage to the ecological values present. The draft plan's objectives were, firstly, to protect and enhance the scenic and ecological values of Seafield Park to compliment Brooklands Lagoon's intrinsic values and, secondly, to provide areas for those recreational activities compatible with the Park's and the Lagoon's inherent environmental and open space qualities, for the physical welfare and enjoyment of the public. The associated policy statement in the draft plan was for all reserve parcels of Seafield Park to be classified as Scenic Reserve pursuant to Section 19 of the Reserves Act 1977.
23. The drivers for planning for this area include the need to have in place a legally enforceable management plan, prepared under the Reserve Act 1977, that guides the appropriate form of management of the Seafield Park resource into the future. In order for the plan to be legally enforceable when it becomes operative, and to permit the draft plan to be publicly advertised, all reserves covered by the plan need to be classified pursuant to Section 16 of the Reserves Act 1977.
24. Five of the Seafield Park land parcels are already classified as reserve under the Reserves Act 1977. Four of these parcels are contained within the southern-most block of the Park that is immediately north of Heyders Road. Three of these parcels are classified as Recreation Reserve, under Section 17 of the Reserves Act, and one as Local Purpose (Youth Holiday and Recreation Camp) Reserve (Section 23 of the Reserves Act 1977). The recreation reserves were classified by resolution of the former Waimairi District Council in 1989. Notices in the New Zealand Gazette were placed in 1980 for the classification of the local purpose reserve and for the appointment of the Waimairi District Council to control and manage this reserve, subject to the provisions of the Reserves Act 1977. The fifth reserve parcel, which spans across the middle block of Seafield Park, is classified Recreation Reserve (previously being a reserve for a site for harbour board buildings) under the Reserves Act and vested in the Christchurch City Council, in trust, for the purpose of a recreation reserve. Notice of this was made in the New Zealand Gazette in 1990.
25. Staff, having reviewed the values and recreational use of each part of Seafield Park, conclude that the southern-most block, adjacent to Heyders Road, lends itself to being classified recreation reserve, due to a higher level and variety of recreational use occurring there, the significant numbers of users, and because there is an emphasis on developed recreational facilities being provided. Most of this block is already classified as recreation reserve, and it is just across the road from Spencer Park, which is also a classified recreation reserve. The northern two blocks of Seafield Park have notable ecological and scenic values, being adjacent to the ecologically important Brooklands Lagoon and containing much of the salt marsh vegetation community that is present in this environment. These blocks are contained within an Ecological Heritage Site (EHS 5.01 (Styx River mouth, Brooklands)) – see **Attachment C**. Classification of the reserve parcels in these two blocks as scenic reserve is seen to be appropriate in order to protect the natural values. The classification of scenic reserve will still permit access by the public for recreational purposes - it is just that the recreation activities that are appropriate will be fewer, with also fewer developed facilities being provided, the main emphasis being to protect and preserve in perpetuity the intrinsic worth of the land for the benefit and enjoyment of, and use by, the public.
26. Twelve parcels of land in Seafield Park have a fee simple title vested on deposit upon land subdivision (which took place at different times) as reserve in the Council, subject to the Reserves Act 1977. None of these land parcels have been classified under the Act. The vestings are:
 - Nine parcels as Recreation Reserve.
 - One parcel as Local Purpose (Road) Reserve.
 - Two parcels as Local Purpose (Environment and Habitat Protection) Reserve.

1. Cont'd

27. With reference to the identified values and proposed policy identified in Paragraph 22 and rationale given in Paragraph 25, staff recommend that five of the land parcels vested as recreation reserve (that is, the reserve parcels that are not classified in the southern-most block of Seafield Park) are classified as Recreation Reserve under Section 17 of the Reserves Act 1977. Under the same references, staff recommend that the remaining two land parcels vested as recreation reserve, and the three land parcels vested as local purpose reserve (that is, the reserve parcels that are not classified in the two northern blocks of Seafield Park) are classified Scenic Reserve under Section 19 (1) (a) of the Reserves Act 1977 (see **Attachment A** for explanation of the purpose of this classification).
28. The recommended classifications identified in Paragraph 26 are to be made pursuant to Section 16(2A)(a) of the Reserves Act 1977, which provides for the administering body (the Council) of the reserve parcels to classify these reserve parcels by resolution. Public notice is not required, pursuant to Section 16(5)(b), for the proposed classifications as scenic reserve and Section 16(5)(c) for the proposed classifications as recreation reserve.
29. With respect to the reserve parcels that are already classified, it is not recommended in this report to change the reserve classification, because of the requirement to first consult with the tangata whenua, but it is anticipated that this will be sought to be done for these reserve parcels at a later date to conform to the proposed classifications for the surrounding land parcels. In that event, Section 24(1)(b) of the Reserves Act 1977 will apply, which provides for the Minister of Conservation to consent to a change of classification. In the case of the Local Purpose (Youth Holiday and Recreation Camp) Reserve, public notice is not required, pursuant to Section 24(7) of the Act, and, in the case of the Recreation Reserve, pursuant to Section 24(2)(b) of the Act, public notice is required. Notwithstanding this, for a change of classification of these two classified reserves, the Department of Conservation has advised that there should be prior consultation with the tangata whenua. Staff intend to consult with the tangata whenua during the preparation of the draft management plan for Seafield Park. The proposal for change of classification of these classified reserves will be raised in this draft plan, which will be advertised for public comment.

