

7. NEPAL RESERVE

General Manager responsible:	Jane Parfitt, City Environment
Officer responsible:	Bruce Penny, Acting Unit Manager Greenspace
Author:	Chris Freeman, DDI 941-8638

PURPOSE OF REPORT

1. The purpose of this report is to seek Council's approval to classify part of Nepal Reserve as Recreation Reserve, and the balance Local Purpose (Utility) Reserve, to allow for a drainage basin to be constructed in part of the reserve.
2. The purpose also is to approve the expenditure of reserve contribution funds accruing from the Lake Bryndwr Developments Limited "Westpark" subdivision on Nepal Reserve over the next 6-12 months subject to the Greenspace Units approval and in accordance with the recently finalised development plan for Nepal Reserve.
3. The purpose also is to approve Lake Bryndwr Developments Limited undertaking drainage work as part of their subdivisional requirements on the adjacent utility reserve, which is part of Nepal Reserve.

SUMMARY

4. The planning and community consultation phase of the proposed development of the large extension to Nepal Reserve, which is situated between Nepal Place and Abros Place has been completed and the development of which will result in a new public park being available for the surrounding community.
5. Lake Bryndwr Developments Ltd is creating a residential subdivision on land between the reserve extension and Wairakei Road. This was the original Lake Bryndwr, which was filled with a mixture of shingle, clean fill, and tree stumps. The developers have been excavating and resorting the fill to make the land suitable for housing, having recently lodged a resource consent application for the residential subdivision.
6. Council officers have been working with the developers and consulting with the local community to integrate the proposed subdivision with development of the reserve extension as an attractive local park.
7. The developers have agreed to lay out the subdivision in such a way as to give a large road frontage along the north side of the reserve, thus giving Nepal Reserve (currently hidden behind houses and commercial buildings) a prominent road entrance off Wairakei Road.
8. Negotiations with Lake Bryndwr Developments Ltd now hinge on the Council approving that the funding for the initial development of the reserve, be through the use of the reserve contribution funds accruing from the adjacent Lake Bryndwr Developments subdivision.
9. Lake Bryndwr Developments Ltd have agreed not to set aside any land for local reserves within their development (which is normal in a subdivision of this size) but instead provide an attractive road frontage to this old hard-fill site (Nepal Reserve extension). This agreement hinges on the reserve restoration work being done at the same time as the subdivision is constructed, thereby enabling the subdivision to utilise this present rough area as its key reserve feature.

FINANCIAL AND LEGAL CONSIDERATIONS

10. In order to implement the Development Concept Plan as agreed with the community, the Reserves Act 1977 requires that the Council classify part of the reserve (vested as recreation reserve) for recreation and part for local purpose (utility) as part of a public consultative process. Stormwater easements will be required across both parts of the reserve. The Act sets down the processes that are to be followed when classifying reserves, or putting easements in place across reserves, which are amplified on below.
 - 10.1 Section 16(4) of the Reserves Act 1977 requires that the Council gives one month's public notice in accordance with section 119 of the Act of its intention to classify any reserve for a particular purpose.

- 10.2 The Council must give full consideration in accordance with the requirements of section 120 of the Act to all objections against and submissions received in relation to the proposal, prior to deciding to classify a reserve for a particular purpose.
- 10.3 If the Council decides to proceed with the classification of the reserve for a purpose other than that for which it was vested, it is necessary for all the information to be sent to the Minister of Conservation to review, prior to consenting to the classification, which must be gazetted in the New Zealand Gazette.
- 10.4 It will be necessary for the Council to put in place easements over the areas of reserve that the utilities are routed through the reserves, in accordance with the provisions of section 48 of the Reserves Act 1977. In this particular case the Council will need to grant approval for the granting of the lease under section 48(1)(f) of the Act.
- 10.5 Section 48(2) of the Act requires that the proposal to grant the easement be publicly advertised in accordance with section 119 of the Act.
- 10.6 The Council must give full consideration in accordance with the requirements of section 120 of the Act to all objections against and submissions received in relation to the proposal, prior to deciding to grant the easement.
- 10.7 The Council is not required to publicly advertise it's intentions if:
 - (a) The reserve is vested in the Council, (it is) and is not likely to be materially altered or permanently damaged and
 - (b) The rights of the public in respect of the reserve are not likely to be permanently affected.

