

11. 9. 2008

**BURWOOD/PEGASUS COMMUNITY BOARD
18 AUGUST 2008**

**Minutes of an ordinary meeting of the Burwood/Pegasus Community Board
held on Monday 18 August 2008 at 3.30 pm
in the Boardroom, corner Beresford and Union Streets, New Brighton**

PRESENT: David East (Chairman), Tina Lomax, Tim Sintes and Linda Stewart.

APOLOGIES: Apologies for absence were received and accepted from Gail Sheriff (leave of absence) and for lateness from Nigel Dixon and Chrissie Williams

Nigel Dixon and Chrissie Williams arrived at 4.44pm and 4.49pm respectively and were present for part of clause 9.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. SOUTH NEW BRIGHTON PARK, BRIDGE RESERVE AND BLIHS GARDEN CLASSIFICATION



General Manager responsible:	General Manager City Environment, DDI 941- 8608
Officer responsible:	Asset and Network Planning Manager
Author:	Delia Walker

PURPOSE OF REPORT

1. To recommend to the Council that it resolve:
 - (a) To classify pursuant to section 16(2A) of the Reserves Act 1977, that part of Bridge Reserve as identified in the report not currently classified under the Reserves Act 1977 be classified as recreation reserve; and
 - (b) To classify pursuant to section 16(2A) of the Reserves Act 1977, that part of Bridge Reserve as identified in the report not currently classified under the Reserves Act 1977 be classified as local purpose (esplanade) reserve.

EXECUTIVE SUMMARY

2. Certain parcels of land, which physically form part of South New Brighton Park, Bridge Reserve and Bligh's Garden, are either held by the Council in fee simple not subject to the Reserves Act 1977 or, are held as reserve under the Reserves Act 1977 but have not been formally classified as required by that Act.
3. The parcels of land concerned are shown on the included plans as follows:
 - (a) 0.6235 hectare being Section 1 on SO Plan 17958. This land parcel is situated within South New Brighton Park and was formerly legal road (Jellicoe Street) which has been stopped, but which has not been formally declared to be reserve under the Reserves Act 1977.
 - (b) 0.0397 hectare being Part Lot 2 on Deposited Plan 6051. This land parcel is situated within Blighs Garden and forms the entrance to the croquet club. It has not been formally declared to be reserve under the Reserves Act 1977.
 - (c) 0.3388 hectare being Section 1 on SO Plan 16502. This land parcel is situated within Bridge Reserve and was amalgamated under the Land Transfer Act 1952 with that land parcel legally described as Pt Reserve 1579 on 5 November 1998 and a new certificate of title issued for both parcels. However, whilst Part Reserve 1579 has been formally classified under the Reserves Act 1977 as recreation reserve, Section 1 on SO Plan 16502 has not.

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- (d) 0.3048 hectare being Section 2 on SO Plan 16502. This land parcel is situated within Bridge Reserve, and was formerly legal road (Kibblewhite Street) which has been stopped. When the road was stopped it was vested in the Council pursuant to section 345(3) of the Local Government Act 1974 as esplanade reserve, however it still remains to be formally classified under the Reserves Act 1977.
4. Council officers wish to proceed to prepare a management plan for South New Brighton Park, Bridge Reserve and Blighs Garden under section 41 of the Reserves Act 1977. However, this process cannot proceed until all the land parcels concerned are formally held as reserve and classified under the Reserves Act 1977.

FINANCIAL CONSIDERATIONS

5. There are no significant costs associated with the recommendations of this report. All costs that will be incurred have been budgeted for.

