

13. CANTERBURY JET SPORTS CLUB LEASE APPLICATION

Officer responsible Greenspace Manager	Author John Allen, Policy and Leasing Administrator, DDI 941-8699
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The purpose of this report is for the Board to consider an application by the Canterbury Jet Sports Club to lease a further 99 m2 of the Roto Kohatu Reserve, adjacent to Lake One, on which to erect a storage facility and club rooms to service the club's requirements at the lake, **(Marking C on the attached plan)**.

BACKGROUND

The Council, in February 1995, approved a licence/lease to the Canterbury Jet Ski Club over Lake One, **(Marking A on the attached plan)**, at Roto Kohatu Reserve subject to the Club abiding by a number of conditions of use. The lease period is for seven years from the date the Council obtained title to the reserve. Title to the reserve was granted in September 1999. Staff did not put a lease in place at that time because of the club's wish to lease a further area adjacent to the lake on which to build club rooms/storage facility, this area to be included in the lease. The present licence arrangement continues until the club has made these decisions, which enables a lease covering both the lake and the land-based facilities to be granted to the club. Earlier this year, the club made an application to the Council for a lease of a further 99 m2 of land adjacent to the lake, to build a club rooms/storage facility.

FORMER DUMP ISSUES

After amalgamation of the former Christchurch City local authorities, it was found that much of the former Waimairi dump was not covered to a standard required by the Health Department. This work must be completed before the reserve is open to the general public because of the attendant health and safety issues. Considerable sums of money have been spent in recent years to cover the rubbish in the former Waimairi dump. It will take approximately another 18 months to two years to complete this work, one of the issues being to find enough suitable material, at a reasonable cost, with which to complete the work. The area is presently held by the Council as a public reserve for abattoirs, public pounds, sewage, cattle yards and plantations, (which is effectively a Local Purpose Reserve being used for utility purposes) and comprised in certificate of title Lot 1 DP 23091 CT CB4B/1415 which has been partly cancelled, the present land area being approximately 20.9188 hectares. After the remedial work has been completed it is intended to change the classification of this site to recreation reserve, the same as the balance of the Roto Kohatu Reserve.

BUILDING CO-LOCATION ISSUES

It will be necessary to build a toilet block to service the reserve when it is opened. Limited use of the reserve is presently being made by the Christchurch Jet Sports Club members, the area that they use, (Lake One and the launching area on the south side of the lake) being situated away from the former dumpsite. During the period the club has been using the reserve, the club have located a portable toilet adjacent to the area they use for their members' and friends' use, when visiting the lake. Now that the club has decided where to locate their clubrooms the Council can plan for the building of a permanent toilet block attached to this facility, thereby minimising buildings in the reserve. Besides the issue of minimising the proliferation of separate buildings upon the reserve, the nearest services to the site are in Sawyers Arms Road on the south side of the reserve, which is a considerable distance away. Therefore the grouping together of all the built facilities required for the park, minimises the cost of laying the services to the required facilities.

THE SITE

It is proposed to build the building nestled back into the face of the mound, and shrubbery overlooking the lake, thereby integrating the building into the surrounding environment **(Marking C on the attached plan and elevations)**. This site is approximately in the middle of the reserve, not on the filled dump area. The building will have a ground and upper floor, the storage area being below. The clubrooms will have a balcony out from the front of the upper floor. Access to the clubrooms will be gained by a stairway outside the building. The Council will add public toilets for the reserve onto one end of the building, when budgeted money becomes available for this project, but certainly before the park is opened to the public.

Staff are also recommending that a further 3,800 square metres of the launching area (**shown as B on the attached plan**) is leased to the Canterbury Jet Sports Club, (the length of the area where launching can take place to a depth of 20 metres back onto the land) to enable the club to effectively control who (only club members and their invitees), launches their jet skies into the water.

HISTORY OF CLUB

The club presently has a stable membership of approximately 120 – 150 members, who have a key to the gate to enter the reserve and lake area to enable them to participate in their sport. It will be necessary, when the reserve is open to the public, that only club members are able to access the lake, members being required to abide by a strict set of rules to ensure that the safety of lake users is maintained. The Canterbury Jet Sports Club have a management plan for the use of the facilities at the Roto Kohatu Reserve, which includes a set of rules which members are required to strictly adhere to, a copy of which is appended to this report for Board members' information. A fatality occurred at Roto Kohatu in 1997. The Coroner who investigated the accident was satisfied that the safety plan of the Canterbury Jet Sports Club and the conditions that the Council imposed on the club were more than adequate, and therefore found that the accident which occurred was through no fault of the Council or the club.

LEASE ISSUES

The present Council resolution grants the club a lease for seven years from the time that the land was vested in the Council (September 1999), this period ending in September 2006. Staff are therefore recommending the granting of a further lease to the club over the lake, adjoining launching area, and the newly applied for site, on which to build the clubrooms/storage facility (**see attached plan**).