Because it is proposed to build a retention basin to hold storm water the proposal fails the test required to be exempt from being advertised.

- 10.8 The Minister of Conservation must give his consent to the granting of the easement.
11. It is being proposed that the levelling and grassing down of the recreational area of Nepal Reserve be paid for using the Lake Bryndwr Developments Ltd subdivisions reserve contribution, with the subdivision's stormwater detention and treatment area being provided by the developers at their expense. Both of these proposals require Council resolutions to allow the direct use of developers' funds outside the subdivisions consent area in Nepal Reserve.
12. It is proposed that the stormwater retention basin be built on land which was vested in the Council as recreation reserve as a result of an earlier subdivision. Subdivision reserve contribution that is required as a result of subdivision does not include land required for drainage purposes as required by the sub-divisional consent. It is therefore appropriate that Lake Bryndwr Developments Ltd, pay a one off compensation payment as decided by independent valuation to the Council for the privilege of being able to build the required stormwater retention basin on existing Council reserve which was obtained for recreation purposes.
13. The area requires topsoil and grassing over the entire area, this being expensive, the costs being similar to the costs experienced to restore other old dumps sites in the city in the past. Because of this fact, coupled with the undeveloped reserve's size, it is estimated that the cost will be over \$600,000. The complete development will still need to be staged to fit within LTCCP budgets (as reserve funds will only cover basic development), and some of the proposed development, namely a playground, a picnic area, a dirt BMX area and a toilet block, will be implemented later as funds allow.
14. Currently only a sum of \$50,000 has been allocated to the reserve's development in the Greenspace Unit's budget for 2007/8. This figure was set prior to recent reserve and subdivision planning and is well under the current estimates for this reserve's development (over \$800,000).

STAFF RECOMMENDATION

It is recommended that the Board:

- (a) Conditionally support the proposal to classify pursuant to section 23 of the Reserves Act 1977 in accordance with section 16 of the aforementioned Act, 2.4444 hectares of Nepal Reserve, being shown as section 1 of Lot 15 DP 30599, contained in CT 23643 as Local Purpose (Utility) Reserve in accordance with the attached plan subject to the following conditions:
 - i). That public advertising of the classifications occurs as required by section 16 (4) of the Act in accordance with section 119 of the Act.
 - ii) That a further report be prepared for the Board's deliberation, which includes the submitters' views for Council decision.

- (b) Conditionally support the proposal to classify pursuant to section 17 of the Reserves Act 1977 in accordance with section 16 of the aforementioned Act, 1.9150 hectares of Nepal Reserve, being shown as 1.3201 hectares being section 2 of Lot 15 DP 30599, contained in CT 23643 and lot 18 DP 48826, as Recreation Reserve.
 - i) That public advertising of the classifications occurs as required by section 16 (4) of the Act in accordance with section 119 of the Act.
 - ii) That a further report be prepared for the Board's deliberation, which includes the submitters' views for Council decision.

- (c) Endorse approval of the expenditure of the anticipated reserve contribution funds payable to the Council by Lake Bryndwr Developments Ltd (by deduction from fees owing) for their "Westpark" subdivision, to undertake the implementation of the approved development plan for Nepal Reserve, by contracts tendered and overseen by the Greenspace Unit.

- (d) Endorse approval of the construction of a stormwater retention basin to serve the Westpark subdivision by Lake Bryndwr Developments Ltd subject to the following conditions:
 - i) The construction is to be undertaken by Lake Bryndwr Developments Ltd at their expense.
 - ii) Lake Bryndwr Developments Ltd is to make a one off compensation payment for the use of the reserve land, that it is proposed to classify Local Purpose (Utility) Reserve, which was originally obtained by reserve contribution from another subdivision for recreation reserve.
 - iii) This work is to be undertaken, in accordance with "Westpark's" engineering sub-divisional plan approval.

