

10. 12. 2009

**JOINT REPORT BY THE CHAIRPERSONS OF THE
SPREYDON/HEATHCOTE COMMUNITY BOARD AND
RICCARTON/WIGRAM COMMUNITY BOARD
17 NOVEMBER 2009**

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. CLASSIFICATION OF CANTERBURY PARK RESERVES



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

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to classify under the Reserves Act 1977 (the Act) the unclassified reserve parcels contained within Canterbury Park. This action is required before the Draft Management Plan for Canterbury Park is publicly advertised, to ensure, that for the parts of Canterbury Park vested as reserve, the adopted management plan is a legally binding document under the Act. Classification will protect the reserves for the purposes for which they were vested.

EXECUTIVE SUMMARY

2. Canterbury Park is a large park located in the south-west area of Christchurch, being sandwiched between the existing suburb of Hillmorton, the future Aidanfield and Wigram residential developments and the Sockburn commercial area. One boundary is defined by the Curletts Road arterial, while two boundaries are bound by the Heathcote River/pawaho and its tributary, Dry Stream, respectively.
3. Seven of the parcels of land making up Canterbury Park (Areas F, G, H, I, J, K and L in **Figure 1** below) are vested in the Council as reserve, subject to the Reserves Act 1977. One parcel (Area F) is vested Recreation Reserve. The other six parcels, which border the river, are vested as Local Purpose (Esplanade) Reserve.

Figure 1



1 Cont'd

4. A Draft Management Plan for Canterbury Park has been prepared by staff. Staff propose to report the Draft Plan to the Spreydon/Heathcote Community Board and the Riccarton/Wigram Community Board in late February 2010 for approval for the Draft Plan to be advertised for public comment in early March 2010. Community Boards have delegated authority from the Council to give this approval. In order for the draft management plan to have legal standing under the Reserves Act 1977 for the reserve areas subject to the Act, they must first be classified pursuant to Section 16(2A)(a) of the Act before the Draft Plan is advertised for public comment. Only the Council has power to resolve to classify reserves under this section of the Act, it being necessary for this to happen before the Draft Plan is advertised.
5. Staff recommend that the seven Canterbury Park reserve parcels be classified in accordance with Section 16(2A)(a) of the Reserves Act 1977, one to be classified as Recreation Reserve and six as Local Purpose (Esplanade) Reserve. These are listed in **Table 1** below.

Table 1

Reserve Parcel	Legal Description	Certificate of title	Status / When Acquired	Area (ha)
F	Lot 3 Deposited Plan 73928	42C/1204	Fee simple title, Recreation reserve, subject to the Reserves Act 1977, vested in the Christchurch City Council on 10 April 1997.	34.9810
G	Lot 4 Deposited Plan 73928	42C/1205	Fee simple title, Local Purpose (Esplanade) Reserve, subject to the Reserves Act 1977, vested in the Christchurch City Council on 10 April 1997.	7.3285
H	Lot 5 Deposited Plan 73928	42C/1206	Fee simple title, Local Purpose (Esplanade) Reserve, subject to the Reserves Act 1977, vested in the Christchurch City Council on 10 April 1997.	2.2360
I	Lot 3 Deposited Plan 54323	32B/829	Fee simple title, Local Purpose (Esplanade) Reserve, subject to the Reserves Act 1977, vested in the Christchurch City Council in 1990.	0.1796
J	Lot 3 Deposited Plan 80544	46B/63	Fee simple title, Local Purpose (Esplanade) Reserve, subject to the Reserves Act 1977, vested in the Christchurch City Council on 17 November 1999.	0.0087
K	Lot 2 Deposited Plan 73146	42B/440	Fee simple title, Local Purpose (Esplanade) Reserve, subject to the Reserves Act 1977, vested in the Christchurch City Council on 29 November 1996.	0.0110
L	Lot 2 Deposited Plan 60864	—	Fee simple title, Local Purpose (Esplanade) Reserve, subject to the Reserves Act 1977, vested in the Christchurch City Council in 1992.	0.0057

6. Public notice of these proposed classifications is not required, because pursuant to Section 16(5)(c) of the Act the classifications proposed are a condition subject to which the land was acquired for reserve purposes.

