

## 2. PORRITT PARK – LEASE APPLICATION BY CANTERBURY HOCKEY FOUNDATION TRUST

<b>Officers responsible</b> Leisure Manager & Parks Manager	<b>Author</b> Lyll Matchett, DDI 371-1293, John Allen & Lewis Burn
Corporate Plan Output: Stadia Leased – Porritt Park	

The purpose of this report is to gain Council approval to lease a further 8,600sq metres of Porritt Park to the Canterbury Hockey Foundation Trust on which to construct a second artificial turf. The formalisation of a lease of this area is required before construction of the new turf can proceed. Approval is also being requested to assign the Hockey Association's lease at Nunweek Park to the Hockey Foundation.

This report was before the Burwood/Pegasus Community Board at its meeting on 20 November 2000. The Board supported the staff recommendation.

The trust has engaged Arrow International to manage the construction of the new turf which is programmed to commence on 15 January 2001, for completion before the coming winter season. The start date will be delayed because of the necessity to rationalise the way in which Porritt Park is held by the Council, to enable the Council to lease the land that the Hockey Foundation has applied for. It is estimated that the rationalisation, leasing process will take until April 2001 to complete. The Canterbury Hockey Foundation Trust has been made aware of this, which will necessitate the reprogramming of the construction of the artificial hockey turf.

### PROPOSAL

An application has been received from the Canterbury Hockey Foundation Trust to lease a further 8600 square metres of Porritt Park on which to construct a second artificial turf. The new artificial turf will encroach onto the existing car park area, reducing the number of car parks by 35, and the number of grass hockey, and cricket pitches that are available at Porritt Park. The Canterbury Cricket Association has agreed to relinquish the affected wicket. There are no other formal users of this area of the park.

### CANTERBURY HOCKEY FOUNDATION TRUST

The Canterbury Hockey Association in conjunction with the Waimairi Artificial Surface Project (WASP) have formed a new trust to administer the management, maintenance and operation of the two existing artificial hockey turfs in Christchurch, (Porritt and Nunweek Parks). The trust will fund the construction of the proposed additional new turf and future replacements. The trust's formation was a condition of the Council's annual grant of \$80,000 made to the Canterbury Hockey Association, in the 2000 Annual Plan. The Council recently appointed Mr Ray Ganda as its representative on the trust. As part of the process of the trust taking over control of the WASP's hockey facilities at Nunweek Park, a formal application to reassign the WASP lease to the Canterbury Hockey Foundation Trust has been received. The Canterbury Hockey Foundation Trust will also take over the lease of the existing hockey facilities at Porritt Park. A new lease to the trust is proposed to take in the existing facility and the new artificial turf.

### LEGAL ISSUES IN RESPECT OF THE AREA TO BE LEASED

Tabled is a plan of the area showing the site of the new artificial turf to be included in the new deed of lease.

It will be noted that the development, although situated on land within Porritt Park, crosses over part of an adjacent unformed legal road, and encroaches on land legally defined as riverbed.

Porritt Park is presently held in the following two titles.

1. Part Lot 3 DP 14075 of 4.3314 hectares SO 8242 Certificate of Title 2A/1322, as a fee simple lot.
2. Part Lot 3 DP 14075, and Part Rural Section 185 BM 318, both SO 8242 of 5.7543 hectares Certificate of Title 13K/1017 Gazetted in 1950, page 1565 under the Public Works Act 1928 for River Works. This was titled in this way to enable the Kerrs Reach cut to be put in place, this work having been completed many years ago.

It will be necessary for the Council to rationalise the way in which it legally holds Porritt Park, in order to lease the area requested. The Council does not have authority to lease legal road, or the bed of the river, which is part of the area that has been applied for.

Staff have met with officers from the Department of Conservation, Land Information New Zealand, and solicitors from the Council, and Buddle Findlay, to find the best and quickest way to resolve the above mentioned legal issues. The Council should rationalise the way in which it holds the titles to Porritt Park.

