

26. HAGLEY PARK – TEMPORARY CLOSURE FOR ELLERSLIE INTERNATIONAL FLOWER SHOW



General Manager responsible:	General Manager City Environment DDI 941- 8656
Officer responsible:	Manager Transport & Greenspace
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PURPOSE OF REPORT

1. The purpose of this report is two-fold. The first is to gain the Council's approval to an application by the Ellerslie International Flower Show Organisers (show organisers) requesting temporary exclusive use of parts of north-east Hagley Park, in February and March 2009, namely the major events areas, for more than six days. This action is required by section 53(1)(e) of the Reserves Act 1977 (the Act), the six day period being allowed for without special permission being granted from the Council. The periods of closure applied for are set out below:
 - (a) Sunday 8 February 2009 to Sunday 29 March 2009 inclusive (49 days) for the setting up and clearing away the actual show site as shown on the attached map 1.
 - (b) Friday 6 March 2009 to Monday 16 March 2009 inclusive (11 days) for the show itself as shown on map 2, (the additional area required being part of the main cycle/pedestrian footpath from Fendalton Road to the Armagh Street Bridge).
 - (c) Thursday 5 March 2009 to Tuesday 17 March 2009 inclusive for the show car park area as shown on map 3.

The second requirement under section 53(1)(e) under the Act is the requirement for the Council to specify the maximum charges that may be charged for admission to the show.

EXECUTIVE SUMMARY

2. Officers are recommending that Council approves the temporary exclusive use of the grass areas in North Hagley Park which will be fenced off for the Show, attached as map 1, 2, and 3, for the periods applied for as set out in 1(a),(b), and (c) above. This area will include part of the main cycle/pedestrian footpath from Fendalton Road to the Armagh Street bridge for the 11 day actual show period. This cycleway is part of the cycleway network for the City. However, it is not deemed to be a road.
3. The show organisers did consider the possibility of the main cycle/pedestrian footpath that cuts through the show site remaining open during the show, being fenced on both sides and the construction of a temporary pedestrian bridge over it to enable patrons to the show to get to both sides of the fenced pathway. If the pathway was to remain open for the duration of the show, there is a requirement for the pathway to be fenced for this period for security and payment entry reasons. This was discounted because experience in Auckland has shown that a high proportion of show-goers are 55+ in age, a number not being agile, with a good number of these people being in wheelchairs and requiring other forms of mobility apparatus, consequently these patrons would experience difficulty using a pedestrian bridge, and in seeing all the show.
4. Officers are recommending that the footpath from beside the golf course clubhouse to the back of the Botanic Gardens Armagh Street Car Park be upgraded to take cyclists and pedestrians from Riccarton, Fendalton Roads, and to a lesser extent Hilmores Lane through to the Armagh Street Bridge for the 11 day period when part of the main cycle/pedestrian route is shut, an extra distance of approximately 100 metres. This section of footpath will need to be upgraded (widened) at a cost of approximately \$10,000. Where the budget for this work is going to come from has yet to be determined.
5. The section of the cycleway pedestrian footpath from the signalised cycleway pedestrian crossing on Harper Avenue, past the toilets in North Hagley Park through to Armagh Street Bridge will be closed for 49 days, during 38 of these days path users will be directed on the path to Lake Victoria to join up with the Fendalton Road to Armagh Street cycle/pedestrian path. The extra distance required to travel will be approximately 175 metres.
6. During the 11 days when the main pathway through the show area is closed, uses of the pathway described in paragraph 5 above will be redirected to use the pedestrian footbridge across the Avon River from North Hagley Park to Park Terrace opposite the end of Salisbury Street. This will increase the users distance of travel by approximately 400 metres during this period.

7. The show organisers have indicated that the clear signposting of the temporary cycle/pedestrian pathway arrangements in advance of the closed periods is very important, acknowledging the organisers responsibility for this. This will be a condition of the granting of the application.