LEGAL CONSIDERATIONS

6. Section 14 of the Reserves Act 1977 authorises the Council to declare any land vested in it as reserve and provides as follows:

“14 Local authority may declare land vested in it to be a reserve

- (1) *Subject to this section, any local authority may by resolution declare any land vested in it to be a reserve within the meaning of this Act subject to any conditions specified in the resolution, to be held for any of the purposes specified in sections 17 to 23 of this Act.*
- (2) *No such resolution shall be passed before the expiration of one month after notice of intention to pass the same and calling for objections thereto in writing has been published in one or more newspapers circulating in its district, and until it has considered all such objections received within that period:*
[Provided that such a notice of intention shall not be necessary where a district plan makes provision for the use of the land as a reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991.]
- (3) *A copy of the resolution shall be forwarded to the Commissioner for transmission to the Minister, together with all objections (if any) received as aforesaid and the comments of the local authority thereon.*
- (4) *The Minister shall consider the resolution and such objections (if any) as have been received by the local authority and the comments of the local authority thereon, and shall then in his discretion either cause the resolution to be gazetted or refuse to do so.*
- (5) *No resolution under this section shall have any force or effect until it is gazetted as aforesaid.”*

7. The requirements of section 14(2) have been complied with.
8. Section 16(2A) of the Reserves Act 1977 authorises that Council to classify any reserve of the type referred to in that section as follows:

“16 Classification of reserves

- (2A) *Notwithstanding subsection (1) of this section, where any reserve was—*
- (a) *Vested in a local authority which did not derive its title to the land from the Crown;*
or
- (b) *Created under section 17 of the Land Laws Amendment Act 1920; or*
- (c) *Created under section 16 of the Land Act 1924; or*

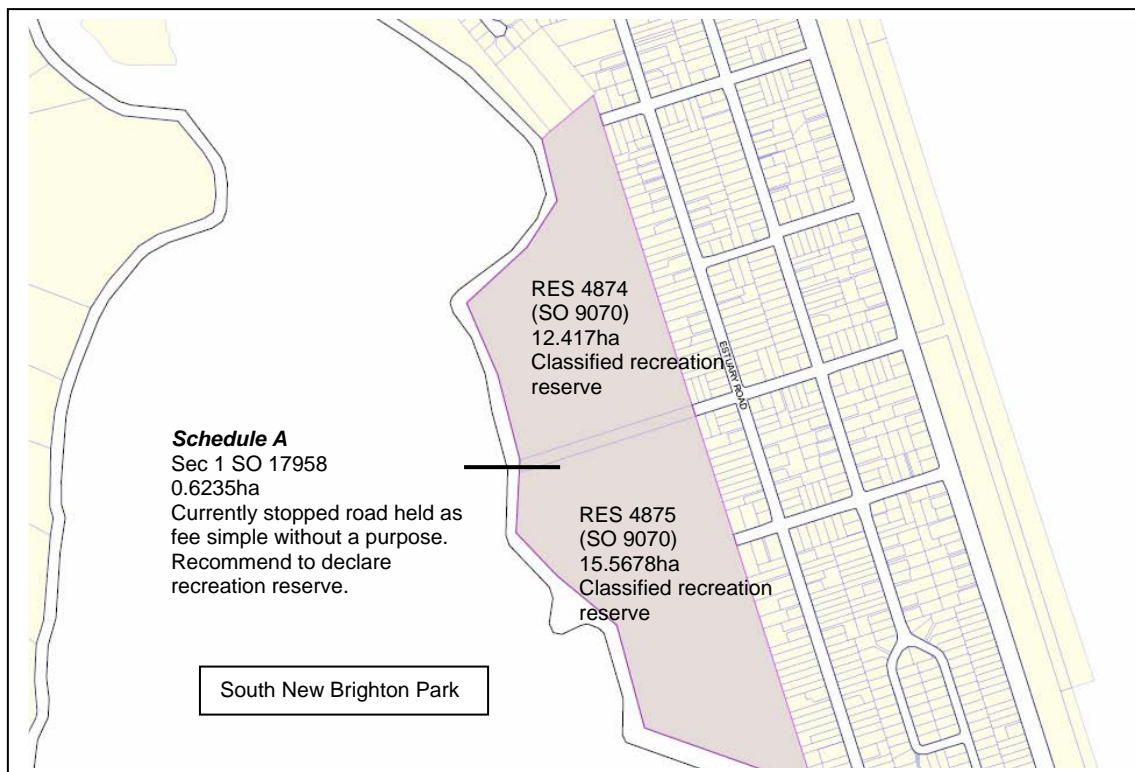
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- (d) *Created under section 13 of the Land Subdivision in Counties Act 1946; or*
