

4. RAWHITI DOMAIN COMMUNITY GARDEN

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The purpose of this report is to update the Committee on the consideration of the proposed use of the former Shaw Avenue/Scope Women's Bowling Club grounds and buildings in Rawhiti Domain for a community garden. This report also seeks approval of the Burwood/Pegasus Community Board's recommendations, made at its meeting on 31 May 2004.

The proposal includes a net cost increase due to a loss of rent to the Council of \$5,344 per annum and initial costs of \$62,000.

EXECUTIVE SUMMARY

The Council has attempted to find a group to use the former Shaw Avenue Women's Bowling Club facilities, by a Requests for Proposals process. At the time this was not successful. Further work has been undertaken by a Working Party set up by the Board, with interested community representatives, to develop a community garden proposal. This proposal was initiated some time after Requests for Proposals closed.

The proposal to use the former Bowling Club site for this purpose does assist the Council to meet its strategic objectives and is in accordance with the guidelines contained in the document entitled "Growing Communities Together - Community Gardens Guidelines for the Christchurch City Council", which has been adopted as Council policy. Although the use of the building for this purpose is seen as a sub-optimal use, opportunities exist to enhance this use, which would benefit the whole community.

Officers are recommending in favour of granting a lease to New Brighton Project Inc for the establishment of a community garden upon the site (see attached plan).

BACKGROUND

In August 2002 Requests for Proposals for the use of the above land and buildings were sought through the public notification process. Although nine enquiries were received, only one formal proposal eventuated. The New Brighton Residents' Association proposed to use the site as a base in which to hold meetings, etc. Included in the application were a number of proposals of how the site could be used, one being a community garden. For a number of reasons the Association's proposal lapsed.

At the Board meeting held on 28 April 2003, a report from the Greenspace Unit detailed a process for appraising various options for the future use of the site. Several issues were raised in the report:

- Possible contamination of the site from chemicals used to prepare the bowling greens.
- Legal restrictions on the use of the land because of its status as recreation reserve.
- Other possible uses of the site, including demolition of the buildings and return of the land to park.
- The possible need to delay action until the review of the Rawhiti Domain Management Plan is completed.

The Board resolved:

1. *That a Board working party be established to work through the Community Garden Development Process (including assessment of the site), comprising Caroline Kellaway, Bob Andrews, Chrissie Williams, Carole Evans, the Community Gardens Advocate, Sue Cobb, a representative from the Christchurch Community Gardens Association, community gardeners and the Project Employment and Environmental Enhancement Programme Trust.*
2. *That any demolition be delayed until a full assessment of the site for a community garden is carried out.*
3. *That a proper evaluation of the current proposal to use the former Bowling Club site for a community garden and of any other possible uses that are identified, be undertaken as required by Section 77 of the Local Government Act 2002; and those proposals that are identified as having merit and assisting with the achievement of the Council's outcomes, be advertised as part of the Rawhiti Domain Management Plan review process.*

4. *That staff work with the Rover Scout group to identify an alternative site for the group.*

The Rawhiti Domain Community Garden Working Party was subsequently established to work through the Community Garden Development Process (including assessment of the site). The Working Party is made up of the abovementioned people, together with representatives from the North New Brighton and New Brighton Residents' Associations, and the New Brighton Project Inc. Contact details of other interested people who have responded to items in newsletters or local papers are held on file.

The Board has allocated \$10,000 from its 2004/05 Project funds for the setting up of a community garden at Rawhiti Domain and the initial costs of employment of a part-time coordinator.

WORKING PARTY'S DELIBERATIONS

Site Suitability

The Working Party has assessed the site, and considers that the land and buildings provide the following amenities considered highly desirable for community gardens:

- Toilets.
- Security in land tenure.
- Lockable shed (the old garage is ideal for storage of garden tools).
- Water and power connections.
- Space for children's play equipment, and park benches.
- Distance from residential neighbours.
- Support of two local residents' associations, and other groups and individuals.

Site Contamination

Soil testing has been carried out, which has indicated high levels of organochlorines. Technical advice has confirmed that vegetables planted directly into the existing soil may contain unacceptably high levels of contaminants. Options are that 0.5 metres of soil be removed and replaced with clean soil, or raised garden beds be used. The Project Employment and Environmental Enhancement Programme Trust has on hand some large fibreglass boxes suitable for raised gardens, eliminating the cost for construction of raised garden beds. Any soil, which can be obtained, will be supplemented by the making of compost for the raised beds, in accordance with the organic principles of community gardens.

