

**2. PROPOSED LEASES – NORTH HAGLEY PARK
MINI GOLF/PETANQUE**

RR 9859

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Corporate Plan Output: Parks - Customer Services - consents 9.4.8	

INTRODUCTION

The purpose of this report is to make lease recommendations for the future use of the former North Hagley Bowls Club site in North Hagley Park, including the siting of the intended mini golf course.

The approval of the Council is sought to proceed with the public notification of sites being considered for the proposed lease to Mr Stephen Godfrey to establish a mini golf course (Putt In The Park) as well as grant the Canterbury Petanque Association a lease of part of the former bowls club premises.

BACKGROUND

The Council, at its meeting on 10 December 1998, after calling for proposals resolved, subject to public notification and the consent of the Minister of Conservation, to conditionally grant Stephen Godfrey a 9 year lease of a 700 square metre site in North Hagley Park on which to construct and operate a mini golf course. This approval related to the site adjacent to the Model Yacht Club.

- Acting on this decision staff discussions have been held with Mr Godfrey and the terms and conditions of a commercial lease pursuant to Section 54(1)(d) of the Reserves Act 1977 have largely been agreed as a prerequisite to public notification of the lease.
- In late January 1999 the opportunity arose to consider an alternative site to establish the mini golf course when it came to Council officers' attention that the adjacent North Hagley Bowls Club was to surrender its lease. The reasons for considering a new site were set out in the report to the Parks and Recreation Committee's meeting on 10 March 1999. The Committee endorsed the bowling club site for public notification as the site intended to be leased on the conditions set by the Council on 10 December 1998.
- The Council, at its meeting on 25 March 1999, although accepting a surrender of the bowling club lease, referred the mini golf matter back to the Parks and Recreation Committee with the request that an appropriate consultation procedure be established to determine the future of the bowling club site.

THE SITE

The surrender of the North Hagley Bowls Club lease has been formally effected. The former lease site covers approximately 4320m² while the area initially intended for the mini golf adjacent Lake Victoria and the Model Yacht Club takes in about 840m² plus (a recalculation of the 700m² area) making a total site area of approximately 5160m² of North Hagley Park.

Situated on the southern boundary of the bowling site is the now largely unoccupied two story former RSA pavilion which has a total floor area of approximately 380 square metres. This building now belongs to the Christchurch City Council. The majority of the area is covered by what were two bowling greens, one of which now accommodates 20 petanque pists and surrounding garden areas. In the north west corner of the greens is situated the soil and groundsman's shed.

The site to the west of the greens initially intended for Mini Golf is a flat grassed triangular area bordered by four oak trees along the south western boundary and the bottom of the bank which retains Lake Victoria along the north side.

For the purposes of this report the total site is described as three distinct areas of North Hagley Park. A plan will be tabled at the meeting. The areas have not been surveyed and are approximate only.

Site A	840m ² adjacent Lake Victoria and the Model Yacht Club
Site B	1450m ² the western bowling No.1 green of the former North Hagley Bowls Club premises, together with the former ladies lounge, restroom and toilet facility
Site C	2150m ² the eastern No.2 green now mostly laid out as petanque pists, together with the downstairs lounge, locker rooms and associated toilet facilities in the pavilion

PRESENT SITUATION

1. Mini Golf

By its resolution on 10 December 1998 the Council has accepted a proposal from Mr Godfrey to construct and operate a mini golf course in North Hagley Park and subject only to public notification and the consent of the Minister of Conservation, is legally obligated to grant Mr Godfrey a commercial lease of at least 700m² of North Hagley Park for the express purpose of establishing and operating a mini golf course. Subject to the Reserves Act provisions Mr Godfrey has an expectation of a lease for 9 years in respect of the original site (“A”) adjacent to the Model Yacht Club. Mr Godfrey’s proposal was one of two proposals received for site “A”.

Alternative Site “B”

The report to the Parks and Recreation Committee in March set out the reasons why staff consider this site offers clear advantages over site “A” and confirmed it is the preferred site by Mr Godfrey. To recap these were:

- (a) This would ensure that all the land in North Hagley Park presently available for general public use is retained.
- (b) This site is more open in nature, not having large trees situated upon it, and consequently maintenance costs to the lessee for tree debris removal (fallen leaves etc) will be greatly reduced.
- (c) This site will negate the necessity for an extension to be made to the Christchurch Yacht Club building for equipment storage and office area that site “A” requires.
- (d) Existing fencing and small nondescript vegetation can be removed, thereby enabling the public to view the area, and further make better public use of the area which has in the past been used by bowlers only.

Because of the configuration of site “B” Mr Godfrey has a greater area requirement to enable the same design principles to be incorporated in a course if it is to be established on this site.

For these reasons it is considered that siting of the mini golf on site “A” is not the best option from a parks planning perspective.

2. **The Canterbury Petanque Association**

The association, in late 1996, moved their main playing area (20 pists) on to the area formally occupied by the No.2 bowling green of North Hagley Bowls Club. The association has 137 members who were accepted as social members of the bowling club. When the bowling club surrendered their lease the rights of the Canterbury Petanque Association to occupy the site and use the building were also surrendered.

The Canterbury Petanque Association has made application to the Council to lease the area where they currently play petanque and the downstairs lounge, locker rooms and associated toilet facilities in the pavilion. The application also seeks to lease a further area on which to develop more pists to accommodate increasing membership.

To date the Council has not considered the needs of the Petanque Association which is presently domiciled on the site. The Council does not have a legal obligation to allow the association to remain on site "C" although it would be unreasonable should the Council decide not to allow their use given the capital improvements made to the site for petanque use and the number of members currently enjoying the site for this use.