 - (e) *Purchased out of money paid out of the Land for Settlements Account in accordance with section 14(2) of the Land Subdivision in Counties Act 1946; or*
 - (f) *Created under Part 20 of the Local Government Act 1974; or*
 - (g) *Created under Part 10 of the Resource Management Act 1991—and is or remains vested in a local authority, that local authority shall, by resolution, classify the reserve according to its principal or primary purpose, as defined in sections 17 to 23 of this Act.”*
9. All of the parcels of land proposed to be dealt with in this report fall within the classes specified in section 16(2A).
10. Notwithstanding that any land may be held by the Council as esplanade reserve under section 345(3) of the Local Government Act 1974, section 16(2A) of the Reserves Act 1977 requires that it also be formally classified by resolution of the Council under the Reserves Act.
11. Section 17(1) of the Reserves Act defines recreation reserves as lands held *“for the purpose of providing 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”*.
12. Section 23(1) of the Reserves Act 1977 defines local purposes reserves as lands held *“for the purpose of providing and retaining areas for such local purpose or purposes as are specified in any classification of the reserve”*.
13. Clause 32 of Schedule 7 of the Local Government Act 2002 expressly permits local authorities *“for the purposes of efficiency and effectiveness in the conduct of the local authorities business”* to *“delegate to a committee, or other subordinate decision-making body, community board, or member or officer of the local authority any of its responsibilities, duties or powers except those specified in that clause”*.
14. Pursuant to clause 32 of Schedule 7 of the Local Government Act 2002 the Council has delegated to Community Boards the power, to be exercised within their communities (as defined in the Local Government Act 2002), to declare land to be reserve under section 14 of the Reserves Act 1977.
15. The Council has not delegated to Community Boards the power to classify existing reserve land under section 16 of the Reserves Act 1977, and accordingly Community Boards can only recommend to the Council that this occurs.
16. Once a land parcel has been declared to be reserve under section 14 of the Reserves Act 1977, it is by section 16(2) deemed to be classified and therefore does not need to be the subject of a separate classification process.