The option of moving the pitch 25 metres further into the park is considered undesirable from both the staff's and Canterbury Hockey Foundation's points of view, because the moving of the pitch will present a major disruption to the layout of the remaining sports fields (both summer and winter), and one of the two remaining cricket wickets would have to be removed. It would also detract from the view spectators would have of games on the new artificial surface, from the upgraded lounge because the field would be located to the east of the lounge.

The rationalisation process has commenced, which will culminate in all of the titles in Porritt Park being held under section 601 of the Local Government Act for recreational purposes, surrounded by a 20 metre wide esplanade reserve. The loop of the Avon River around Porritt Park will be redefined, as will the Kerrs Reach cut, so that the bed of the river, which is Crown land, will be situated beneath the area covered by water to mean high water springs tide level.

#### **SPECIFIC ISSUES RELATING TO THE APPLICATION**

The following issues have been identified as requiring determination by the Council before the lease can be granted. These are:

- (a) Car parking
- (b) Lighting
- (c) Landscaping & fencing
- (d) Terms of the new lease/licence
- (e) Assignment of the Nunweek Park Lease

#### **CAR PARKING**

The proposed siting of the new pitch will result in the loss of 35 existing car parks, these car parks being a City Plan requirement. It will therefore be necessary for the car parks to be replaced elsewhere on the park. These car parks can be provided by adding to the existing car park, which is situated on the western boundary of the park adjacent to the area occupied by the rowing club (see tabled plans). An area by the rowing facilities has recently been redeveloped, so as to improve car parking and the landscaping. The proposed new car parks will provide additional benefit to the overall site as they can be used by both hockey and rowing. Canterbury Hockey is proposing to alter its entrance into the complex to the western boundary rather than using the existing entrance beside the grandstand. The existing cycleway will need to be relocated to avoid the car park to ensure the safety of cyclists. The new plans provide for the construction of 40 car parks and is a relatively cheap option as it only requires the enlargement of the existing sealed area by a further 2 metres, alteration of the entrance and exit ways into the car parking area and relocation of the existing cycleway. The existing landscaping immediately west of the leased area, will need to be replaced to ensure the landscape 'framework' of the park is not lost. There are two options available to achieve this:

1. Replace the adjacent wooden lease boundary fence with a mesh fence, replacing the existing plantings, by planting inside the fence.
2. Replace the adjacent wooden lease boundary fence with a mesh fence relocated 2 to 3 metres inside the existing lease boundary fence-line, providing the planting between the car park and the fence.

The removal of this wooden lease boundary fence over a period of time will enhance the visual aspect of the park, whilst removing opportunities for graffiti placement.

#### **LIGHTING**

The City Plan allows the provision of lighting towers on Porritt Park to the height of 20 metres. The consent application is for the erection of eight 19 metre high lighting towers to provide lighting for night matches and training. This is within the resource consent limits and can be installed under the delegated authority of the Parks Manager in consultation with the Burwood/Pegasus Community Board.

#### **LANDSCAPING AND FENCING**

Discussions about the landscaping and fencing of the area have been held with Canterbury Hockey during the initial stages of its funding applications last year. It is proposed that there will be mesh fencing which will allow views both from inside and outside of the turf area. Low mounding will be installed around the outside of the new artificial surface, constructed to natural contours and planted in such a way so that the mounding is naturally integrated into the site.

## **TERMS OF THE NEW LEASE/LICENCE**

The current term of the lease expires on 30 June 2012 with a seven year option of renewal in 2005. The current rental has been discounted since 1996 to \$4,522 pa. (originally \$10,772).

It is proposed that the new lease term be 10 years, with a further right of renewal for a further term of 10 years less one day.