THE OBJECTIVES

30. To achieve classification, under the Reserves Act 1977, of all of the presently unclassified parcels of land contained in Seafield Park in order to enable the putting in place of a legal management plan under the Act.

THE OPTIONS

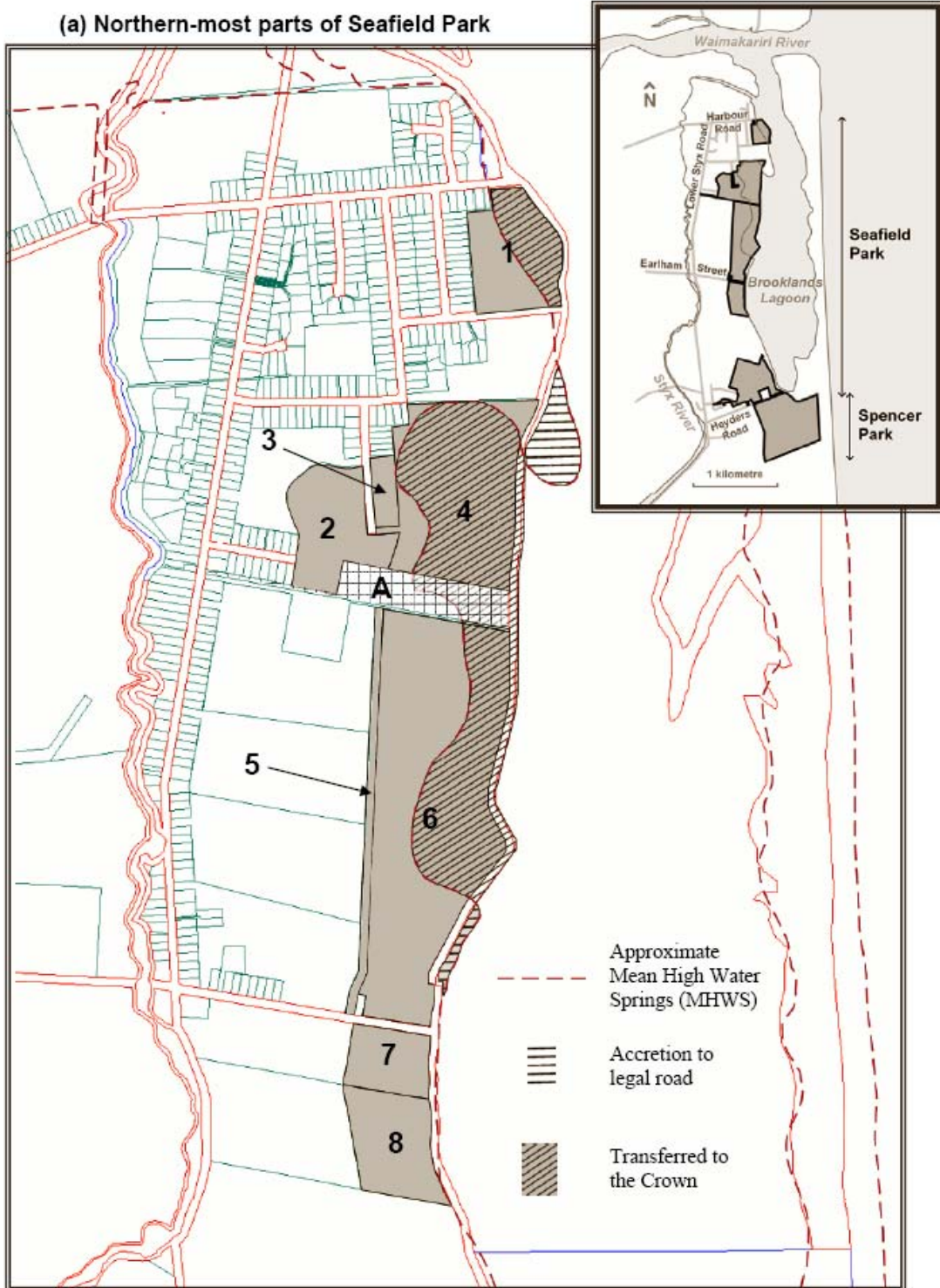
31. Option 1: Classify as recommended all the land parcels set out in Schedules 1 and 2 of the recommendations. This will serve to ensure the protection and best management of each land parcel according to the primary values, management and use of each. It will allow best integration of the Seafield Park reserves with other parks and reserves in the wider Brooklands Lagoon area. Advertisement of the draft management plan for Seafield Park, prepared under Section 41 of the Reserves Act 1977, can proceed.
32. Option 2: Classify all the land parcels set out in Schedules 1 and 2 of the recommendations according to the original vestings of each. This will result in the predominant classification status of recreation reserve across the Seafield Park land parcels, comparable with that of nearby Council administered parks. The consequent classifications of some land parcels, though, will not reflect the primary values, management and use of these parcels. Advertisement of the draft management plan can proceed.
33. Option 3: Classify none. This option would halt the management planning process, under Section 41 of the Reserves Act 1977, for Seafield Park as the draft plan would not be able to be publicly advertised.