1 Cont'd

FINANCIAL IMPLICATIONS

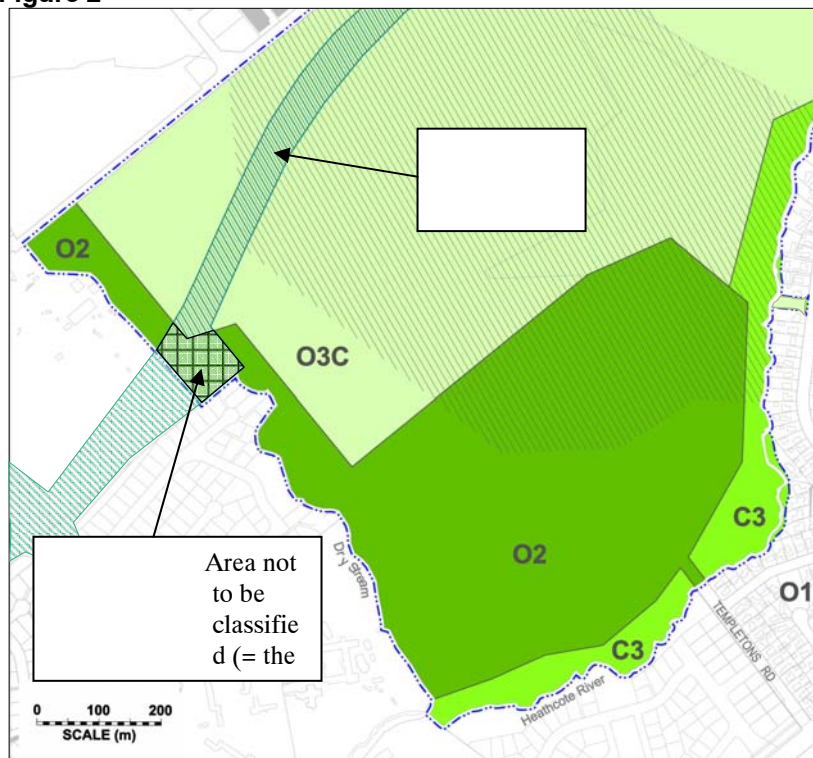
7. There are no budget implications associated with the recommendations in this report. Processing and staff costs are internalised, and the costs for liaison with the Department of Conservation and registration of the classification with the District Land Registrar are covered in existing budgets.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

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

LEGAL CONSIDERATIONS

9. In order to produce an operative management plan for Canterbury Park that is a legally binding document under Section 41(3) of the Reserves Act 1977 over the areas of land which are vested as reserve, these parcels need to be classified for the purposes for which they are held before the draft management plan is publicly advertised. One of these parcels is vested in the Council as Recreation Reserve, the other six as Local Purpose (Esplanade) Reserve. **Table 1** above provides a detailed description of these reserve parcels.
10. Part of the parcel of land in Canterbury Park vested as Recreation Reserve is subject to the designation for the Christchurch Southern Motorway. This part, comprising an area of approximately 9,200 square metres, will be developed as motorway. Consequently, it is the remaining parts of this reserve parcel, comprising approximately 34 hectares that staff are recommending to be classified. The total area recommended to be classified is shown as O2, the area to be excluded indicated with hatching, on **Figure 2**.

Figure 2

11. Public notification of the intention to classify the afore-mentioned unclassified reserves is not required, as explained in Paragraph 6 above.
12. If the Council approves the recommendation, staff will arrange for the notice of the classifications to be registered on the titles.

1 Cont'd

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

13. Yes, as described in the paragraphs above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. The proposed classifications are consistent with the Council being the most effective in ensuring the best provision of activities and services for Parks, Open Spaces and Waterways to meet community and environmental needs for open space, protect natural resources and scenic values, beautify the city and manage the land drainage network (Page 117 of the Long Term Council Community Plan 2009-19).

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

15. In order to ensure the best management, use and enhancement of the multiple values contained in Canterbury Park, and contribute to meeting the Council's Parks, Open Spaces and Waterways activities and services, as described in Paragraph 14, the Council needs to prepare a Management Plan for Canterbury Park, which, for the parts of the Park vested reserve under the Reserves Act, requires the classification of these reserves for the purposes for which they were vested before publicly advertising the Draft Plan.

