

**PROPOSED CHANGE TO CLASSIFICATION OF PART
OF CLARE PARK FROM RECREATION RESERVE TO
LOCAL PURPOSE (DRAINAGE) RESERVE**

HEARINGS PANEL AGENDA

WEDNESDAY 27 FEBRUARY 2013

AT 9.30AM

IN THE BOARDROOM, CORNER BERESFORD AND UNION STREETS, NEW BRIGHTON

PANEL: Community Board Members Tim Baker, David East and Julie Gorman

Principal Adviser
Russel Wedge
941 8270

Committee Adviser
Janet Anderson
941 8112

1. **ELECTION OF CHAIRPERSON**
2. **HEARING OF OBJECTION:** Jenny and Russell Crooks
3. **CONSIDERATION OF SUBMISSION**
Staff Report is **attached**.
4. **HEARINGS PANEL CONSIDERATION**
5. **DELIBERATIONS**

3. CONSULTATION COMPLETED – PARTIAL RECLASSIFICATION OF CLARE PARK, BURWOOD

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

PURPOSE OF REPORT

1. The purpose of this report is to provide information to the Hearings Panel on the Council staff proposal to undertake a partial reclassification of Clare Park, Burwood and the public submission (one written submission received) objecting to the proposal.

EXECUTIVE SUMMARY

2. At the Burwood / Pegasus Community Board meeting of 17 September 2012, the Board considered a report seeking its approval under delegated authority to publicly notify a change of classification of part (4.2019 ha) of Clare Park (22.1564 ha) being Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve. The Board resolved to:
 - (a) Approve in principle the change of classification of part (4.2019 ha) of Clare Park (22.1564 ha) being Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve.
 - (b) Approve the public notification of the proposed change of classification of Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve for one month.
 - (c) Appoint Tim Baker, David East and Julie Gorman to the Hearing Panel for the consideration and deliberation of public submissions to the proposed reserve change of classification and forward their recommendation(s) back to the Community Board.

BACKGROUND

3. The majority of land within the title area known as Part of Lot 5 (DP 35283) forms part of Clare Park and is permanently underwater, with the exception of an informal road across the wetland and a few small islands in the middle of the wetland. The wetland is a natural occurrence due to the low-lying topography and a combination of high ground water and surface water flows from the considerable upstream catchment area. The land form is not a direct result of the earthquakes which may have contributed to the wetland, although the impact (if any) has not been investigated. Water collects in the wetland from the Snellings Drain and the No. 2 Drain. The wetland is not functioning as a wetland, suffering from lack of maintenance and is inundated with undesirable weed species such as Grey Willow, a very invasive species of willow.
4. The proposal is to develop the existing wet area of land in Clare Park (Part of Lot 5) into a functioning wetland with the capacity to accommodate stormwater via Snellings Drain as a secondary stormwater treatment and detention system. Stormwater that requires secondary treatment from the proposed development will come down to the wetland via Snellings Drain and a realigned overflow channel which is already designated. The development and maintenance of the stormwater wetland in the existing wet area of Clare Park will require some capital investment and on-going maintenance, such as the removal of grey willow and associated weeds.
5. Lot 2 DP 303482 is a 2 hectare block of land directly north of the wetland area in Clare Park that was purchased for stormwater purposes. Lot 2 is not classified as Recreation Reserve as the intention was to develop this land for stormwater treatment and detention in conjunction with Part of Lot 5 in Clare Park. The Council is actively pursuing the acquisition of land within the vicinity of Lot 2 DP 303482 and Clare Park for stormwater purposes, plus additional land for a stormwater corridor leading down to Clare Park.
6. The development of the wet area of land in Clare Park (Part of Lot 5) into a stormwater secondary treatment area can not occur under the current Recreation Reserve classification of the Lot as per the Reserves Act 1977 (stormwater treatment is not considered a primary

function of a reserve classified as Recreation Reserve). The Lot needs to be reclassified to Local Purpose (Drainage) Reserve, and the process requires public consultation, consideration of submissions by the Community Board and the Board's recommendation to the Department of Conservation for the reclassification of this area of land (under delegated authority from the Council).

7. In December 2000, the Christchurch City Council adopted in principle, a comprehensive scheme for sustainable management of waterways, wetland and drainage within Snellings and No 2 Drain catchments. The scheme included additional stormwater treatment within a wetland at Clare Park.
8. In 2005 the Christchurch City Council applied for a resource consent for stormwater to upgrade the Snellings Drain within the North-East Catchment area. This identified the possible future use of Clare Park as part of the stormwater treatment and detention system.

SUBMISSION RECEIVED

9. One submission was received from Jenny and Russell Crooks dated 31 October 2012 (refer **Attachment 1**) objecting to the proposed change of classification of Clare Park.
10. The issues raised in the Crooks submission relate to the proposed stormwater developments on the Council owned Free-simple land to the west and south of the Crooks property. Their concern is that any stormwater development in the vicinity of their property will affect their ability to retain and / or obtain house insurance as they are zoned TC3 and have suffered lateral spreading.
11. Paragraph 12 and 13 of their letter states:

We therefore strongly object to the proposed change of reserve classification for part of Clare Park, based on the fact that we are the only property to be affected by this change, and the direct financial impact that it would have on our property value.