The granting of a lease to the Canterbury Jet Sports Club for exclusive use of an area of water, adjoining launching area, and the adjacent area close to the water on which to build clubrooms and a storage facility, is unique in New Zealand. In many other areas of the country, Territorial Local Authorities have problems with jet skiers utilising areas of water they are either prohibited from using or using the areas irresponsibly, which causes complaints to the authorities from the public. This was the case in Christchurch before the sport became organised and formed a club, which resulted in the Council granting them a lease over Lake One at Roto Kohatu. Since this time, this problem has largely disappeared, it being recognised by the sport that the Council in granting a lease to the organised body controlling the sport in the city, enabled the elimination of many of the problems occurring before the lease was put in place, problems which are still being experienced elsewhere in the country.

Safety is one of the club's paramount concerns and by limiting the use of the lake to club members and their friends, in a controlled situation, this provides education to the membership about how to use jet skis safely and responsibly.

LEGAL ISSUES

Lake Roto Kohatu Reserve is made up of a number of section of land, section 1-3 survey office plan 19671 of 24.6560 hectares more or less CT CB44A/620 is a gazetted recreation reserve which is held under the Reserves Act 1977, and as such the Council is able to grant a lease pursuant to Section 54 1(c) of the Reserves Act to the Canterbury Jet Sports Club to lease Lake One, which is man-made, for its sport. It is necessary to lease the lake to the club so that they are able to control activities on the lake. The section at the east end of the lake, which is separated from the main area of water by a pedestrian bridge will be outside the club's leased area. This area is used for swimming and other sporting activities. The site on which the pavilion/storage building will be built is partly on the above mentioned recreation reserve and partly on the former Waimairi dump site, Lot 1 DP 42170 of 20.9188 hectares which is held by the Council effectively as a Local Purpose Reserve. The Council is able to lease local purpose reserve under section 61 (2) of the Reserves Act 1977. The Council is able to grant a lease to an organisation to build a building across the boundary of two sites where they are both owned by the same organisation, in this case the Christchurch City Council, subject to the Council complying with section 37 of the Building Act.

The Council is able to grant a lease for up to 33 years upon recreation reserve and therefore staff will be recommending this subject to a clause being inserted in the lease that the lease be granted for two ten year periods, and a further 13 year period, subject to the club being in a viable position, and the land not being required for any greater community need.

CONCLUSION

The granting of a longer term lease to the Canterbury Jet Sports club over Lake One, the adjacent launching area, and an adjacent area beside the Lake at the Roto Kohatu Reserve on which to build a clubroom/storage facility will formalise the Council's original intention to provide this sport, with an area of water where their activities will not disturb the activities of other water users. Lake 1 is situated well away from residential areas, is below the surrounding ground level, and is close to being under the flight path of aircraft using the main runway at Christchurch International Airport. The noise from the jet skies using the lake is not of concern to adjoining neighbours. During the last 9 years that the Canterbury Jet Sports Club have been using the lake, during the hours prescribed by the Council no noise complaints, or other concerns have been raised by the public about the activity; therefore staff are recommending the granting of a longer-term lease than was originally envisaged by the Council.

Staff

Recommendation:

That the Council resolve to lease approximately 8.3899 hectares of Roto Kohatu Reserve to Canterbury Jet Sports club Incorporated over Lake One, 3,800 metres of lake foreshore where launching takes place, and 99 square metres of land on which to construct clubrooms/storage facilities, as shown on the attached plan, pursuant to Section 54, (1) section C and section 61, (2) of the Reserves Act 1977 for a period of 33 years, subject to:

1. Public notification
2. Approval by the Minister of Conservation.
3. The club to obtain all necessary resource and building consents before any development commences upon the site.
4. The applicant is to submit a colour scheme for the building for the Greenspace Manager's or their designates approval, prior to commencing work on the site.
5. The lease terms being negotiated by the Facility & Assets Manager in consultation with the Greenspace Policy & Leasing Administrator, subject to the following condition:

The lease being for two 10 year terms, and one further 13 year term, subject to the club being in a viable position, and the land, and water not being required for any greater recreational need.
6. The lease/construction area being maintained by the club in a safe and tidy condition at all times.
7. All costs associated with the development, and subsequent maintenance of the associated buildings and structures on the site being paid for by the club.
8. The club is to show proof of having obtained \$1,000,000 public liability to the Greenspace Policy & Leasing Administrator before commencing work on the site.
9. Before any tenders are let or work commences on the site, discussions are to be held with the Greenspace Manager's designate, the Parks & Waterways Area Advocate –Shirley/Papanui Community, to ascertain the Council's requirement through the development phase of the construction of the facility.
10. A bond of \$2,000 to be paid by the club to the Christchurch City Council via the Parks and Waterways Area Advocate before work commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee on completion of the work.

11. The club may make a reasonable charge for the use of the lake and their facilities, which may include utilities cost, fair wear and tear, depreciation costs, any temporary relocation costs, and a percentage added to cover the cost of administration. All such charges, or change of charges shall be approved by the Greenspace Manager.

**Chairperson's
Recommendation:**

That the Board support the staff recommendation subject to the building meeting disability access requirements.