CHAIRMAN'S RECOMMENDATION

That the staff recommendations (a) to (d) above be endorsed for recommending to the Council.

BACKGROUND ON NEPAL RESERVE

15. Much of the land in this vicinity, stretching from Wairakei Road to Roydvale Road, was excavated by Ashby Brothers Limited during and after the 1940s to extract shingle. The pits were excavated into the ground water table at the time, as was allowed, and became known as Lake Bryndwr. They were then filled in with a variety of materials including clean fill and demolition materials.

16. The first part of Nepal Reserve was vested in the Council as a recreation reserve at the time of the subdivision of land to form Nepal Place. The reserve area is a filled shingle pit. At the time of subdivision, the fill was excavated and replaced with more appropriate filling material. The reserve was then planted and grassed down and a play structure built upon the reserve.



17. The Nepal Reserve extension was vested in the Council as a recreation reserve on subdivision of the commercial land to form Abros Place. The new reserve land has been a shingle pit, which was subsequently filled with demolition material. Part of the pit, next to Thornaby Close, was not filled.

18. The reserve extension was vested in its filled and undeveloped state and has remained a wasteland pending planning work. Council is currently maintaining it by the occasional mowing of the weeds. A provisional sum of \$50,000 is allocated for the reserve development in the Greenspace Unit's budget for 2007/8.

19. A public meeting was held to find out what the community aspirations for the park were, and from this a design brief was prepared. There was general agreement at the meeting that the park should be a natural environment that caters to a wide range of the community, with emphasis on recreation and play for both young and old. The subsequent design was circulated for public comment. The plan was then revised in response to comments received, the revised plan being attached to this report.

20. As well as responding to the aspirations of the local community, the plan also seeks co-operation with Lake Bryndwr Developments Ltd, the reason being that by working together it will create significant benefits for both parties. The main features of this co-operation are:

1. Converting the current wasteland into an attractive park alongside the new subdivision,
2. Providing a road frontage along the north side of the reserve and associated parking for the reserve,
3. Providing a cycling route along the north side of the reserve which will continue on to Nepal Place, to form part of the city-wide cycle network,
4. Combining the construction of an undulating landform as requested by the community with a stormwater detention and treatment system for the new subdivision,
5. Sharing the funding of the park construction around several sources, primarily the subdivider's subdivision reserve contribution and the subdivider's obligation to provide stormwater detention and treatment, with the result that there is little direct cost to ratepayers,
6. Shaping and planting the park and laying the paths in 2005/6 rather than waiting until council funding is allocated to it in 2007/8.

COMMUNITY CONSULTATION

21. There have been two phases of community consultation. A public meeting was held on 8 July 2004, at which 44 attendees generated a design brief calling for:
 - Sealed path/ walkway with interest and elevation
 - Wetland area with ducks and wildlife
 - Lots of trees
 - Grassed areas
 - Flat area for cricket/ to kick a ball around
 - Place for everyone
 - Cycling facilities for transport and recreation
 - No vehicles zooming around
 - Woodland
 - Facilities – drinking fountain/ toilets etc
 - Dog friendly/dog park
 - Welcoming, open, safe space
 - A safe route lit at night
 - Connections to Wairakei Rd
 - Linkages for pedestrians and cyclists

22. The attendees broke into groups to produce vision statements for the development. The visions were remarkably consistent, stating that Nepal Reserve has the potential to be:
 - A natural environment that caters to a wide range of the community with emphasis on recreation and play for both young and old
 - Natural but still interactive and enhance the neighbourhood for all
 - A haven for birds, flora, and fauna and a natural place for families to enjoy
 - A natural recreation reserve with trees, walkways, BMX tracks and changes in topography and supporting bird life
 - Different to other reserves in Christchurch, i.e. an adventure playground to cater for all ages with areas for families to picnic etc in safety
 - A calm, relaxing, fun and enjoyable place to experience for all ages of people
 - Christchurch's most natural un-manicured reserve which reflects Canterbury's heritage in natural flora and fauna
 - A unique, safe, natural and useable recreational area for families and sporting pursuits
 - Natural, with grass not fennel, trees - both deciduous and evergreen, walking tracks, access from the development, and safe for children (open rather than hiding places)
 - Keep the entire area as close to its natural state as possible, a quiet park to be different to all the other surrounding parks, encouraging wildlife but no frogs in ponds to be abused, no organised sports