Even if you just consider the reclassification of the Clare Park area, for stormwater retention, and ignore the bigger picture, in regard to the reason for this reclassification application, then it should be pointed out that this area alone, would still have a huge detrimental effect on our property value. To install a large ponding area on our Southern Boundary will alter the circumstances under which we currently have insurance cover on this property. The effects of this change will be a substantial, or total loss, of our property value.

STAFF RESPONSE TO ISSUES RAISED IN SUBMISSION

12. The Crooks property is not an adjoining neighbour to the land proposed for reclassification (refer **Attachment 2**). The land to the west and south of the Crooks property is Fee-simple land owned by the Council, bought earlier (some from the Crooks) for the purposes of stormwater. This land is not part of Clare Park nor forms part of the land proposed to be reclassified.
13. Part of the eastern boundary of the Crooks property at 25a Greenhaven Drive adjoins Clare Park (Part of Lot 1 DP 6339), but does not form a boundary with the land proposed for reclassification.
14. The land in Clare Park proposed for reclassification from recreation to local purpose (drainage) reserve is already a wet, swamp area that always contains water. It is overgrown with weeds and currently acts as a stormwater retention area. There is an access road along the northern boundary of this Lot that provides vehicle access from the east to the west of Clare Park. This road would be retained and forms a natural barrier to any flood waters from the already wet, swamp area in Clare Park spreading north to the adjoining Council Fee-simple land.
15. The proposed reclassification of part of Clare Park is a planning application and there is no capital budgets associated with this application. Any capital development projects planned for the adjoining Council fee-simple land, which forms a neighbour with the Crooks property, is not associated with this reclassification application and are not dependent upon the reclassification of this part of Clare Park.

16. The proposal to reclassify part of Clare Park does not affect the Crooks property. The area to be reclassified is already a wet, swampy area of land that the water naturally flows to and is retained, due to its low lying topography. The reclassification of this area will enable the Council to clear the weeds out of the swamp and to improve the ecological aspects of the wet land so it can be managed as a natural stormwater retention area.

FINANCIAL IMPLICATIONS

17. The process to change the classification of Part of Lot 5 (DP 35283) of the recreation reserve in Clare Park will be funded through the Reserves Classification budget (WBS 353/217/4 - funds available maximum \$18,000). The change of classification will allow the future build of the storm water treatment and detention system, which is identified in the 2012/13 Annual Plan and in the future 2013/22 Long Term plan.

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

18. The proposed enhancement of Clare Park will support the development of land in the north in the City as identified in PC1

LEGAL CONSIDERATIONS

19. Community Boards have delegated authority from Council to exercise the delegations as set out in the Register of Delegations dated 24 November 2011. The delegations table for the Community Boards under section 5.3 Change of Classification delegated to all Community Boards states: Change of classification or purpose or revocation of a reserve (sections 24 and 24A of the Reserves Act 1977).
20. The Reserves Act 1977, Section 24 (1) clarifies the Local Authority as the administering body and outlines the circumstances and process for changing the classification of reserves. Section 24 (2) states the requirement to publicly notify the proposed change of classification and the right of objection to the change provided it is within one month after the date of the first publication of the notice. The administering body after considering the objections is to forward the objections and a copy of the (Community Board's) resolution to the Commissioner (Department of Conservation), who can change the classification of the reserve by notice in the Gazette.

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

21. As above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

22. LTCCP 2009 – 19, Parks, Open Spaces and Waterways – Volume 1 Section 119
- (a) Safety - by ensuring that our parks, open spaces and waterways are healthy and safe places, and by controlling and minimising flood and fire hazards.
 - (b) Environment - by enabling people to contribute to projects that improve our environment.
 - (c) Governance - by involving people in decision-making about parks, open spaces and waterways.
 - (d) Health - by providing areas for people to engage in healthy activities. By managing surface water.
 - (e) Recreation - by offering a range of recreational opportunities in parks, open spaces and waterways.
 - (f) City development - by providing an inviting, pleasant and well cared-for environment. By ensuring the drainage network allows the city to function during rainfall.

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

23. Yes, as above.

ALIGNMENT WITH STRATEGIES

24. Aligns with:

- (a) Waterways, Wetlands and Drainage Guide 2000 - Volume 1 and 2 in relation to Clare Park as part of the Avon River / Otakaroro catchment.
- (b) Surface Water Strategy 2009 - Development of Clare Park as a functioning wetland, and stormwater treatment and retention area.
- (c) Future Lower Avon Catchment Management Plan.

Do the recommendations align with the Council's strategies?

25. Yes as above.

CONSULTATION FULFILMENT

- 26. The proposed change of classification has been publicly notified in The Press, with submissions open from 29 September 2012 and closed 5pm 2 November 2012.
- 27. The Change of reserve classification under the Reserves Act 1977, S24 2(c) states: "Every person claiming to be affected by the proposed change of classification ... shall have the right of objection ... at any time within one month after the date of the first publication of the notice of the proposal".
- 28. Preliminary discussions have been undertaken with the Department of Conservation who have indicated they support the proposed reclassification, providing the sports grounds are not unduly affected by the proposed development.