FINANCIAL IMPLICATIONS

8. There is at this stage a small financial implication to the Council with the proposed closure of part of North Hagley Park to enable the holding of the Ellerslie International Flower Show at North Hagley Park, it being the responsibility of the show organisers to develop, build and maintain the temporary infrastructure required at their expense. The costs of staff time spent preparing this report to gain Council approval or otherwise of the show organiser's application and other staff liaison with the organisers that is required, including the monitoring of the temporary developments and final clean up as they occur on the site, are already allowed for in existing staff budgets.
9. There will be a need to widen an existing pathway, as described in paragraph 4 above, through the park to ensure there is an adequate detour around the site for cyclists and pedestrians who use the main pathway from the end of Fendalton Road to the Armagh Street Bridge. Staff have estimated that this widening work will cost approximately \$10,000.00. Where the budget for this work is going to come from has yet to be determined.

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

10. Officers are of the view that the recommendations will have minimal impact upon the 2006-16 LTCCP budgets, the one off costs in closing the part of Hagley Park applied for being set out above. There may be a need to make some more budgetary provision in future years after an evaluation is undertaken after the first show, these requirements being included in future LTCCPs.

LEGAL CONSIDERATIONS

11. The Council, as owner of the show, has signed a contract with the show organisers for it to be held in Christchurch annually for the next five years, with a right of renewal for a further five years if the parties are in agreement.
12. The specific area of North Hagley Park that this application applies to is RS 41181 on SO Plan 15235, a classified recreation reserve of 87.1700 hectares vested in the Council (the administering body), pursuant to the Reserves Act 1977. The purpose of recreation reserves is to provide areas for the recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with emphasis on the retention of open spaces and on outdoor recreational activities, including recreational tracks in the countryside.
13. Section 53 (1) (e) of the Act allows the Council to grant temporary exclusive use of part or all of a reserve, the section being set out below:

*(e) Grant exclusive use of the reserve or any part thereof on any one or more days provided for in paragraph (d) of this subsection, but not for more than 6 days consecutively at any one time, to any person, body, voluntary organisation, or society (whether incorporated or not) for any purpose of particular games, sports, or other activities or for public recreation or enjoyment, with authority for that person, body, organisation, or society to demand a fee or charge for admission on that day or those days to the reserve or part thereof so granted and also to any stand or enclosure, **not exceeding the amount or amounts from time to time specified by the Minister:** (the authors emphasis).*

Provided that the Minister may from time to time approve with respect to any specific reserve the fixing of such other charges as he thinks fit, either generally or with respect to specific occasions:

***Provided also that the Minister may consent to an increase in the number of consecutive days specified in this paragraph for the purposes of any specific occasion or event.** (the author's emphasis)*

14. The effect of section 53 (2) of the Act is to allow the Council to exercise the power and discretion that is vested in the Minister, the section being set out below:
- (2) *Notwithstanding anything in subsection (1) of this section, but subject to the first proviso to paragraph (d) of that subsection and to the second proviso to paragraph (e) of that subsection, **where the administering body is a local authority it shall not be necessary for that administering body to obtain the consent, authority, or approval of the Minister, and it may exercise any power or discretion vested in the Minister by virtue of that subsection:*** (the authors emphasis)
15. An autonomous power that local authorities as administering bodies have had under the Act since 1 January 1980 is that under section 52(2) they are able to fix charges for admission (up to 40 days; no more than six being consecutive) to a recreation reserve, without the need to refer any of the decisions required to the Minister of Conservation for approval.
16. The first issue that requires the Council decision is the closing of parts of Hagley Park for a period of longer than six consecutive days as set out below:
- (a) Sunday 8 February 2009 to Sunday 29 March 2009 inclusive, a period of 49 days for the setting up, period of the show, and clearing away the actual show site as shown on the attached map 1, this being approximately 6.8985 hectares in area.
- (b) Friday 6 March 2009 to Monday 16 March 2009 inclusive, a period of 11 days for the show itself as shown on map 2, the specific area that this refers to is part of the main cycle/pedestrian path through the site from Fendalton Road to the Armagh Street Bridge, which is approximately 0.1560 hectares in area.
- (c) Thursday 5 March 2009 to Tuesday 17 March 2009, inclusive, a period of 13 days, which includes time to set up and dismantle fences, for the car park area as shown on map 3, which is approximately 7.8180 hectares.
17. The second issue that requires the Council decision is that the Council is required to specify the maximum amount that is able to be charged to enter the Show. The charges are set out below:

