

13. HEATHCOTE RIVER ESPLANADE RESERVE DEVELOPMENT

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The purpose of this report is to consider Heathcote River Esplanade Reserve development east of Hoon Hay Road, between Halswell Road and Cashmere Road, in a metropolitan context.

INTRODUCTION

Many esplanade reserves exist at various locations on both banks of the Heathcote River east of Hoon Hay Road, between Halswell Road and Cashmere Road. The reserves were created from the mid-1940s to the present day at the time of subdivision of land adjoining the river. Small esplanade reserves continue to be vested in the Council pursuant to the subdivision rule in the proposed City Plan, as individual lots are subdivided to provide for infill development.

Two relatively large continuous reserve strips exist, as well as numerous disconnected single lot and double lot pieces of reserve. Implementation of the City Plan rule as infill development occurs will eventually result in continuous strips of esplanade reserve along most, but not all, of both banks of the river previously or currently held in private ownership. This is how the esplanade reserve rule works.

RECREATION RESERVE TO ROSE STREET RESERVE

An esplanade reserve approximately 350m long and 8–10m wide exists on the west bank of the Heathcote River opposite Centennial Park, between the recreation reserve at 211 Hoon Hay Road and Rose Street. The reserve was created at the time of subdivision in 1946 and 1953 and was occupied by adjoining owners until 1996. From 1996, as adjoining properties were re-subdivided into smaller lots, the Water Services Unit planted on the reserve in accordance with landscape plans prepared in consultation with individual adjoining property owners of the new lots created. By early 1999, when work was halted, planting and fencing of the common boundary had been almost completed for eight of the properties directly affected. All work was halted to allow time for further consultation with residents directly affected and while legal clarification of the Council's powers in respect of the reserve land was sought. Once the legal opinion was available a previous resolution on reserve development by the Community Board was confirmed at its May 2000 meeting.

The Board resolved to confirm its June 1999 resolution to support Heathcote River esplanade reserve development opposite Centennial Park Option 2. (Option 2 involves completing planting of the reserve as Stage I and providing for limited public access from Rose Street between years 2-5, at a total estimated cost of \$15,000.)

The planting of the reserve and management by the Council is almost universally accepted. The sticking point has been the question of public access. On the one hand it is argued that providing for public access from Rose Street to the reserve is unnecessary because access is already available on the other side of the river through Centennial Park. Furthermore, public access is perceived to compromise the privacy and security of the 13 properties adjoining the reserve.

On the other hand, the solicitor's legal opinion confirms that the public have the right of access to the reserve and ratepayers at large have funded the planting on the reserve and will fund any additional planting and on-going management of the reserve. Therefore, the Council has a responsibility to facilitate limited public access. The May 2000 Community Board recommendation is consistent with this view.

STABLECOURT LANE RESERVE

An esplanade reserve approximately 260m long and 10-12m wide exists on the east bank of the Heathcote River, extending upstream from Spreydon Reserve. Adjoining residents have requested the Council to manage the reserve proactively in terms of maintenance of existing trees and amenity planting. A preliminary on-site meeting attended by representatives of adjoining neighbours and Council staff has been held, at which residents' aspirations for the future management of the reserve and the purposes of esplanade reserves was discussed.

Once again there is enthusiasm for amenity planting and on-going maintenance and management by the Council, but anxiety about any suggestion of limited public access at some time in the future.

SMALL ISOLATED ESPLANADE RESERVES

Numerous small isolated strips of esplanade reserve have been created during the last few years along the Heathcote River, as subdivision and infill development have proceeded lot by lot. The Water Services Unit provides information regarding the purpose, rights and responsibilities in respect of esplanade reserves to anyone making a LIM enquiry about land adjoining and existing esplanade reserve, or subject to the esplanade reserve rule in the Plan on subdivision. Also, current practice is to produce a landscape plan in close consultation with the new owner of any newly-created lot adjoining an esplanade reserve. Amenity planting and fencing identified in the landscape plan is generally provided within the first two years after subdivision. Experience has demonstrated that without proactive Council intervention immediately after subdivision, adjoining owners occupy the esplanade reserve, making it difficult in future for the Council to manage the reserve in accordance with its purposes.

Almost without exception adjoining owners of recently subdivided land welcome the partnership arrangement with the Council in developing and managing the adjoining esplanade reserve.

POLICY CONTEXT

The proposed City Plan identifies both banks of the Heathcote River between Lincoln and Cashmere Roads as an area where esplanade reserves are taken and vested in the Christchurch City Council at the time of subdivision of adjoining land. The provision of esplanade reserves for the protection of conservation values, recreational opportunities and public access is covered by policy 2.2.10 in the City Plan. Policy 2.2.8: waterway margins, encourages the enhancement of the margins of waterways in terms of their natural amenity and access values.

The Resource Management Act identifies three purposes for esplanade reserves:

- to contribute to the protection of conservation values
- to enable public access
- to enable public recreational use where the use is compatible with conservation values

At the time of City Plan preparation, legal opinion was sought on whether public access could be excluded if esplanade reserves were created on Avon River tributaries. The opinion was that any such proposed rule would be unlikely to withstand challenge unless the purpose for preventing public access was to protect conservation values. In essence, the legal opinion in respect of the Heathcote River reserves between 217c Hoon Hay Road and Rose Street confirms the former opinion for reserves created under the Reserves Act, rather than the Resource Management Act.

The map of major walkway links in the City Plan (volume 2 page 14/8) indicates an intention to provide continuous walking access along the Heathcote River all the way upstream to Wigram Road and beyond.

DISCUSSION

Management and development of Christchurch's esplanade reserves consistent with their purpose (i.e. conservation and public access) in close consultation with adjoining owners, is supported by statute and the City Plan. Despite this, along the middle reaches of the Heathcote River and elsewhere, landscaping development and on-going maintenance by the Council is generally welcomed by adjoining owners, while providing for public access is not welcome.

In the experience of Water Services staff, key success factors include:

- the involvement of, and close consultation with, adjoining owners is essential
- consistent and unequivocal advice from the Council that provision of public access goes hand in hand with landscaping and fencing wherever public land adjoins the reserve, is most helpful
- the Council needs to manage proactively new esplanade reserves consistent with their purpose from the time they are created to minimise later conflict regarding private occupation and inappropriate use

Statute, policy and experience all indicate that the Council should continue to landscape, plant, fence and provide for public access along esplanade reserves as part of its Annual Plan activities. Resource allocation and timing will need to fit in with other priorities. However, management and development of new esplanade reserves along the Heathcote River between Lincoln and Cashmere Roads, and elsewhere from the time of their creation, need to be given very high priority in order to minimise later conflicts with adjoining owners.

Recommendation: That the Council:

1. Support the Spreydon/Heathcote Community Board's May 2000 resolution recommending Heathcote River esplanade reserve development opposite Centennial Park Option 2 (Option 2 involves completing planting of the reserve as Stage I and providing for limited public access from Rose Street between years 2-5 at a total estimated cost of \$15,000).
2. Endorse the existing practice of planting, fencing and managing new esplanade reserves created along the middle reaches of the Heathcote River and elsewhere from the time of subdivision (all planning and implementation to be in close consultation with adjoining owners).
3. Support the continuation of the community consultation process in respect of development of the existing esplanade reserve between Stablecourt Lane and the Heathcote River (reserve development to be staged over several years in accordance with other priorities).

**Chairman's
Recommendation:** For discussion.