A lease for a maximum of 9 years to coincide with the final expiry of the lease for the mini golf is considered appropriate.

BUILDING ISSUES

A report has been prepared by City Design on the structural stability and maintenance condition of the pavilion including the work required to bring it up to standard for general public use. The report raises significant cost implications to the Council as owner to bring the building up to full code compliance under the Building Act for a public building should the Council allow the building to accommodate uses **other** than the use proposed by Stephen Godfrey and the Canterbury Petanque Association. The building in its present state can be used by Mr Godfrey and the Petanque Association without necessitating an upgrade to comply with building code standards. Building Control of Environmental Services confirm that the minor alterations proposed by Mr Godfrey and the Petanque Association to make the building suitable for their use will not require a building consent. It is intended that the Petanque Association and Mr Godfrey would take a lease of the ground floor only. Mr Godfrey's lease would be confined to the existing downstairs ladies lounge rest room, toilet and lobby.

The matter of what long term use can be made of the first floor of the pavilion is being further investigated and will be the subject of a further report to the Council at which time the building report will be discussed in detail along with possible uses and an assessment of the needs of other sports clubs located in North Hagley Park. Until this detailed assessment is completed and reported to the Council, the first floor of the pavilion is to remain closed except for occasional use by the Canterbury Petanque Association, which has existing use rights.

To leave open the Council's options on future upgrading or the possibility of demolition or removal, it is proposed that the building leases provide for six months' termination clauses on terms satisfactory to the Property and Parks Managers.

PUBLIC CONSULTATION

Press coverage of the proposal to date to site a mini golf course in North Hagley Park has met with mixed reaction with comment on the need or appropriateness of a commercial activity such as mini golf in Hagley Park. The Council has already taken the decision to support the establishment of a mini golf course in North Hagley Park on site "A" but it now remains before that decision can be implemented (and to give due consideration to site "B") to determine if the public will endorse the proposed use and if so which is the preferred site.

The public notification options to the Council are:

- (a) Notify site "A"
- (b) Notify site "B"
- (c) Notify the intention to grant a lease of either sites A or B
- (d) Notify the intention to grant a lease to the Canterbury Petanque Association of site "C".

Options (C) and (D) is considered the right approach as this will give the public the opportunity to have a say not only as to the intended use as well as what other uses should be accommodated on this land but also the preferred location for the mini golf course should that use be supported. Although from a Parks Management point of view, site "B" is now preferred, the Council did call for proposals in respect to site "A" and the public should be given the opportunity to have their say in respect of this site.

The Reserves Act public notification requirement is about land use issues and is the appropriate procedure for public input into determining these issues. Submissions and or objections received in response to the notification are required to be given full consideration by the Council before any leasing proposal can proceed. On this occasion, Council officers think it would be appropriate to use an independent Commissioner to preside over the hearing of submissions to determine the Council's recommendation to the Minister of Conservation for a decision. This process affords the public the full opportunity to have a say on what should happen to this part of North Hagley Park and an independent assessment of their submissions.

To assist submitters in commenting on the suitability of the two sites, staff will prepare an information sheet setting out the advantages and disadvantages of each site.

LEGAL POSITION

Legal Services Unit confirm that, subject to the Reserves Act procedures and the various matters set out in the original Council resolution, the Council has a legal obligation to grant Mr Godfrey a lease of part of North Hagley Park on which to establish and operate a mini golf course. The terms and conditions of the R.F.P. and the provisions of the Reserves Act 1977 mean that the Council has no legal obligation to tender a lease for the mini golf notwithstanding that the site and area may differ to that originally specified in the document entitled "Request for Proposal for Constructing and operating a Mini Golf Course at North Hagley Park". The intention to let the public submission process determine which site is preferred should a mini golf course in North Hagley Park be endorsed is seen as the proper way in which to arrive at an outcome on this matter.

RESOURCE MANAGEMENT ACT

The proposal to establish a "Putt In The Park" in Hagley Park is an outdoor recreation activity and is a permitted activity under the Transitional District Plan and the proposed City Plan. Compliance with the proposed City Plan rules will be a matter for assessment of the site location when this is determined.

- Recommendation:**
1. That the Council amend its resolution of 10 December 1998 to provide for:
 - (a) The calling of public submissions and/or objections to the intention to grant a lease pursuant to Section 54(1)(d) of the Reserves Act 1977 to Stephen Godfrey for a maximum term of 9 years to establish and operate a Mini Golf Course (Putt In The Park) on either site A or site B subject to:
 - (i) The conditions of the Council's resolution of 10 December 1998 being complied with.

- (ii) The design configuration being to the satisfaction of the Parks Manager.
 - (b) That, should site “B” be the preferred site to lease to Stephen Godfrey following public notification, the Council approve the office and storage facilities store for the proposed mini golf course being housed on the ground floor at the western end of the existing North Hagley Bowls Club pavilion.
2. That the Council call for public submissions and/or objections to the intention to grant a lease pursuant to Section 54(1)(b) of the Reserves Act 1977 to the Canterbury Petanque Association for a maximum term of 9 years for site C to include the downstairs lounge, lounge service room, locker room and men’s toilet area.
3. That recommendations 1 and 2 be subject to:
- (a) All necessary statutory consents being obtained.
 - (b) The consent of the Minister of Conservation.
 - (c) No building alterations that require a building consent being permitted.
 - (d) The terms and conditions relating to the leasing of building space being to the satisfaction of the Property and Parks Managers so as not to prejudice the Council’s options on the future of the former bowling pavilion.
4. That an independent commissioner be appointed to hear any submissions and/or objections received following public notification, and to make recommendations to the Minister of Conservation on such submissions and/or objections.