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BACKGROUND**South New Brighton Park**

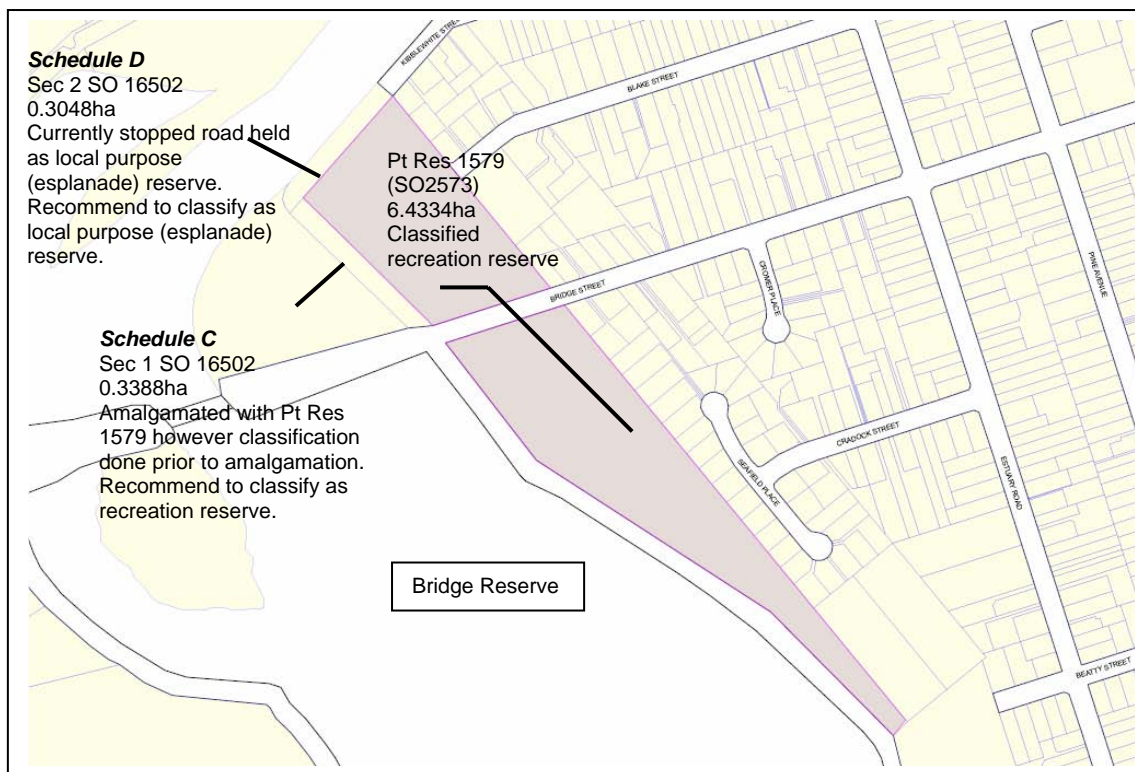
17. South New Brighton Park is used primarily as a recreational area and contains two sports fields, tennis courts, bowling greens, children's play areas, picnic and barbcue areas, plus has a track network running throughout the park that is well utilised for casual recreation by pedestrians and cyclists. A camping ground, community centre and a scout hall are also sited on the park. South New Brighton Park occupies a special site overlooking the estuary of the Avon (Otakaro) and Heathcote (Opawaho) rivers. The majority of South New Brighton Park is zoned Open Space 2, with a small area (wetlands) at the south end of the park zoned Conservation 1A in the operative City Plan.
18. Section 1 on SO Plan 17958 (0.6235 hectare) was previously legal road, now stopped, and is currently held by the Council as fee simple without a specified purpose being recorded. This area running between two recreation reserves is primarily used for recreational purposes and was part of the former Jellicoe Street. This section of road has been formally stopped, but has not been declared reserve.
19. A Community Board resolution under section 14 of the Reserves Act 1977 is required declaring Section 1 on SO Plan 17958 to be a recreation reserve under section 17. It is therefore recommended Section 1 on SO Plan 17958 be declared to be a recreation reserve.

**Bridge Reserve**

20. Bridge Reserve is divided by Bridge Street and is primarily used for passive recreation including walking, bird watching and cycling. It provides a linkage between South New Brighton Park and Blighs Garden. Bridge Reserve is zoned Conservation 1 and Conservation 1A in the operative City Plan.

1 Cont'd

21. Section 2 on SO Plan 16502 (0.3048 hectare) was previously legal road, now stopped, and is currently held by the Council as esplanade reserve under section 345(3) of the Local Government Act 1974. This area runs adjacent to the lower Avon River and was formerly part of Kibblewhite Street.
22. To comply with the requirements of section 16(2A) of the Reserves Act 1977 a Council resolution is required to classify Section 2 on SO Plan 16502 under section 23 of the Reserves Act 1977. Accordingly, it is recommended that Section 2 on SO Plan 16502 be classified as local purpose (esplanade) reserve.
23. Section 1 on SO Plan 16502 (0.3388 hectare) and Pt Reserve 1579, 6.4334 hectare were amalgamated into a single certificate of title on 5 November 1998 and a new certificate of title (CB45A/1241) issued. Whilst Pt Res 1579 was classified as recreation reserve, as recorded by gazette notice published on 15 January 1998, Section 1 on SO Plan 16502 has not yet been formally classified.
24. A Community Board resolution under section 16(2A) of the Reserves Act 1977 is required classifying Section 1 on SO Plan 16502 to be a recreation reserve under section 17. It is therefore recommended Section 1 on SO Plan 16502 be classified to be a recreation reserve.