New Brighton Revitalisation Master Plan

The New Brighton Revitalisation Master Plan has been appraised. A community garden located in Rawhiti Domain could be complementary to the New Brighton Revitalisation Master Plan's proposed tree planting scheme as outlined in the plan:

Tree Planting Scheme. Develop a tree planting scheme for New Brighton with the aim of encouraging residents to plant more trees on their properties. A publicity pamphlet is to be developed and distributed to the New Brighton area.

This pamphlet will identify a range of tree species that will be appropriate for a coastal environment and how they should be looked after. It is intended that the scheme along with the other improvements identified will encourage people to plant more trees on their property.

(New Brighton Revitalisation Master Plan)

A community garden in Rawhiti Domain could incorporate the propagation, and/or raising, and/or growing-on of seedlings suitable for planting in the local area. The seedlings could be donated to local residents for their home gardens, thereby contributing to the general revitalisation of the New Brighton area. By example the community garden could also assist to educate, and encourage residents to use methods of soil enrichment, mulching, etc.

Establishment and Management of Community Garden

The New Brighton Project Inc has undertaken to be the founding organisation of the community garden. After the initial establishment phase it is expected that a separate Trust will be formed, in order that funding for the garden can be sought independently.

The New Brighton Project Inc was incorporated in 1994, being formed from a large group of local people, who saw the need "to establish a Trust to project, enhance and promote New Brighton as a place to come and visit, and promote the uniqueness of this seaside facility". This is a very active and committed organisation, with a real presence in New Brighton. The leasing of an area in Rawhiti Domain for a community garden to the New Brighton Project Inc will assist with the achievement of a number of objects as stated in the Project's constitution. These objects are set out below:

8. *To work to improve the community facilities of the area.*
9. *To enhance the coastal features of New Brighton and promote New Brighton as a unique seaside area.*

MANAGEMENT PLAN AND LEGAL ISSUES

Rawhiti Domain is a classified recreation reserve vested in the Council under the Reserves Act 1977. There is a current management plan for the Domain dated May 1988. The present management plan is being reviewed. The proposal complies with the Management Objectives and Policies contained in the plan as detailed below:

MANAGEMENT OBJECTIVES

1. *To provide a wide range of passive, active and commercial recreation and sporting activities.*

MANAGEMENT POLICIES

1. *Administration*

- 1.3 *Lease agreements shall be established where appropriate which facilitate effective management of recreational and commercial opportunities.*

Also of relevance to this report is policy 1.2, which states:

- 1.2 *Sports clubs and other organisations based at the Park shall ensure public use of their facilities to the fullest practical extent.*

The Reserves Act 1977 states:

"Recreation reserves - (1) ... for the purpose of providing areas for recreation ... and the physical welfare and enjoyment of the public, ... with emphasis on ... outdoor recreational activities ..." (Section 17).

Council legal advice on the legitimacy of leasing part of a recreation reserve to an organisation for the establishment of a community garden is that the Council is able to enter into a lease for this purpose pursuant to section 54(1)(c) of the Reserves Act 1977. There is a statutory requirement that, when leasing recreation reserve land, public advertising of the Council's intention to lease an area of the recreation reserve to a particular party for a particular purpose be undertaken; and that all submissions received be formally considered by the Council before proceeding further with the process.

It is recommended that the Council grant a lease for an initial period which is sufficient to enable the community garden to become properly established, but which allows changes to be made to the lease document should a further term be requested, as a result of the experience gained during the first period. This is the first time an application has been made for a lease over recreation reserve for the purpose of establishing a community garden. An initial lease period of three years is recommended. Six months prior to the expiry of this lease, if the parties agree, they should enter into discussions about a tenancy for a further term of up to seven years. The terms and conditions for this further tenancy are to be at the sole discretion of the Council, after the issues are discussed with the current leaseholder.

COMMUNITY GARDEN GUIDELINES

The Council adopted as policy on 11 December 2003 the document entitled "*Growing Communities Together - Community Gardens Guidelines for the Christchurch City Council*" (circulated separately to Board members). These guidelines outline the benefits of community gardens, how community gardens meet Council's strategic objectives, the issues, including security of land tenure, and the type of support Council could provide. The Council, by the adoption of this document, recognises the benefits that community gardens provide to the local communities, which are adjacent to these gardens.