STAFF RECOMMENDATION

It is recommended that the Council Hearings Panel:

- (a) Receives the written and verbal submission from Jenny and Russell Crooks, 25a Greenhaven Drive, Burwood.
- (b) Declines to uphold Jenny and Russell Crooks objection to the reclassification of Part of Clare Park (Part of Lot 5 DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve under the Reserves Act 1977, Section 24 (1). The planning and administrative process to reclassify part of Clare Park is a process under the Reserves Act and not associated with any development projects under the LTCCP.
- (c) Recommends to the Burwood / Pegasus Community Board (under delegated authority from the Council) to approve the change of classification of part (4.2019 ha) of Clare Park (22.1564 ha) being Part of Lot 5 (DP 35283) from Recreation Reserve to Local Purpose (Drainage) Reserve, subject to the Minister of Conservation's approval.



31st October, 2012.

25a Greenhaven Drive,
Burwood,
Christchurch.

PH: 383-5977 or 027-659-4596

SUBJECT: PROPOSED CHANGE OF CLASSIFICATION FOR PART OF
CLARE PARK – NOTIFIED SATURDAY SEPTEMBER 29, 2012.

Russell Wedge,
Parks and Waterways Planner,
Asset and Network Planner,
Christchurch City Council,
P.O. Box 73014,
CHRISTCHURCH, 8154.

Email: russel.wedge@ccc.govt.nz

Dear Sir,

We wish to object to the above, proposed change of classification of part of Clare Park.

Our reasons for the objection are as outlined below:

We are situated at 25a Greenhaven Drive, on a developed 1.277 hectare site (Lot 40, DP 23572, and Lot 41 DP 303482). Our property is the only one that adjoins the proposed site, and therefore the only one that will be directly effected. The Clare Park area that was notified is situated on our South boundary.

It is apparent after discussions with Council staff, namely yourself, Ken Couling, Richard Holland, and Roy Eastman from Capital Investigations, that the plan is to utilize this for main flow water retention, due to the Prestons stormwater sub division requirements. It is also apparent that this reclassification will enable the council to access and utilize 25R Greenhaven Drive, Lot 2, DP 303482 (fee simple), which will be used for the same purpose. This lot runs along our entire Western boundary and thereby also adjoins our property.

This would mean that to our both our South and West boundaries would be a lake area. Currently on our Eastern boundary we also have Snellings waterway, and running along our North boundary is a 1 metre wide drainage channel.

Effectively our property would be an island, with our only dry land boundary area being the 6.1m wide access over Snellings waterway.

If this proposed change is allowed to happen, it would have very detrimental effects on our property. This is due to the insurance restrictions now in place, due to the impact of the earthquakes, in Christchurch. Insurance companies do not like to have properties surrounded by water, as a direct consequence of the lateral spreading results, clearly displayed by the properties close to waterways. These properties suffered severely in the previous major earthquakes we have endured.

This property has already suffered from lateral spreading, and is due to be rebuilt due to the subsequent damage from the earthquakes, and we are in the zone for TC3 classification.

Insurance is currently very hard to retain in this area, and nearly impossible to obtain, in the event that your current insurers cancel the policy. Therefore should you continue with this proposal, you could effectively deem our property to be uninsurable, and thereby worthless, in our current marketplace.

This would have a massive impact on our value, and investment in this property. We would be left penniless and in-debt to our bank.

We have had discussions concerning this proposed change of classification, and the entire intentions of the Council in regard to this matter with the major property owners to our North and North West, (their properties run from ours down to Mairehau Road), being George Smith and John Eden. Currently you are in negotiations with John Eden, to purchase part of his existing property to facilitate the increased water flow, originating from the Prestons Development, to this proposed water retention area.

This will indeed be a wet basin, and will have substantial flow going into it. After telephone discussions with the aforementioned council staff, it has been revealed that there are already proposals in place for islands in these two areas, and therefore a lake will be formed when the water levels reach the proposed allowance. The overflow from such events, will then be re-routed by way of a weir system, to run along Snellings waterway (on our Eastern boundary), and will no doubt also run along the interconnected existing drainage channel on our North boundary.

This means that every boundary surrounding our house will be subjected to large water flows, erosion, and as mentioned previously, deems this property as a very bad insurance risk.

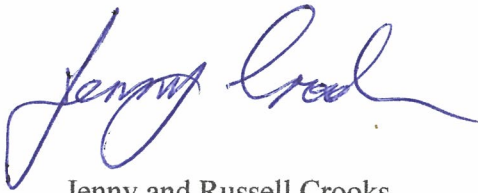
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We wish to be heard in relation to this matter by the Council Hearings Panel, so we can then explain the untenable situation we will be placed in, and the ruination of value we would be subjected to, should this proposal be permitted to proceed.

We await your advice by return.

Yours faithfully,



Jenny and Russell Crooks.



c.c. Helen Hood

LLB(Hons) B.Com

Dip. Bus



Clare Park – Map 2