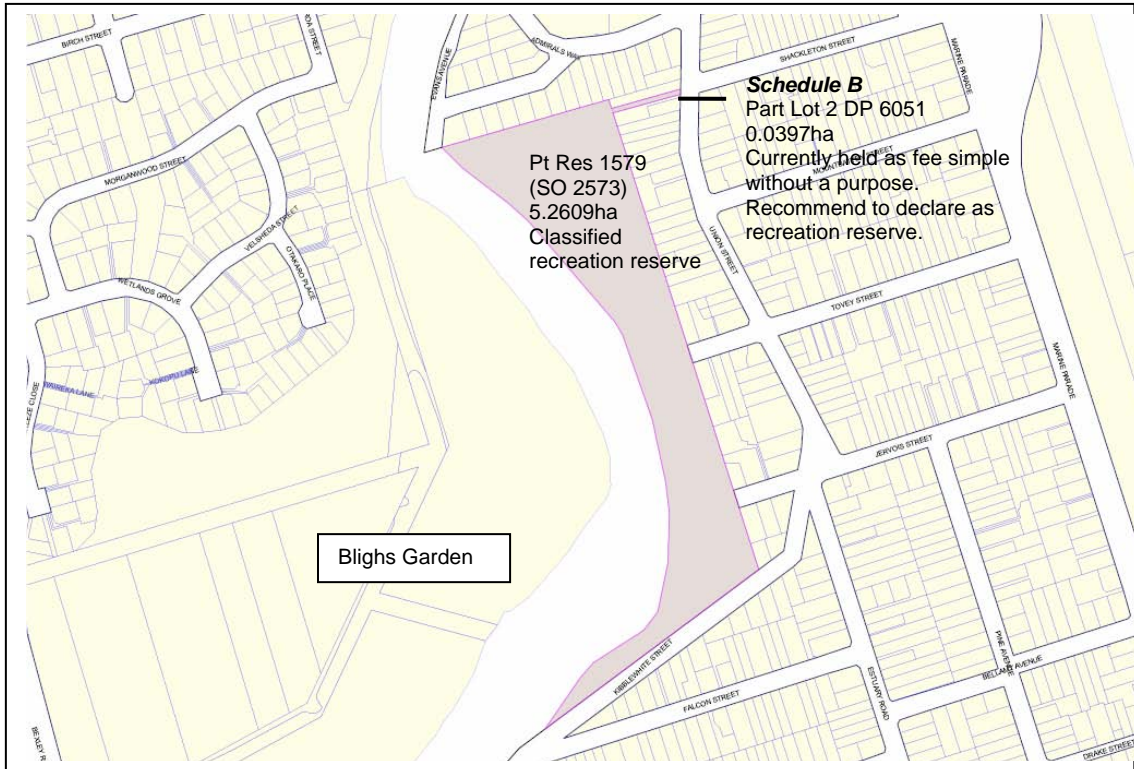


Blighs Garden

25. Blighs Garden is primarily used for recreation purposes. It contains a croquet club and a pathway utilised by walkers and cyclists. Blighs Garden is zoned Open Space 2, Conservation 1 and Conservation 1A in the operative City Plan.
26. Part Lot 2 on Deposited Plan 6051 (0.0397 hectare), is currently held by the Council as fee simple without a purpose specified on the certificate of title.
27. It forms the entrance to the croquet club from Union Street.

1 Cont'd

28. A Community Board resolution is required under section 14 of the Reserves Act 1977 declaring Part Lot 2 on Deposited Plan 6051 a Recreation Reserve under section 17. It is therefore recommended that Part Lot 2 on Deposited Plan 6051 be declared to be a recreation reserve.



Gazette Notice

29. Council officers will notify the Department of Conservation of the Council resolutions, requesting that the declarations and classifications be gazetted. Council officers will then have these gazette notices registered against the respective certificates of titles.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

30. The staff recommendations align with the LTCCP objective to provide a network of parks, open spaces, waterways and wetlands that meet community and environmental needs (page 124 LTCCP 2006-16), including access to open space, protection of natural resources and scenic values, and contribution to the city landscape.

ALIGNMENT WITH STRATEGIES

31. The staff recommendations are consistent with the Greater Urban Development Strategy strategic direction 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. (page 15 Greater Christchurch Urban Development Strategy).