The Working Party identified that a community garden in Rawhiti Domain would not only contribute to the Council's strategic objectives by encouraging waste reduction, reuse, and recycling, but would also encourage participation, a sense of belonging in communities, increased self esteem, self determination, and empowerment in the community, which is in accordance with the guidelines.

The document also recognises the support Council can offer in return for the contribution made by community gardens towards the achievement of the Council's strategic objectives and the guiding principles under which this support may be offered. These guidelines state that much of the support provided by the Council is in kind and that this contribution and the financial backing should be transparent, so that Christchurch residents can clearly see the Council's involvement. In return for this assistance, the organisations managing the gardens need to report back to Council on the outcomes resulting from the funding and support received. It is considered that this reporting back should occur annually.

LEASE RENTAL

It is proposed that the rental charged for the site is commensurate with the Council's undertaking to provide appropriate support including "peppercorn rentals for land utilised by the community gardens". (See 6. Council support for community gardens. Page 5, "*Growing Communities Together - Community Gardens Guidelines for the Christchurch City Council*".)

The Council should normally expect a return of approximately 10% per annum from the former Bowling Club building, which is an improvement upon the land. Therefore, based upon the present book value of the building of approximately \$52,000, a rental return of \$5,200 per year should be expected. The area of the fenced off site is approximately 2,420 square metres. Therefore a further rent of approximately \$145 per annum for the unimproved value of the land would be charged if the land was leased to a sports club, this figure having been discounted by 80% to reflect the community good of the sporting activities taking place upon the land. (Council policy, '*For the Charging of Rent to Sports Clubs Which Lease Council Owned or Managed Park and Reserve Land*').

The above-expected rentals are in addition to the costs of operating and maintaining the building. Therefore the Council is foregoing a rental return of approximately \$5,344 per year (a peppercorn rent would be \$1 per year) to support the community garden. No budget provision has been made in Council budgets to offset this cost. Given this foregone rent would normally have been used to offset the Greenspace Unit's budget requirements, the report is being submitted to the Parks, Gardens and Waterways Committee, which has oversight of the Unit's budget.

The use of the former Bowling Club pavilion for its toilet facilities, tea making facilities, storage, etc, and for meetings in association with the activities of the garden, while contributing towards the achievement of the Council's stated outputs, is considered a sub-optimal use of the building.

If it is decided that the subsidy provided by the Council for the use of the site for a community garden should be reduced, this could be achieved by:

- Hiring out the building to other organisations for meetings, etc, thereby contributing to the foregone rent for the building.
- Leasing the building to another organisation. There are public toilets nearby in the sports field car park. There are also halls nearby (St Johns Ambulance Hall) that could be hired for meetings when required. The garage on the site could be upgraded (if in fact necessary) for equipment storage.

It is therefore recommended that a clause be inserted in the lease allowing the above possibilities to be further investigated in the future should the Council so decide.

OTHER USES FOR SITE

As previously stated, in August 2002 the Council unsuccessfully sought Requests for Proposals to use the site, except for the late submission received in early 2003.

The pavilion, garage, and shelters could be demolished, the fences around the former leased area removed, and the area returned to park for the general public to enjoy. This would require the Council to write off the pavilion at a cost of \$52,000, and clear the remaining structures off the site, prior to levelling, and sowing down in grass, which would cost approximately a further \$10,000.

If another better use for the site which is in accordance with Section 17 values of the Reserves Act 1977 cannot be found, this would be the appropriate course of action to follow, being in accordance with the thrust of the Act.

RESCINDING PART OF EARLIER RESOLUTION

As set out in the 'Background' section, the Board resolved at its meeting on 28 April 2003 to advertise any proposals to use the site as part of the Rawhiti Domain management plan review process (third clause).

The management plan review process has been delayed and the Greenspace Unit has agreed to this proposal being promoted separately. If the Board agrees to promote the proposal separately, the above resolution will need to be rescinded. If this course of action is followed it will take up to three to four months to complete the leasing process.

CONCLUSION

The Council is able to lease part of Rawhiti Domain for the establishment of a community garden upon the former Shaw Avenue Women's Bowling Club site in accordance with Section 54(1)(c) of the Reserves Act 1977. The proposal complies with the Management Objectives and Policies contained in the Rawhiti Management Plan, dated May 1988.

The Rawhiti Domain Community Garden Working Party has identified that a community garden in Rawhiti Domain will not only contribute towards attaining the Council's strategic objectives by encouraging waste reduction, reuse, and recycling, but will also encourage community participation, a sense of belonging in communities, increased self esteem, self determination, and empowerment in the community, which is in accordance with '*Growing Communities Together – Community Gardens Guidelines for the Christchurch City Council*'.