23. A concept plan was then drawn up and circulated for public comment. Of a total of 63 comment forms and one letter received, 43 were in support, 7 were in support with reservations, and 11 were not in support. 36 of the comment forms had suggestions, and of these 27 were in support, and 8 were not in support.

24. In response to these suggestions the following refinements have been made to the plan:
 - The playground and the picnic area have been swapped around,
 - The BMX area has been moved north, further away from neighbouring properties, which will make it more easily supervised from the proposed road, the picnic and play areas and the proposed paths,
 - A proposed mountain bike track as been removed, and
 - The paths have been realigned to make them more direct and to improve supervision of the park.

25. In addition, one of the paths has been widened to provide a cycleway link through the park, to be part of the city's planned cycleway network, and the angle parking alongside the proposed road has been removed, because the purpose of the park is to act as a local park and therefore it is expected that park users will walk or cycle to it.

26. An explanation has been sent to all submitters detailing how their views expressed in their submissions have, or have not, been incorporated in the final modified plan, these being detailed below:
1. **Barbecue area** – 3 submitters indicated that it's not needed. It has been decided to retain the picnic/family/group gathering area with a barbecue unit, but strengthen the emphasis on picnics rather than the BBQ area.
 2. **Toilets** – 2 submitters indicated that it's not needed, one asked for another one, one asked for it to be moved west, further from existing housing. It has been decided to keep the site for it, but also keep the option of not building it open until later. The drinking fountain should be associated with toilet. It has been decided to create an open space buffer to the east of the proposed toilet site to separate it from the neighbouring houses.
 3. **Playground** – 2 submitters asked about the existing play equipment, one said do not provide a playground, one had doubts about having it next to BMX area, one called for a separating fence, one said it could be in the way of the stormwater pond. The area for the playground has been swapped with the picnic area so the picnic area provides separation from the BMX area. A note has been added to the plan, explaining that the existing equipment will be removed when the new playground is constructed. Officers will consider the addition of a low fence to separate the playground from the BMX area. There is no conflict with the pond that is proposed.
 4. **Paths** – 3 submitters wanted a direct link between Thornaby Close and Nepal Place, one wanted a link to Roydvale Ave, one wanted a link to Wairakei Rd, one asked for fewer paths, one wanted somewhere for senior citizens to walk freely. Officers have revised the path layout to give a direct link between Thornaby Close and Nepal Place, and downgraded the north-south path through the middle of the reserve. A link to Roydvale Ave is not practical, and a link to Wairakei Rd will be created along the new subdivision road.
 5. **Mountain bike track** – 5 submitters did not like it crossing the walking tracks, 2 were concerned it was too close to neighbouring properties, one said it was too short to be useful, one said it should be in a specific area. The mountain bike track has been removed from the plan.
 6. **BMX bike area** – 4 submitters wanted it set back from neighbouring properties, 3 wanted it closer to and supervised from the proposed road, 2 wanted a specific area set aside (one was as a second alternative to not having it), one wanted it next to the playground, 3 did not want a BMX area (two of them have agreed verbally to a BMX area provided it is designed for younger kids and not challenging enough to attract teenagers). Officers have moved the BMX area north away from the boundary and closer to the proposed road, and arranged it so it is supervised by passers-by on the paths, and by users of the picnic area and playground, but is separated from the playground by the picnic area. Physical separation from the rest of the park using an open 1.2m high fence or similar will be considered. The detailed design of this area will be done at a later stage in the parks development.
 7. **Trees** – No submission chose the grass option for the Thornaby Close area, but three supported woodland (two wanting native bush). Another one called for more native planting, and one wanted more deciduous trees, rhododendrons and azaleas. One wanted only low planting against the park boundaries. The grass option has been removed, the woodland has been extended slightly to the east, and the tree option has been kept, with low planting under, not shrubs or bush. At the planting plan stage there can be two planting styles integrated into different parts of the park, exotic and native, but both should be on the lines of woodland trees with clear trunks and either mown grass or low under-planting, so there is no risk of entrapment.
 8. **Dogs** – 3 submitters wanted a dog area set aside. One wanted doggie-dos bins. We decided to keep the park layout as designed with no provision for dogs, because there is no new evidence to justify changing the plan in this regard.