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CONSULTATION FULFILMENT**Public Notification Requirements**

32. Section 16(5)(b) of the Reserves Act provides that no public notification of any proposed classification of a reserve is required where *"the intended use of the land is in conformity with the relevant operative district plan under the Resource Management Act 1991"*. Public notification is therefore not necessary in relation to the proposed classification of Section 1 on SO Plan 16502 and Section 2 on SO Plan 16502 as the use of these parcels of land conforms to the requirements of the operative City Plan.
33. With respect to Part Lot 2 on DP 6051 and Section 1 on SO Plan 17958, which are proposed to be declared as reserve, no public notification is required as a result of the operation of section 14(2) of the Reserves Act 1977. That section provides that no public notice of an intention to pass such a resolution is required *"where a district plan makes provision for the use of the land as reserve or the land is designated as a proposed reserve under an operative district plan under the Resource Management Act 1991."* As the operative City Plan makes provision for the use of these parcels of land as reserve no public notification is required.

STAFF RECOMMENDATIONS

34. (i) It is recommended that in accordance with delegated authority, the Board resolves:
- (a) *That pursuant to section 14(1) of the Reserves Act 1977 that the land described in Schedule A below be declared to be a reserve for recreation purposes.*
- (b) *That pursuant to section 14(1) of the Reserves Act 1977 that the land described in Schedule B below be declared to be a reserve for recreation purposes.*
- (ii) *That the Council resolves:*
- (a) *That pursuant to Section 16(2A) of the Reserves Act 1977 that the land described in Schedule C below be classified under section 17 of the Reserves Act 1977 as recreation reserve.*
- (b) *That pursuant to section 16(2A) of the Reserves Act 1977 that the land described in Schedule D below be classified under section 23 of the Reserves Act 1977 as local purpose (esplanade) reserve.*

Schedule	Park	Legal Description	Area	Title	Current status	Recommendation	Public Notification
A	South New Brighton Park	Section 1 SO 17958	0.6235 hectare	CB32B/70	Vested in Council as fee simple without purpose	Declare to be recreation reserve	Not required
B	Blighs Garden	Part Lot 2 DP 6051	0.0397 hectare	CB381/106	Vested in Council as fee simple without purpose	Declare to be recreation reserve	Not required
C	Bridge Reserve	Section 1 SO 16502	0.3388 hectare	CB45A/1241	Vested in Council as recreation reserve	Classify as recreation reserve	Not required
D	Bridge Reserve	Section 2 SO 16502	0.3048 hectare	CB45A/1242	Vested in Council as esplanade reserve under s345(3) LGA 1974	Classify as local purpose (esplanade) reserve	Not required

1 Cont'd

BOARD CONSIDERATION

Having considered the foregoing report, the Board acting in accordance with its delegated authority, resolved to declare those parts of South New Brighton Park and Blighs Garden as set out in the accompanying plans, as reserve pursuant to section 14(1) of the Reserves Act 1977.

The Board's decisions on this matter are detailed in Clause 12 (Part C) of these minutes.

BOARD RECOMMENDATION

That the staff recommendation in (ii) (a) and (b) above be adopted.

PART B - REPORTS FOR INFORMATION



2. DEPUTATIONS BY APPOINTMENT

2.1 Dallington Residents' Association

On behalf of the Association, Messrs Anton Korunic and Bill Allott addressed the Board, thanking them for their assistance in progressing work on the Avon River cycle/pathway and also the new footpath along the southern frontage of Burwood Park on New Brighton Road. Both paths were being well patronised.

The Board was informed of upcoming events of interest including the "Community Skip Day" on 6 September to mark 'Clean Up the World Day' and the Community Christmas Celebration being held in the Halberg Reserve in December.

Also outlined to the Board were the following two projects that the Association was researching:

1. The provision of exercise equipment for the elderly in local parks.

The Board was supportive of this initiative and requested to be kept informed on progress.

2. The planting of walnut trees (or similar) along the Avon River frontage of Locksley Avenue.

The Chairman thanked the Association's representatives for addressing the Board and acknowledged with appreciation the group's active and ongoing participation in the local community.