ALIGNMENT WITH STRATEGIES

16. The classification proposals are consistent with Council achieving environmental results for the City Plan zones that cover Canterbury Park, including maintenance of a system of large areas of public open space for recreation throughout the city that are well distributed and readily accessible to people in all parts of the urban area; enhancement of city amenities by the presence and further development of green open space and opportunities for tree planting; maintenance and enhancement of ecological heritage sites; maintenance and enhancement of the recreation and amenity values of waterways and associated land margins, and access to and along them.
17. The proposals are 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. At a more localised level, the proposals are also consistent with the goals of the South-West Christchurch Area Plan to provide a high-quality naturalised water environment, connected across the South-West; establish a variety of indigenous forest and wetland habitats, connected by ecological corridors; incorporate local landscape features into urban development and public open space to maintain landscape character; and develop a diverse, connected and attractive public open space network that encourages use and enjoyment.

Do the recommendations align with the Council's strategies?

18. The adoption of the recommendations for the classification of the reserve land parcels to be included in the Draft Canterbury Park Management Plan will ensure that the adopted management plan, which directs the management, use and enhancement of Canterbury Park in a manner consistent with the Council's long term plans and strategies, including those referred to in Paragraphs 16 and 17, has legal standing under the Reserves Act.

CONSULTATION FULFILMENT

19. Public notification of the intention to classify is not required, as explained in Paragraph 6 above.

1 Cont'd

STAFF RECOMMENDATION

That the Council resolve:

- (a) That to exercise the powers conferred on it by Section 16(2A)(a) of the Reserves Act 1977, the Christchurch City Council resolves that the reserve described in the schedule, excluding the part designated for state highway purposes, be classified recreation reserve pursuant to Section 17 of the Reserves Act 1977.

Schedule

Canterbury Land District – Christchurch City

34.9810 hectares, being Lot 3 DP 73928. All Certificate of Title 42C/1204.

- (b) That to exercise the powers conferred on it by Section 16(2A)(a) of the Reserves Act 1977, the Christchurch City Council resolves that those reserves described in the schedule be classified local purpose (esplanade) reserve pursuant to Section 23 of the Reserves Act 1977.

Schedule

Canterbury Land District – Christchurch City

7.3285 hectares, being Lot 4 DP 73928. All Certificate of Title 42C/1205.

2.2360 hectares, being Lot 5 DP 73928. All Certificate of Title 42C/1206.

0.1796 hectares, being Lot 3 DP 54323. All Certificate of Title 32B/829.

0.0087 hectares, being Lot 3 DP 80544. All Certificate of Title 46B/63.

0.0110 hectares, being Lot 2 DP 73146. All Certificate of Title 42B/440.

0.0057 hectares, being Lot 2 DP 60864.

SPREYDON/HEATHCOTE COMMUNITY BOARD CONSIDERATION

The Board commented on the part of Canterbury Park shown in Figures 1 and 2 that extends between the Heathcote River and Warren Crescent and labelled Area N in Figure 1 and queried if this was included in the areas of reserve to be classified.

SPREYDON/HEATHCOTE COMMUNITY BOARD RECOMMENDATION

That the staff recommendation be adopted with the addition that the area, shown in Figures 1 and 2, that extends between the Heathcote River and Warren Crescent and labelled Area N in Figure 1 which is street reserve and not reserve to be classified, be recoloured in Figures 1 and 2 to show it is not reserve to be classified.

RICCARTON/WIGRAM COMMUNITY BOARD RECOMMENDATION

That the staff recommendation be adopted.

1 Cont'd

BACKGROUND (THE ISSUES)