9. **Seats** – two submitters wanted more seats and one wanted less. The number of seats will be about the same, they being made clearly visible in the park.
10. **Others** – One submitter referred to the bio-diversity strategy, one wanted a quiet place for older people, one wanted motorcyclists discouraged, one wanted a tennis court, one was concerned about noise. We chose to make no changes to the plan in response to these submissions.

OPTIONS

27. Fund Nepal Reserve's development later with funding from the LTCCP budget over the next 5 to 10 years. Advise Lake Bryndwr Developments Limited that stormwater and recreation areas need to be provided on their land. Potentially lose the last chance to open up the Nepal Reserve extension with a large road frontage provided within the Westpark subdivision.

PREFERRED OPTION

28. Approve the expenditure of anticipated reserve contribution funds payable to the Council by Lake Bryndwr Developments (by deduction from fees owing) for their "Westpark" subdivision, in accordance with approved plan for Nepal Reserve and by contracts tendered and overseen by the Greenspace Unit.
29. Approve the creation of a stormwater basin to serve the Westpark subdivision at their cost and with compensation for use of the reserve land, on the proposed local purpose (utility) area of Nepal Reserve, in accordance with "Westpark's" engineering plan approval.

ASSESSMENT OF OPTIONS:

The Preferred Option

	Benefits (current & future)	Costs (current & future)
Social	Bring forward development of the Nepal Reserve extension to allow greater public use sooner.	none
Cultural	No direct cultural benefits beyond community development and good urban design outcomes	none
Environmental	Coordinated reserve and subdivision development. Roding, drainage and subdivision advantages.	none
Economic	Savings in reserve development by incorporating drainage function for Westpark in Nepal reserve.	Initial "loss" or reserve contribution revenues but costs still incurred by Council, be it over 5-10 years.
<p>Extent to which community outcomes are achieved: Primary alignment with community outcome of meeting community recreation needs. Also contributes to surface water management and good urban design outcomes</p> <p>Impact on Council's capacity and responsibilities:</p> <p>Effects on Maori: None</p> <p>Consistency with existing Council policies: Use of reserve contribution and developers funds to rehabilitate an old hard fill dump since acquired as a reserve.</p> <p>Views and preferences of persons affected or likely to have an interest: Full community consultation and Fendalton/Waimairi Community Board approval of the plan for Nepal Reserve.</p> <p>Other relevant matters:</p>		

The Status Quo (If Not Preferred Option)

	Benefits (current & future)	Costs (current & future)
Social	Limited progress on Nepal Reserve development.	Limited existing capital funds used.
Cultural		
Environmental	Old dump/wasteland 'maintained'.	
Economic	Rehabilitation deferred	Developer creates a new reserve for his subdivision instead of rehabilitating Nepal reserve.

Extent to which community outcomes are achieved:

Primary alignment with community outcome of limiting expenditure

Impact on Council's capacity and responsibilities: **Nepal Reserve remains undeveloped and possible new assets created beside undeveloped ones.**

Effects on Maori: **None**

Consistency with existing Council policies: **developer required to mitigate effects on site.**

Views and preferences of persons affected or likely to have an interest: **Nepal Reserve development deferred**

Other relevant matters: