

26. REPORT OF THE BROOKLANDS LAGOON AREA DRAFT PARKS MASTER AND MANAGEMENT PLANS HEARINGS PANEL

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Author:	Brooklands Lagoon Area Draft Parks Master and Management Plan Hearings Panel

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval of the Draft Spencer Park Management Plan 2009, Draft Seafield Park Management Plan 2009 and Draft Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan 2009, with recommended changes incorporated, as the operative plans. (Note: this item was deferred from the 23 July Council meeting with all attachments separately circulated.)

EXECUTIVE SUMMARY

2. At its meeting on 14 May 2009 the Council received a report from the Shirley/Papanui Community Board recommending the Council approve the Draft Spencer Park Management Plan 2009, Draft Seafield Park Management Plan 2009 and Draft Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan 2009 to be notified for public submissions for a period of not less than two calendar months as specified by Section 41(6)(a) of the Reserves Act 1977. The draft plans were available for public consultation from 27 June to 31 August 2009. A total of 30 submissions were received.
3. Hearings were held on 21 September and 3 November 2009 where five submitters made oral submissions. The Hearings Panel, comprising Councillor Ngaire Button (Chair), Councillor Chrissie Williams and Shirley/Papanui Community Board member Pauline Cotter, reconvened on 6 April and 28 April 2010 to deliberate and decide on the extent to which submitters' objections and comments will be allowed or accepted or disallowed or not accepted. Another meeting of the Hearings Panel was held on 29 June 2010 to determine recommendations for further additions to the draft management plans to highlight the tree management measures in place in the areas covered by these draft plans to meet Health and Safety in Employment Act 1992 requirements.
4. The determinations of the Hearings Panel have been highlighted as tracked changes in the draft plans and incorporated in the revised master plan. The further determinations of the Hearings Panel made on 29 June 2010 are included as recommendations of this report but not included in the master and management plans (Attachments 1 to 4 separately circulated to the Council meeting of 24 June 2010).

FINANCIAL IMPLICATIONS

5. The master plan contains a number of proposals that will be put forward for consideration in the 2012-22 LTCCP. The plan clearly states that the projects are subject to approval through the LTCCP process.

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

6. Yes, as above.

LEGAL CONSIDERATIONS

7. The two management plans have been prepared in accordance with the requirements of the Reserves Act 1977 as they cover reserves classified under this Act. The preparation of the master plan was not required to be subject to the Reserves Act as it includes areas not held under the Act. Yet, due to its overarching coverage, including the aforementioned reserves, and in order to achieve an integration of planning, consistency of consideration by the public and economy of scale cost savings, the three plans were processed together. The master plan is a statutory document under the Reserves Act 1977 for the areas it covers that are reserves classified under the Act (that is, Spencer and Seafield Parks) and a contract between the public and the Council under the Local Government Act 2002 for the non-reserve public open space areas administered and managed by the Council.

12. 8. 2010

26. Cont'd

8. The master plan also covers public areas under the administration of the Department of Conservation and Environment Canterbury. For these areas, the master plan is not binding on these government bodies in any way but instead serves an integrated information and advocacy role.
9. The Hearings Panel has delegated authority, under the Council's Hearings Panel Reserves Act 1977 delegations, to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves, pursuant to Section 41 of the Reserves Act. As the submissions and objections have been heard and determined by the Hearings Panel under this delegated authority, the Council cannot make any further amendments to the plans.

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

10. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. The three plans will assist the Council, for the area that the plans address, in being 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).
12. Spencer Park, Seafield Park and Brooklands Spit come under the activity of Regional Parks in the LTCCP and Activity Management Plans. In the current LTCCP, up to \$30 000 per annum is available for plantings in Spencer Park and up to \$15 000 per annum for plantings in Seafield Park. In addition, \$5,000 per annum is available for car parks and driveways in Spencer Park and Seafield Park.

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

13. In order to ensure the best management and use of the multiple values contained in Spencer Park and Seafield Park, and the other public parks and open space in the Brooklands Lagoon/Te Riu o Te Aika Kawa area, and contribute to meeting the Council's Parks, Open Spaces and Waterways activities and services as described in Paragraph 11, the Council needs to have in place good operational plans for these parks and open spaces.

ALIGNMENT WITH STRATEGIES

14. Council strategies relevant to the plans include the Biodiversity Strategy 2008, Christchurch Active Living Strategy 2004, Climate Change Policy 1995, Draft Climate Smart Strategy 2010-2025, Parks and Waterways Access Policy 2002, Physical Recreation and Sport Strategy 2002, Dog Control Policy 2008, Dog Control Bylaw 2008, Parks and Reserves Bylaw 2008, Marine and River Facilities Bylaw 2008 and the Draft Public Open Space Strategy 2010-2040.
15. Approval of the plans is consistent with achieving the appropriate management and use of the resources in the Conservation 1A Zone (coastal margin), including ensuring the natural character of the coastal environment remains substantially unchanged and providing for the range of values present on the land, including recreational, ecological, scenic, educational, cultural and heritage values. It is also consistent with meeting 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.

12. 8. 2010

26. Cont'd

Do the recommendations align with the Council's strategies?

16. Yes, the approval of the plans as the operative plans will permit the planning process to be completed, resulting in documents being in place that direct and guide the management, use and enhancement of the public parks and open space areas in the Brooklands Lagoon/Te Riu o Te Aika Kawa area in a manner consistent with the Council's long term plans and strategies, including those referred to in Paragraphs 14 and 15.

CONSULTATION FULFILMENT

17. Yes, consultation has exceeded the requirements of the Reserves Act 1977.
18. Key stakeholders were involved in the preparation of, or commented on, the draft plans before they were publicly notified. These included Te Rūnanga o Ngāi Tahu, through Mahaanui Kurataiao Ltd, and staff of Environment Canterbury and the Department of Conservation.
19. Two periods of public consultation were undertaken during the process of review and preparation of the draft plans. These followed the public notification in March 2008 of the Council's intent to prepare the draft plans and the notification in June 2009 of the draft plans for public comment. Both consultations fully complied with Section 41 of the Reserves Act 1977.
20. The Shirley/Papanui Community Board has been engaged and informed, through field trips, seminars and reports, since 2003 on the public parks and open space planning for the Brooklands Lagoon/Te Riu o Te Aika Kawa area.

RESERVE HEARINGS PANEL RECOMMENDATION

With the powers of the Council delegated to the Brooklands Lagoon Area Draft Parks Master and Management Plans Management Plan Hearings Panel to hear and determine submissions and objections in relation to the preparation, review and change of management plans for reserves pursuant to Section 41 of the Reserves Act 1977, and for parks held under the Local Government Act 1974, it is recommended that:

- (a) The Council approves the Spencer Park Management Plan, Seafield Park Management Plan and Brooklands Lagoon/Te Riu o Te Aika Kawa Area Parks Master Plan, with the changes shown as tracked changes in the draft plans and incorporated in the final versions of the plans, plus the changes shown in (b) and (c) below, as the operative plans.
- (b) Further additions are made to the Draft Spencer Park Management Plan, as follows:
- (i) Insert the following policy section and contained policies on page 11 of the draft plan.

2.18 TREE MANAGEMENT

POLICIES: 45 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken or the tree removed in order to mitigate this risk.

46 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

- (ii) Insert the following values and issues section on page 19 of the draft plan.

3.15 TREE MANAGEMENT

The area covered by this management plan includes a variety of tree vegetation, most of which consists of exotic species such as pines, willow and silver poplar.

12. 8. 2010

26. Cont'd

This ranges from scattered trees and clumps of trees throughout Spencer Park, with a tall pine shelter belt fringing the Picnic Ground, to the tall woodland area of South Seafield Park.

Management of trees in the Spencer Park/South Seafield Park area, and elsewhere in the Brooklands Lagoon area under the control of the Council, has proceeded, and is continuing to proceed, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The Council is preparing a Tree Policy that will document all requirements with respect to trees.

Part of Spencer Park is leased to an independent operator as Spencer Beach Holiday Park. The lease requires the lessee to maintain the trees in the Holiday Park to the best standards of silviculture. The landscape and planting plan for the Holiday Park that is an appendix to this management plan states that trees are to be assessed yearly and maintained in accordance with the tree management strategy, and that unsafe trees are to be pruned or removed.

Part of South Seafield Park, at the time of preparation of this management plan, is operated by an independent party under licence as the Adrenalin Forest, a tree-based adventure ropes course. The Licensee is responsible for the care and maintenance of all trees in the area covered by the licence, but the prior written consent of the Council is required before any cutting or trimming of the trees occurs. The Licensee is also required to engage a Council approved consultant to undertake an annual tree audit on the trees used in the ropes course to determine their health and structural integrity and the effect, if any, on them by the ropes course activity.

(c) Further additions are made to the Draft Seafield Park Management Plan, as follows:

(i) Insert the following policy section and contained policies on page 13 of the draft plan.

3.0 TREE MANAGEMENT

POLICIES: 44 Where any tree in the area covered by this management plan is identified as a risk to public safety due to the state of that tree, required maintenance work shall be undertaken or the tree removed, subject to Policy 46 below, in order to mitigate this risk.

45 Any large trees that are identified as an immediate risk to public safety, due to over-maturity or the like, shall be isolated by an appropriate barrier and warning signs pending removal and replacement of these trees.

46 For the areas covered by this management plan that are classified scenic reserve under the Reserves Act 1977, the prior consent in writing of the Minister of Conservation shall be obtained prior to the cutting or removal of indigenous trees and bush, as required by the part of section 42(1) of this Act not delegated to the Council.

(ii) Insert the following issues section on page 19 of the draft plan.

3.7 TREE MANAGEMENT

The area covered by this management plan includes a range of vegetation, with most of this comprising low and open wetland, dune and pasture types. What tree vegetation there is consists of a few scattered trees and clumps of trees, plus a couple of shelter belts of trees, all of which are made up of mostly exotic pines, in the northern half of Seafield Park. The dense tall pine woodland in South Seafield Park is addressed in the Spencer Park Management Plan.

12. 8. 2010

26. Cont'd

Management of trees in the Mid/North Seafield Park area, and elsewhere in the Brooklands Lagoon area under the control of the Council, has proceeded, and is continuing to proceed, according to the Council's standard practices of management, including managing the health and safety implications of the trees. The Council is preparing a Tree Policy that will document all requirements with respect to trees.

- (d) This report is forwarded to the Shirley/Papanui Community Board for information.
- (e) The Council consider supporting staff to investigate further the following issues:
 - (i) With respect to the Dog Control Policy and Bylaw, the need for further restriction of dogs in natural areas in order to protect wildlife, the provision and effectiveness of signage on site to better inform dog owners, and requirements for improved enforcement.
 - (ii) Development of a policy for the use and promotion of Māori names in significant natural and open space areas.
 - (iii) The feasibility of and options for the Christchurch Water Sports Club relocating to an alternative site, and the Club's land being acquired for addition to the Seafield Park scenic reserve.