Ticket Prices: - (Early Bird)	Current – Adult	\$28.00
	Senior Citizen -	\$24.00
	Child	\$4.00
	Family	\$60.00
From 15 February 2009	Online -Adult	\$35.00
	Senior Citizen	\$31.00
	Child	\$5.00
	Family	\$75.00
	At Gate Add	\$2.00

There will be a charge of \$5.00 per car for the public to park in the temporary car park within North Hagley Park.

18. There is no delegation from the Council to officers to approve such a temporary closure, or the fixing of the maximum fee that may be charged to enter the event.
19. As an alternative solution to the cycleway disruption, Officers have investigated the possibility of constructing a new cycle/pedestrian path around the east end of Lake Victoria to link the open part of the Fendalton to Armagh Street Bridge pathway, during the period when the path through the middle of the show area is shut, to the driveway into the Botanic Gardens Armagh Street car park. This route would cause slightly less inconvenience (less than 50 metres distance-wise) for pathway users using the Harper Avenue signalised crossing, than the proposed temporary arrangements. The benefits of this route are small in relation to the additional cost of providing this footpath.

20. A complicating issue with the above mentioned alternative solution is the necessity to undertake community consultation on the proposal to build a new cycleway in the park, especially because it is essentially for the benefit of cyclists travelling through the park, and not strictly for park users recreating on the park. It has been common practice when upgrading existing pathways within Hagley Park to widen them to cater for the greater number of users (because of the increase in the City's population), without undertaking public consultation. Officers are of the view that this is the situation with the path it is proposed to upgrade, the proposal being of a minor nature not requiring public consultation in terms of the Local Government Act 2002 requirements.
21. The use of part of North Hagley Park for the show requires resource consent under the Christchurch City Plan. A resource consent application has been received and is currently being processed.

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

22. Yes – see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. The LTCCP's strong communities strategic directions section prioritises: providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; and protecting and promoting the heritage character and history of the City. The fulfilment of the show organiser's ambitions by approving this application will support and add to the range of experiences people are able to enjoy and experience within the City, be that of a temporary nature.
24. The LTCCP's healthy environment strategic directions section prioritises: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the City; and protecting and enhancing significant areas of open spaces within the metropolitan area. The approval of this application and the resulting show, will enhance the character of North Hagley Park for a period, be that of a temporary nature.
25. The LTCCP's liveable city strategic directions section prioritises: improving the way in which public and private spaces work together. The approval of this application will add temporarily to the private infrastructure on the park thereby improving the value of the experiences members of the public can have at the park.

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

26. Yes – see above.

ALIGNMENT WITH STRATEGIES

27. This application is aligned with the Christchurch Active Living Strategy, by adding value through mental stimulation the general public will gain from their experience of visiting the show.
28. This show supports the Christchurch Visitor Strategy because it is expected to attract many visitors to Christchurch from other parts of New Zealand.
29. This holding of this show is in alignment with the Council's Strategic Direction to support Strong Communities. It encourages residents to enjoy living in the city and to have fun, thereby supporting Christchurch as being a good place to live.
30. The pathway is an important designated cycleway in the cycleway network. It is considered that the **temporary closure** of this cycleway will not unduly affect the aims of the Council's adopted Cycling Strategy, these being:
- increase the level of cycling
 - increase enjoyment of cycling
 - increase safety for cyclists in Christchurch

Do the recommendations align with the Council's strategies?

31. Yes –see above.

CONSULTATION FULFILMENT

32. Public consultation is not required under section 53 of the Reserves Act 1977 before the Council resolves to temporarily close part of North Hagley Park for an extended temporary period.

CONCLUSION

33. Officers, in recommending that Council approve the closure of part of North Hagley Park for the show and the maximum charges for entry to the closed area that may be made, have given consideration to:
- (a) The fact that the show will be of relative short duration.
 - (b) The fact that the show will only utilise a portion of the total reserve area (14.8725 of 87.17 hectares) of North Hagley Park.
 - (c) That the public will not be unduly prevented from the use and enjoyment of the park because of the show occurring.

STAFF RECOMMENDATIONS

That the Council, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, approve the exclusive use of the parts of North Hagley Park, indicated below, by the Ellerslie International Flower Show, by temporarily fencing off these areas from the rest of the park for the periods of time set out below:

- (a) Sunday 8 February 2009 to Sunday 29 March 2009 inclusive, a period of 49 days for the setting up, period of the show and clearing away the show site of approximately 6.8985 hectares as shown on the attached map 1.
- (b) Friday 6 March 2009 to Monday 16 March 2009 inclusive, a period of 11 days for the show itself, this area being part of the main cycle path from Fendalton Road to the Armagh Street Bridge through the Park, which cuts through the show site, being approximately 0 1560 hectares in area as shown on map 2.
- (c) Thursday 5 March 2009 to Tuesday 17 March 2009, inclusive, a period of 13 days, which includes time to set up and dismantle fences. for the temporary car park area of approximately 7.8180 hectares as shown on map 3.

This approval is subject to the following conditions:

- (i) The show organisers are to be responsible for obtaining all resource and building consents required before the Show at their expense.
- (ii) The show organisers are to be responsible for the reinstatement of all areas after the show to the satisfaction of the Transport & Greenspace Manager or his nominee at their expense.
- (iii) The temporary fencing of all areas is to be undertaken by the show organisers at their expense to ensure that all activities are contained within the designated areas,
- (iv) The marshalling of cars within the temporary car park area is to be the responsibility of the show organisers, including ensuring the safety of other park users in these areas.
- (v) The show organisers being responsible for the maintenance of the areas, including the removal of rubbish during the period that the areas of the park are closed to the general public.
- (vi) The shows organisers being responsible at their expense for engaging the services of a commercial traffic management plan provider to prepare a traffic management plan for the event, which is to be approved by the Council's traffic engineers prior to the event.

- (vii) The show organisers being responsible for the erection at the appropriate locations within North Hagley Park, approved temporary cycle/pedestrian footpath signage 14 days before the temporary arrangements are to be put in place.
- (vii) The Club being responsible at their expense for the reinstatement of the area after the show to the satisfaction of the Transport & Greenspace Manager or his nominee.
34. In accordance with section 53(1)(e) of the Reserves Act 1977, Council approve the Show Organisers application to charge the public attending the Show the maximum charges as set out below:
- | | |
|--|---------|
| Adult | \$35.00 |
| Senior Citizen | \$31.00 |
| Child | \$ 5.00 |
| Family | \$75.00 |
| At Gate Add | \$ 2.00 |
| Per car to park in the temporary public car park | \$ 5.00 |

BACKGROUND

35. The Council has signed a contract with the organisers of the show for it to be held in Christchurch annually for the next five years, with a right of renewal for a further five years if the parties to the agreement agree.
36. The applicants have applied to shut the main pathway taking cyclists and pedestrians from the north and west of the City through the park to the City for the period that the show is open (11 days) to the public only. This pathway takes cyclists and pedestrians from Riccarton, Fendalton, and Helmores Lane intersections with Deans and Harper Avenues, and from Carlton Mill Road via the signalised cycleway/pedestrian crossing across Harper Avenue. This pathway will be open for the period during which the show is set up and dismantled (38 days).
37. At this time it is estimated approximately 45,000 visitors will attend the show.

THE OBJECTIVES

38. The objective is for the Council to grant approval for the closure of parts of North Hagley Park, (the Major Events Area) so that the show can take place over an 11 day period in March 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

THE OPTIONS

39. To approve the application, thereby allowing the show to take place over the 11 day period applied for in March 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.
40. Not approve the application, which will mean that the show is not able to take place over an 11 day period in March 2009. This action would not be in alignment and would not support the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

PREFERRED OPTION

41. To approve the application, thereby allowing the show to take place over an 11 day period in March 2009.