Previous attempts by the Council to find a user for the site have been unsuccessful. The site could be returned to park for the general public to enjoy for informal recreation, at a cost of approximately \$62,000. However, an opportunity now exists to use the site, including the buildings, towards assisting to meet the Council's strategic objectives, by leasing the premises to New Brighton Project Inc for the establishment of a community garden. Although the use of the former pavilion for this purpose is a sub-optimal use of this building, opportunities do exist to enhance the use of this building for the benefit of the community should the Council so decide.

The cost to the Council in foregoing rent that should normally be expected from the asset is approximately \$5,344 per annum. However, this should be balanced against the contribution that the establishment of a community garden will make towards attaining the Council's strategic objectives.

The Greenspace Unit is comfortable with this proposal.

Burwood/Pegasus Community Board recommendation:

The Board decided to recommend to the Parks, Gardens and Waterways Committee:

1. The Council lease approximately 2,420 square metres of Rawhiti Domain (the former Shaw Avenue/Scope Women's Bowling Club site, including the buildings), to the New Brighton Project Incorporated for the establishment of a community garden, pursuant to section 54(1)(c) of the Reserves Act 1977 for a period of up to ten years subject to the following conditions:

- (i) Public notification of the Council's intention.
- (ii) Approval by the Minister of Conservation.
- (iii) The lease terms being negotiated by the Facility and Assets Manager in consultation with the Greenspace Policy and Leasing Administrator subject to the following conditions.
 - (a) The first lease term being for a period of three years.
 - (b) If the lessee requires a further term, the lessee is to enter into discussions with the Council for a further term of up to seven years, six months prior to the expiry of the first term.
 - (c) The terms and conditions for the further tenancy period are to be decided at the sole discretion of the Council.
- (iv) The rental charged is to be \$1 in accordance with the Council adopted Guidelines for Community Gardens. This is to be stated in the lease document in a way which shows Council support for the community garden.
- (v) The lessee is to be responsible for all costs and maintenance associated with all the buildings, land and fences, which contain the site.
- (vi) Before undertaking any repainting of the buildings upon the site, the lessee is to submit a proposed colour scheme for painting the buildings to the Greenspace Manager or her designate for prior approval, which is in accordance with the Rawhiti Management Plan requirements.
- (vii) The lessee is to show proof of having \$1,000,000 public liability insurance cover to the Greenspace Policy and Leasing Administrator before commencing work upon the site. This policy is to be kept current for the duration of the lease.
- (viii) The lessee is to show proof of having an Occupational Safety and Health in Employment Hazard Plan in place, before commencing operations upon the site, to the Greenspace Policy and Leasing Administrator.
- (ix) The lease agreement will terminate with no compensation payable to the lessee should the lease be surrendered or terminated for any reason.
- (x) That a clause be inserted in the lease enabling the Council to optimise the use of the former pavilion at its discretion, should it decide to do so.
- (xi) That should another trust be formed to take over the management and running of the garden, the lease be formally reassigned to this trust.
- (xii) That the lessee report formally to the Council at least annually on the outcomes accruing as a result of the support the Council has given to the community garden.

2. That clause 3 of the Board's resolution of 28 April 2003 on the Former Shaw Avenue/Scope Women's Bowling Club Bowling Club Building and Grounds, Rawhiti Domain, be revoked pursuant to Standing Order 2.18.17.

3. That the Board support the formation of a charitable trust to administer the community garden.
4. That the community garden be included in the Rawhiti Domain Management Plan, when it is reviewed.
5. That the Board's Working Party and the New Brighton Project investigate and report on staffing needs, volunteer organisation and the initial work and maintenance programme of the project.
6. That the Board's Working Party and the New Brighton Project initiate a public meeting to explain the project and gather support.
7. That the New Brighton Project be encouraged to optimise the use of the building on the site by hiring it out to community based organisations wishing to use the building (not for birthday parties, weddings, etc), subject to the New Brighton Project complying with public building licensing requirements.
8. That a reasonable hire charge for the use of the building be made, which should include the cost of the use of utilities, fair wear and tear, depreciation, and a small percentage added to cover the cost of administration. The Greenspace Manager is to approve all proposed hire charges, including any proposed change to such charges in the future.

Chairman's

Recommendation:

That the Committee adopt recommendation 1.