THE PREFERRED OPTION

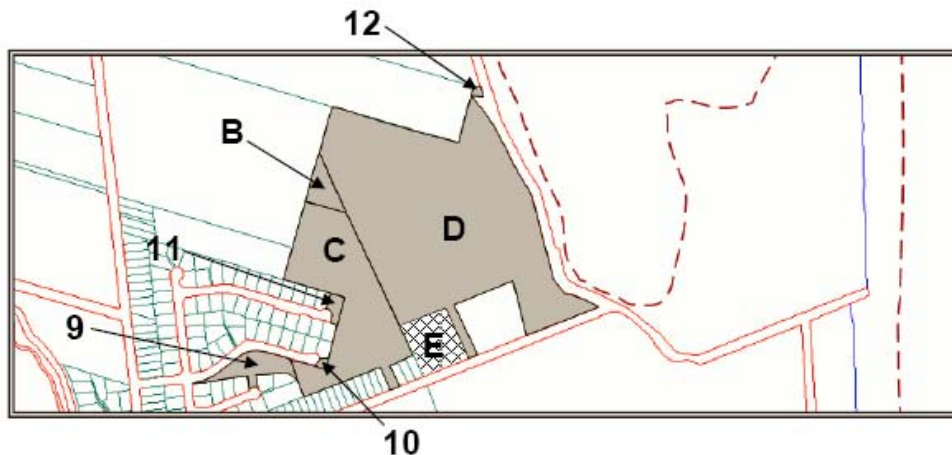
34. Option 1.