3. PETITIONS

Nil.

4. NOTICES OF MOTION

Nil.

5. CORRESPONDENCE

The Board **received** the following items of correspondence:

- Bus service, Mairehau Road and Parklands – letter referred to Environment Canterbury for consideration and response.
- Aranui No.51 bus service – letter referred to Environment Canterbury for consideration and response.
- Merrington Reserve/Memorial re reserve walkway proposal - letter referred to appropriate business unit for consideration and response back to the correspondent.
- Recreation and Sport Manager - thanking the Board for their submission on the Draft Metropolitan Sports Facilities Plan.

6. BRIEFINGS

Staff updated the Board on Neighbourhood Week 2008 to be held from 1 to 9 November.

Information was tabled including the application process, criteria, guidelines and a promotional flyer. Information had been sent to a wide range of community groups and to local Residents' Associations. It was noted that \$3,500 has been provided by the Board for this event.

7. COMMUNITY BOARD ADVISER'S UPDATE

The Board **received** information from the Community Board Adviser on forthcoming Board related activity over the coming weeks, customer service requests for the month of July 2008 and the opportunity for members to identify any issues ahead of the scheme assessment phase for the Bus Priority Project New Brighton via Pages Road.

Further, the Board also **decided** to convene its Bylaws Review Subcommittee with delegated authority to formulate a Board submission on the Council's Proposed Waste Management Bylaw 2009.

8. BOARD MEMBERS' QUESTIONS

Nil.

9. BOARD MEMBERS' INFORMATION EXCHANGE

Mention was made of the following matters:

- Board Member's Display Boards – a request for consideration to be given to provide further display panels at local libraries and at Queen Elizabeth II Park – staff undertook to investigate options and costings.
- Tim Sintes – apologies for meetings from 22 August to 4 September 2008.
- David East – apologies for meetings from 24 August to 4 October 2008.
- Combined Community Board Seminar re trees.
It was **agreed** that a Board position on this matter was desirable concurrent with the delegations review presently being undertaken by the Council.
- Environment Canterbury's Christchurch Area Committee – update from the Board Chair on his recent attendance at a recent meeting of the Area Committee.
- Metropolitan Strengthening Communities Fund - Mayoral Reception invitation for function on 23 September.

10. NEW STANDING ORDERS.

The Board considered a report on the Council's new Standing Orders seeking a decision on the matter of the Chair's casting vote being used or otherwise at meetings of the Board.

The Board **decided** to defer the matter until all Board members were able to be present.

PART C - REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD

11. CONFIRMATION OF MINUTES- 4 AUGUST 2008

The Board **resolved** that the minutes of its ordinary meeting held on 4 August 2008, be confirmed.

12. SOUTH NEW BRIGHTON PARK, BRIDGE RESERVE AND BLIGHS GARDEN CLASSIFICATIONS (CONT'D)

Further to Clause 1 (Part A) of these minutes, the Board **resolved**:

- (a) To declare, pursuant to section 14(1) of the Reserves Act 1977, that part of South New Brighton Park as identified in the report not currently held as reserve to be a reserve held for recreation purposes; and
- (b) To declare, pursuant to section 14(1) of the Reserves Act 1977, that part of Blighs Garden identified in the report not currently held as reserve to be a reserve held for recreation purposes.

13. LONSDALE STREET - PARKING RESTRICTION

The Board considered a report requesting approval to install a P1 parking restriction on the north side of Lonsdale Street outside New Brighton Catholic School.

The proposal would allow for a student drop off/pick up area outside the school to be formalised, which would assist the school staff to more safely manage children entering and exiting the school grounds to and from their parents/caregivers' vehicles.

The Board **resolved** to approve the parking of vehicles being restricted to a maximum period of one minute, 8.15am - 9.15am and 2.15pm - 3.15pm on school days, on the north side of Lonsdale Street commencing at a point 204 metres north east from its intersection with Keyes Road and extending in a north easterly direction for a distance of 48 metres.

