

5. THE GROYNES – LAND EXCHANGE

Officer responsible Parks & Waterways Manager	Author John Allen – Policy & Leasing Administrator, DDI 941-8699
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The purpose of this report is to seek a Council resolution to exchange part of a Recreation Reserve, adjacent to the Otukaikino Stream, for other adjacent land. The exchange will reflect the boundary of the newly constructed full sized tennis courts adjacent to the Reserve, which have been built by Clearwater Resort for use by the hotel guests.

CONTEXT OF REPORT

This matter is being referred to the Community Board for comment prior to being reported to the Council for a decision. The Reserves Act 1977 requires a resolution to be made by full Council.

Section 15 of the Reserves Act 1977 requires that the intention to pass a resolution to exchange the land, is not to be made before the expiration of one month's notice of the intention to pass the resolution, and calling for objections thereto in writing has been published in one or more Christchurch newspapers.

The proposed exchange was advertised in the public notices columns of the Press Newspaper on Saturday 31 August 2002, calling for submissions and objections in writing to be forwarded to the author of this report, before Monday 7 October 2002. No submissions or objections were received.

Once the Council has resolved to proceed with the exchange, the Council requests the Minister of Conservation to authorise the exchange, by placing a notice in the New Zealand Gazette.

DESCRIPTION OF THE PROPOSAL

The exchange is being promoted by Clearwater Resort to reflect the land holdings in the area. The two full sized tennis courts (approximately 210 square metres) are built across the boundary of Lot 111 DP 83358. This is comprised in Certificate of Title 48A/1247 which has a total area of 1.1585 hectares. This is vested in the Christchurch City Council as a Recreation Reserve which abuts the Otukaikino Stream. The closest corner of the tennis court fence is situated 12 metres back from the Otukaikino Stream, which is in excess of the 10 metre setback required in the City Plan.

It is proposed to exchange the reserve land for approximately 360 square metres of Lot 15 DP 302828. This is comprised in Certificate of Title 10858 and contains 2,224 square metres held as fee simple land by Clearwater Golf Club Limited.

The exchange will square up the southwest boundary of the Reserve, and increase the size of the Reserve by approximately 150 square metres (see attached plan).

ISSUES FOR CONSIDERATION

The proposed exchange will enable the Reserve to reflect what is built upon the ground, square off the southwest boundary of the Reserve and enable the Reserve to be increased in size by approximately 150 square metres. This is at no cost to the Council. Officers are of the view that this proposed exchange is strongly in the Council's favour.

The applicant has agreed to pay all costs incurred by the Council in effecting this exchange, including the Council GST that will be required because of the unequal nature of the exchange. Although this exchange is of unequal areas of land in the Council's favour, no reserve credits are to accrue out of this exchange in the applicant's favour.

Staff**Recommendation:**

That the Board recommend to Council the following resolution:

1. That pursuant to Section 15 of the Reserves Act 1977 the Christchurch City Council resolves to exchange the land described in Schedule A for the land described in schedule B:

Schedule A

Approximately 210 square metres (subject to survey), of Lot 111 DP 83358, comprised and described in Certificate of Title 48A/1247, vested in the Christchurch City Council as a Recreation Reserve, shown as parcel A on the attached plan.

Schedule B

Approximately 360 square metres (subject to survey), of Lot 15 DP 302828 comprised and described in Certificate of Title 10858 held as fee simple land by Clearwater Golf Club Limited shown as parcel B on the attached plan.

2. The above resolution be adopted subject to the following conditions:
 - (a) No compensation over and above the Reserve area being exchanged to be payable by the Council.
 - (b) Clearwater Golf Club Limited to pay all the costs incurred by Council in processing this application, including any GST payable to give effect to the exchange.
 - (c) No reserve credits are to accrue because of the unequal nature of this exchange to Clearwater Golf Club Limited, or its associated companies.
3. The Council to request the Minister of Conservation to authorise the exchange, by placing a notice in the New Zealand Gazette.

Deputy Chairperson's**Recommendation:**

That the staff recommendation be adopted.

NATURAL + PEOPLE + ECONOMIC STEP ASSESSMENT

#	CONDITION:	Meets condition ✓✓0*	HOW IT HELPS MEET CONDITION:
The Natural Step			
N1	Reduce non-renewable resource use	0	
N2	Eliminate emission of harmful substances	0	
N3	Protect and restore biodiversity and ecosystems	0	
N4	People needs met fairly and efficiently	NA	NA - See People Step + Economic Step
The People Step			
P1	Basic needs met	✓✓	This will enlarge the area of public reserve available to the public
P2	Full potential developed	✓✓	The squaring of the reserve in this area, will enable the public to make better use of the trout lake
P3	Social capital enhanced	✓✓	More space provided for social interaction.
P4	Culture and identity protected	0	
P5	Governance and participatory democracy strengthened	0	
The Economic Step			
E1	Effective and efficient use of all resources	✓✓	Increases the amount of reserve in this area able to be used by the general public at no cost to the Council.
E2	Job rich local economy	0	
E3	Financial sustainability	0	