Attachment A – Seafield Park reserve parcels

(a) Northern-most parts of Seafield Park



(b) Southern-most part of Seafield Park



(c) Parcel descriptions

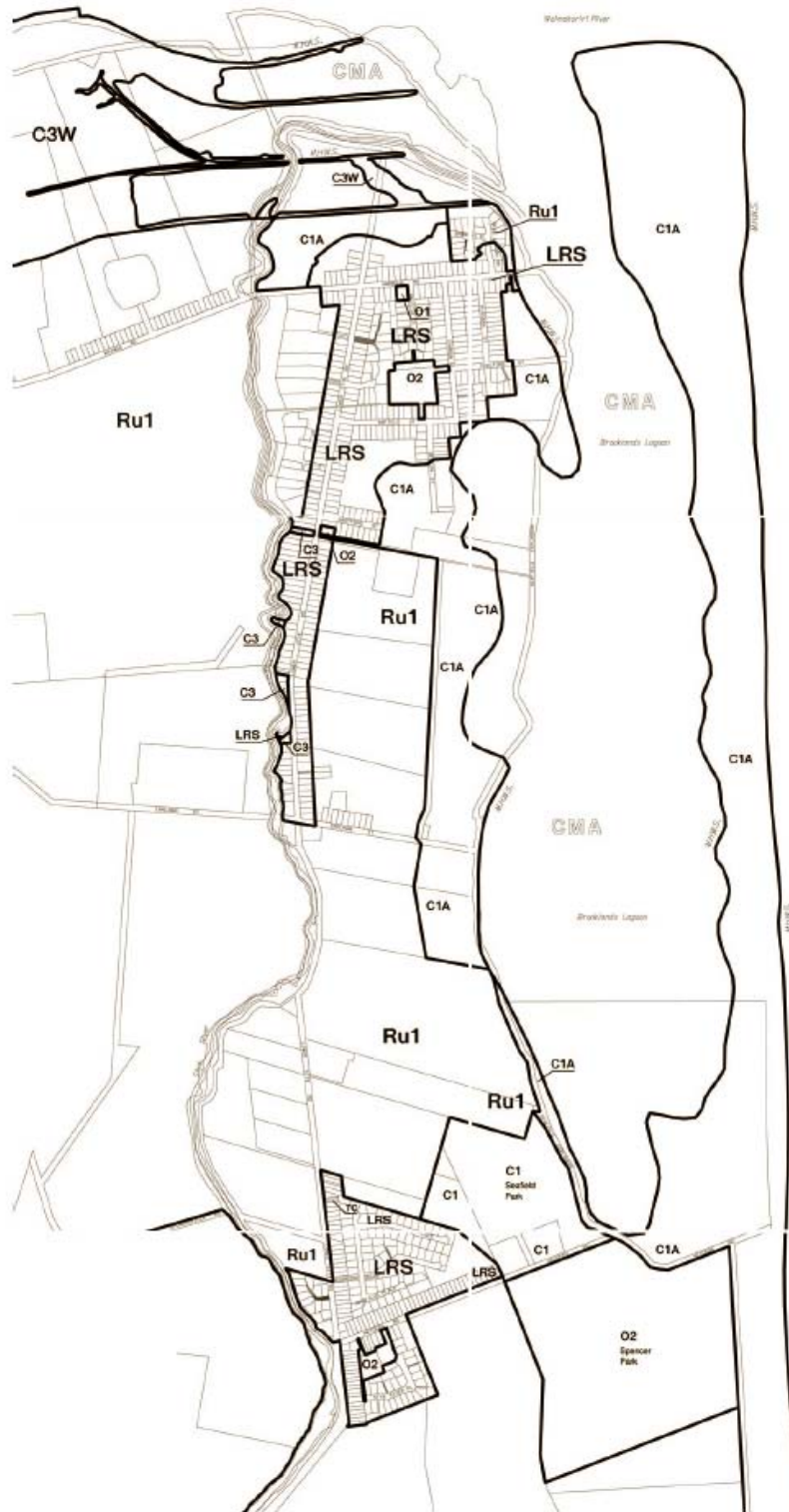
Map Ref	Legal Description	Area (hectares)	History and Status	Proposed Classification
1*	Lot 2 Deposited Plan 27026	5.4076	Fee simple title vested on deposit as a Reserve for Recreation in the Waimairi County Council, subject to the Reserves Act 1977.	Scenic Reserve#§
2	Lot 10 Deposited Plan 342547	5.1840	Fee simple title vested on deposit as a Local Purpose (Environment and Habitat Protection) Reserve in the Christchurch City Council, subject to the Reserves Act 77.	Scenic Reserve#§
3	Lot 8 Deposited Plan 342547	0.9581	Fee simple title vested on deposit as a Local Purpose (Environment and Habitat Protection) Reserve in the Christchurch City Council, subject to the Reserves Act 1977.	Scenic Reserve#§
4*	Lot 1 Deposited Plan 44685	12.5000	Fee simple title vested on deposit as a Recreation Reserve in the Waimairi County Council.	Scenic Reserve#§
5	Lot 9 Deposited Plan 44428	1.9500	Fee simple title vested on deposit as a Local Purpose (Road) Reserve in the Waimairi County.	Scenic Reserve#§
6*	Lot 1 Deposited Plan 44428	24.7960	Fee simple title vested on deposit as a Recreation Reserve in the Waimairi County.	Scenic Reserve#§
7	Lot 8 Deposited Plan 44428	2.9550	Fee simple title vested on deposit as a Recreation Reserve in the Waimairi County.	Scenic Reserve#§
8	Lot 2 Deposited Plan 52199	4.8413	Fee simple title vested on deposit as a Recreation Reserve in the Waimairi District Council.	Scenic Reserve#§