14. JELlicoe STREET ENHANCEMENT – PARKING RESTRICTIONS

The Board considered a report seeking approval to install parking restrictions associated with the Jellicoe Street Enhancement Project. Tunnelling work in Jellicoe Street is complete, and work associated with the Estuary Road sewer renewal and the new well in South New Brighton Park is underway, so work on upgrading Jellicoe Street can proceed. As part of the upgrade, parking restrictions were required.

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The Board **resolved** that the stopping of vehicles be prohibited at any time:

- (a) On the northern side of Jellicoe Street commencing at its intersection with Estuary Road and extending in a westerly direction for a distance of 10 metres.
- (b) On the southern side of Jellicoe Street commencing at its intersection with Estuary Road and extending in a westerly direction for a distance of 15 metres.
- (c) On the western side of Estuary Road commencing at its intersection with Jellicoe Street and extending in a northerly direction for a distance of 13 metres.
- (d) On the eastern side of Estuary Road commencing at its intersection with Jellicoe Street and extending in a northerly direction for a distance of 13 metres.
- (e) On the western side of Estuary Road commencing at its intersection with Jellicoe Street and extending in a southerly direction for a distance of 12 metres.
- (f) On the eastern side of Estuary Road commencing at its intersection with Jellicoe Street and extending in a southerly direction for a distance of 12 metres.
- (g) On the northern side of Jellicoe Street commencing at its intersection with Estuary Road and extending in an easterly direction for a distance of 17 metres.
- (h) On the southern side of Jellicoe Street commencing at its intersection with Estuary Road and extending in an easterly direction for a distance of 18 metres.
- (i) On the western side of Pine Avenue commencing at its intersection with Jellicoe Street and extending in a northerly direction for a distance of 10 metres.
- (j) On the eastern side of Pine Avenue commencing at its intersection with Jellicoe Street and extending in northerly direction for a distance of 10 metres.
- (k) On the western side of Pine Avenue commencing at its intersection with Jellicoe Street and extending in a southerly direction for a distance of 10 metres.
- (l) On the eastern side of Pine Avenue commencing at its intersection with Jellicoe Street and extending in a southerly direction for a distance of 10 metres.
- (m) On the northern side of Jellicoe Street commencing at its intersection with Pine Avenue and extending in a westerly direction for a distance of 10 metres.
- (n) On the southern side of Jellicoe Street commencing at its intersection with Pine Avenue and extending in a westerly direction for a distance of 10 metres.
- (o) On the northern side of Jellicoe Street commencing at its intersection with Pine Avenue and extending in an easterly direction for a distance of 10 metres.
- (p) On the southern side of Jellicoe Street commencing at its intersection with Pine Avenue and extending in an easterly direction for a distance of 10 metres.
- (q) On the western side of Marine Parade commencing at its intersection with Jellicoe Street and extending in a northerly direction for a distance of 15 metres.
- (r) On the western side of Marine Parade commencing at its intersection with Jellicoe Street and extending in a southerly direction for a distance of 15 metres.

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- (s) On the northern side of Jellicoe Street commencing at its intersection with Marine Parade and extending in a westerly direction for a distance of 15 metres.
- (t) On the southern side of Jellicoe Street commencing at its intersection with Marine Parade and extending in a westerly direction for a distance of 15 metres.

15. BURWOOD/PEGASUS YOUTH DEVELOPMENT SCHEME - APPLICATION

The Board considered an application for funding assistance from the Burwood/Pegasus 2008/09 Youth Development Funding Scheme for two members of the Shirley Boys' High School First XI Soccer Team, to play at the New Zealand Secondary Schools Soccer Tournament in Napier from 31 August to 5 September 2008.

The Board **resolved** to allocate \$300 from the Burwood/Pegasus Youth Development Funding Scheme 2008/09 to be shared equally between Keegan Faichnie and Dylan Elliott.

The meeting concluded at 4.50pm

CONFIRMED THIS 1ST DAY OF SEPTEMBER 2008

**DAVID EAST
CHAIRMAN**