20. Canterbury Park is made up of 14 parcels of land held in fee simple title by the Council. These are mostly contained within a 149 hectare area that is bounded by Wigram Road to the north, the Heathcote River/Ōpawaho to the south, Dry Stream to the west and Curletts Road to the east. Most of the area north of the river is contained within three parcels of land, (Areas A, D and E in **Figure 1** above) which makes up approximately two-thirds of the total Canterbury Park area. This area, along with Areas B and C, is zoned Open Space 3C in the City Plan, a specialist zone to enable the development of facilities serving the primary industries of Canterbury, namely to provide for public displays, livestock sales, entertainment and business activities related to these industries.
21. The majority of the other third of Canterbury Park north of the Heathcote River/Ōpawaho is contained in one parcel of land (Area F in **Figure 1** and listed in **Table 1** above), which is vested in the Council as Recreation Reserve, subject to the Reserves Act. This area is zoned Open Space 2 (District Recreation and Open Space). In addition, there are two linear parcels of land (Areas G and H in **Figure 1** and **Table 1**) that are vested in the Council as Local Purpose (Esplanade) Reserve, subject to the Act. These parallel, and border the northern side of, the river. The area they cover is zoned Conservation 3 in the City Plan, a zoning that is for the conservation of waterways and their margins. They are also part of Ecological Heritage Site 15.21, which is described as containing riparian willow woodland, with native trees, shrubs, ferns and sedges.
22. There are also five small separated parcels of land (Areas I, J, K, L and N in **Figure 1** and **Table 1**), totalling just over 0.3 hectares in area, on the southern side of, and adjoining, the river. Four of these parcels are vested in the Council as Local Purpose (Esplanade) Reserve, and the fifth is Street Reserve.
23. Work has been underway for approximately a year to prepare a Draft Management Plan for the whole of Canterbury Park. A key driver for doing this is the condition in the sale and purchase agreement between the Council and the Canterbury Agricultural and Pastoral Association (A&P Association) in 2001 when the Council purchased Areas A and D (see **Figure 1**). This condition requires the preparation of a management plan to identify future opportunities for the use of the land, while at the same time protecting the A&P Association's existing use rights. Another driver is to address the impact the development of the Christchurch Southern Motorway will have on Canterbury Park. The motorway will reduce the total area of Canterbury Park by approximately 18.5 hectares.
24. As the portion of Canterbury Park that is reserve is adjacent to, and intrinsically linked as park space with, the land area acquired from the A&P Association, preparation of a management plan covering both areas was identified by Council staff as necessary to achieve the best and most appropriate management of the Park, which has significant recreational and environmental values.
25. Community Boards have delegated authority from the Council to approve Draft Management Plans to be advertised for public comment. Hearings panels convened to consider the public submissions received have the delegated authority to adopt a Draft Management Plan as the operative plan. This document will be a contract between the Council and the public under the Local Government Act 2002 and, for the parts of Canterbury Park that are reserve, subject to the Reserves Act and be legally enforceable under it. For the latter to be achieved, thereby ensuring the reserved areas are protected for the purposes for which they were vested, the draft management plan cannot be advertised for public comment until the reserves covered by this plan are classified as reserve pursuant to the Reserves Act.

1 Cont'd

26. Seven parcels of land in Canterbury Park have a fee simple title that vested on deposit of subdivisions (which took place at different times) as reserve in the Council. None of these land parcels have been classified under the Act. The vestings are:

- (a) One parcel as Recreation Reserve;
- (b) Six parcels as Local Purpose (Esplanade) Reserve.

Staff recommend that the land parcel vested as recreation reserve is classified as Recreation Reserve under Section 17 of the Act. Staff recommend that the six land parcels vested as local purpose reserve are classified Local Purpose (Esplanade) Reserve under Section 23 of the Act.

27. The parts of Canterbury Park that are not vested as reserve under the Reserves Act will remain as they are currently held for the time being. These parts are Areas A, B, C, D, E and N in **Figure 1** above.

THE OBJECTIVES

28. To classify, pursuant to the Reserves Act 1977, all of the presently unclassified parcels of reserve land in Canterbury Park, which will ensure that the management plan is a legal document under the Reserves Act for the reserve areas.

THE OPTIONS

29. Option 1: Classify as recommended all the land parcels set out in the schedules of the recommendations according to the original vestings of each. This will ensure the protection and best management of each reserve land parcel, in accordance with the primary values of each, thereby ensuring the Management Plan has legal status under the Reserves Act.

30. Option 2: Classify none. This option would mean that the final Management Plan would be a legal document under the Local Government Act 2002, but would have no legal standing under the Reserves Act 1977.

THE PREFERRED OPTION

31. Option 1: Classify as recommended all the land parcels set out in the schedules of the recommendations according to the original vestings of each. This will ensure the protection and best management of each reserve land parcel, in accordance with the primary values of each, thereby ensuring the management plan has legal status under the Reserves Act.