Map Ref	Legal Description	Area (hectares)	History and Status	Proposed Classification
9	Lot 78 Deposited Plan 311069	0.6780	Fee simple title vested on deposit as Recreation Reserve in the Christchurch City Council, subject to the Reserves Act 1977.	Recreation Reserve
10	Lot 79 Deposited Plan 311069	0.0384	Fee simple title vested on deposit as Recreation Reserve in the Christchurch City Council, subject to the Reserves Act 77.	Recreation Reserve
11	Lot 80 Deposited Plan 319911	0.1393	Fee simple title vested on deposit as a Recreation Reserve in the Christchurch City Council, subject to the Reserves Act 1977.	Recreation Reserve
12	Lot 3 Deposited Plan 305575	0.0378	Fee simple title vested on deposit as a Recreation Reserve in the Christchurch City Council, subject to the Reserves Act 1977.	Recreation Reserve
A	Reserve 3748	4.0469	Its earlier vesting in the Waimakariri District Council was cancelled and it was changed from being a reserve for a site for harbour board buildings to being a Recreation Reserve classified under the Reserves Act 1977 and vested in the Christchurch City Council, in trust, for the purpose of a recreation reserve (Gaz 1990 p143).	Already classified
B	Reserve 4414 Deposited Plan 11576	0.4666	Land vested on deposit as a reserve for recreation in the Waimairi County. Classified by resolution of Council on 27 September 1989.	Already classified
C	Part Lot 15 Deposited Plan 11576	5.1764	Fee simple title transferred from private ownership to the Waimairi County Council as a reserve subject to the Reserves and Domains Act 1953. Classified as a recreation reserve by resolution of Council on 27 September 1989.	Already classified
D	Rural Section 40231	15.1605	Set aside as a reserve for recreation purposes under the Land Act 1948 and vested in the Waimairi County Council, in trust, for that purpose pursuant to the Reserves and Domains Act 1953 (Gaz 1973 p742). Classified by resolution of Council on 27 September 1989.	Already classified
E	Reserve 5253 SO Plan 10973	1.1533	Classified as a Local Purpose (Youth Holiday and Recreation Camp) Reserve under the Reserves Act 1977 (Gaz 1980 p3328). The Waimairi County Council was appointed to control and manage this reserve, subject to the provisions of the Reserves Act 1977 (Gaz 1980 p3332).	Already classified

Notes:

- * Classification will be of the remaining part of this reserve parcel, the enactment of the Foreshore and Seabed Act 2004 having vested ownership and management of the part that is public foreshore and seabed (that is, the part of the parcel lying below Mean High Water Springs and contained within the Coastal Marine Area) in the Crown.
- # Although a change of purpose to that for which the reserve parcel was originally vested with the Council is proposed, prior public notification is not required pursuant to Section 16 (5) (b) of the Reserves Act 1977, in that the intended use of the land is in conformity with the relative operative district plan under the Resource Management Act 1991. That is, the reserve parcel lies in the area zoned Conservation 1A in the Christchurch City Plan. The conservation zones described in the City Plan include diverse areas within the city of scenic, ecological or heritage significance. Many sites identified specifically for their ecological heritage value are located in the conservation zones. A characteristic of all conservation zones is their sensitivity to modification or intensive public use, relative to land in open space zones. Notwithstanding this, some land in the conservation zones is nevertheless subject to intensive public use. The Conservation 1 Zone comprises principally public land of particular scenic, natural, habitat and ecological values. The zone includes freshwater wetlands, parts of the river system, native grasslands and natural forest areas. The Conservation 1A Zone comprises the coastal dune system and parts of the margins of the estuary and Brooklands Lagoon, including saline wetlands. The intended classification as Scenic Reserve for the reserve parcel best reflects this zoning, the high scenic and ecological values that are present in the reserve parcel, it being within Ecological Heritage Site 5.01 (Styx River mouth, Brooklands), which consists of wetland and riparian areas containing salt marsh vegetation, and its present use and management.
- § The category of scenic reserve recommended is that defined in Section 19 (1) (a) of the Reserves Act 1977: For the purpose of protecting and preserving in perpetuity for their intrinsic worth and for the benefit, enjoyment, and use of the public, suitable areas possessing such qualities of scenic interest, beauty, or natural features or landscape that their protection and preservation are desirable in the public interest.

ATTACHMENT B – City Plan zones, Brooklands Lagoon area



ATTACHMENT C – Ecological Heritage Sites, Brooklands Lagoon area