Although the leased area is expanded to include the new artificial area, it is not proposed to increase the amount of rent proportionately. It is proposed that a rent of \$5,000 pa be charged, to be reviewed at five yearly intervals. Conditions to be considered during the review process will be:

1. The continual use of the facility for the purpose of hockey, and ensuring the level of access to all players.
2. The availability of the park for use by other sports when not required for Hockey
3. The financial position of the Canterbury Hockey Foundation Trust and Canterbury Hockey Association at the time of review, is to be taken into consideration.
4. The improvements and development undertaken by the foundation and the Council to the facilities during the previous period.

A further condition will be included in the new lease document requiring the foundation to provide monthly statistics on the use of all the facilities.

## **COUNCIL GUARANTEE TAGGED TO EXISTING LEASE**

As part of the Canterbury Hockey Association's funding for the existing water-based artificial turf at Porritt Park, a Council guarantee was provided for the loan obtained by the Hockey Association from the WestpacTrust Bank and the Community Trust. Written confirmation has been received from The Community Trust that the loan has been repaid in full. As a condition of approval to the application, the Council's guarantee should be released.

## **PUBLIC CONSULTATION**

It will be necessary to consult with the public about this proposed development to comply with the Council's Seeking Community Views Policy.

- Recommendation:**
1. That the Council take steps to rationalise the titles for Porritt Park, redefine the banks of the Avon River, and stop the existing unformed legal road.
  2. That, pursuant to section 601 of the Local Government Act 1974, and section 61 of the Reserves Act 1977, the Council lease approximately 2.48 ha of Porritt Park to the Canterbury Hockey Foundation Trust, on which the existing facilities are established, and on which to construct a further artificial hockey turf, for a total term of 20 years less 1 day, subject to the following conditions:
    - (a) The prior surrender of the existing deed of lease of Porritt Park held by the Canterbury Hockey Association.
    - (b) The Canterbury Hockey Foundation Trust obtaining all necessary resource and building consents before any development commences on the site.
    - (c) The applicant submitting a landscape plan, and fencing plan to the Parks Manager for approval before commencing work on the site. The applicant undertaking the work required to complete the implementation of the plan at its cost.
    - (d) The lease terms being negotiated by the Property Manager in consultation with the Area Parks Officer (Consents) and Leisure Manager
    - (e) The construction area being maintained by Canterbury Hockey Foundation Trust in a safe and tidy condition at all times.
    - (f) All costs associated with the development, and subsequent maintenance of the associated buildings and structures on the site being paid for by the Canterbury Hockey Foundation Trust.

- (g) Before any tenders are let or work commencing on the site, discussions being held with the Parks Manager's designate, the Area Parks Officer (Linwood Service Centre) and the Leisure Manager's designate to ascertain the Council's requirement through the development phase of the construction of the facility.
  - (h) A bond of \$3,000 being paid by the Canterbury Hockey Foundation Trust or successful principal contractor to the Christchurch City Council (Area Parks Officer, Linwood Service Centre) before work commences on the site. The bond, less any expenses incurred by the Council, will be refunded to the payee on the completion of the work.
  - (i) The Canterbury Hockey Foundation Trust providing at its cost a further 35 onsite car parks (to replace those lost by the development) in the area specified in the approval.
  - (j) Any designated cycleways lost as a result of car park and roading realignments, being constructed at the applicant's cost.
  - (k) The Council's Legal Services Manager being satisfied that the deed of trust for the Canterbury Hockey Foundation Trust provides for a proper and binding lease between the Council and the trust on conditions satisfactory to Council.
  - (l) The lease rental being \$5,000 pa with a review every five years, with conditions of the review process being in the new lease document.
  - (m) All legal costs associated with the preparation and execution of the lease documents being at the applicant's cost.
  - (n) Residents being notified of the proposed development, and being invited to comment on the proposal to fulfil the requirements of the Council's Seeking Community Views Policy.
3. That the lease of the artificial surface at Nunweek Park be assigned from the Canterbury Hockey Association to the Canterbury Hockey Foundation Trust.
  4. That the Council be released from its guarantee for the loan to the Canterbury Hockey Association by WestpacTrust and the Community Trust.