

## 2. KIDSFIRST KINDERGARTENS, 134 WALES STREET – PROPOSAL TO PROVIDE A STORAGE SHED TO ACCOMMODATE DOCUMENTATION AND CURRICULUM RESOURCES

<b>Officer responsible</b> Greenspace Manager	<b>Author</b> Tony Hallams, Policy and Leasing Officer, DDI 941 8320
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### PURPOSE OF REPORT

1. The purpose of this report is to enable the Riccarton/Wigram Community Board, acting on behalf of the Council as lessor, to approve or otherwise an application by Ms Sherryll Wilson, Chief Executive of the Canterbury Westland Free Kindergarten Association Incorporated, to provide a storage shed to accommodate documentation and curriculum resources.

### SUMMARY

2. The teaching staff and Committee at Kidsfirst Kindergarten, Wales Street, wish to install a "Versatile" shed to complement the existing kindergarten structure which sits on land designated as Recreational Reserve. The intended building addition will be undertaken within the present lease boundary. The proposed shed will measure 4 metres in length and 4.2 metres wide. The shed will be located at the front of the kindergarten building in the area that presently has a small amount of landscaping and a driveway.
3. The shed will be located 3 metres from the close up boundary fence between the kindergarten and a neighbouring residential property. A landscape plan provided by the applicant is attached under Attachment 1. A shed description is detailed under Attachment 2.
4. Under a Council Resolution dated December 2004, the Riccarton/Wigram Community Board has delegated authority to grant leases on reserves pursuant to Sections 54, 56, 58A, 73, and 74 of the Reserves Act 1977.
5. In this case the Council is being asked to approve a new building which is understood to be within the existing lease area. The current lease for the premises, which was signed on 7 June 1988 for a period of 20 years, with a further right of renewal for another 20 years, provides under Section 1.6.4:

*"Any new buildings, new works or alterations permitted in terms of the lease shall be located on the leased land and in such a place as approved in writing by the Lessor, and shall be of a design satisfactory to the lessor, and such of the leased land as surrounds the new buildings, alterations or works shall be landscaped to the satisfaction of the lessor."*

6. Furthermore, Section 1.6.7 of the Lease provides:

*"The construction of any buildings, alterations or similar works by the lessee on the leased land shall not give the lessee any greater use of the leased land than was previously available to it."*

7. The applicant will need to negotiate a new lease with the Council to include the new storage shed.

### FINANCIAL AND LEGAL CONSIDERATIONS

8. The applicant has indicated that it was originally intended to extend the existing office and storeroom area of the kindergarten but due to the high cost of the proposal (approximately \$40,000) the Committee and teaching staff revised their plans and came up with what they believe is a suitable alternative.
9. The alternative cost of the proposed shed is \$6,952.65, including GST.
10. The existing building is located on land classified as recreational reserve, and the present activity does not strictly comply with the relevant sections of the Reserves Act 1977, although the Council, as territorial authority, may grant approval for the new structure because it is not inconsistent with the activity carried on the site for a number of years. It is considered that the intended building does not comply with Section 1.6.7 of the lease, but sound reasons are provided in the application why the building is necessary.
11. The applicant has indicated that she has been informed by an Environmental Services Unit Planner at the Sockburn Service Centre that the proposal will not comply with the operative City Plan made pursuant to the provision of the Resource Management Act and Amendments 1991.

12. Any intended construction of the building on site will be required to obtain building consent within the provisions of the Building Act and Amendments 1991.

### **Recommendations**

It is recommended that the Board approve the application by the Canterbury Westland Free Kindergarten Association to erect a storage shed at the Kidsfirst Kindergartens Wales Street as shown on the attached plans subject to the following conditions:

1. The applicant negotiating a new lease for the site with the Christchurch City Council, to include the intended building additions.
2. Kidsfirst Kindergartens Wales Street to obtain any necessary resource and building consents before work commences on the site.
3. The profile of the intended building additions and colour scheme to match the existing building.
4. The lease/construction area to be maintained by Kidsfirst Kindergartens Wales Street in a safe and tidy condition at all times.
5. All costs associated with the storage shed construction additions and subsequent maintenance to be paid for by the Kidsfirst Kindergartens Wales Street.
6. Before any tenders are let or work commences on the site, discussions to be held with the Parks & Waterways Area Advocate at the Sockburn Service Centre to ascertain any requirements that the Council may wish to impose during the building extensions.
7. A bond of \$2,000 to be paid by Kidsfirst Kindergartens Wales Street or successful principal contractor to the Christchurch City Council via the Parks and Waterways Area Advocate at the Sockburn Service Centre. The bond, less any expenses incurred by the Council, will be refunded to the payee upon the completion of the work.
8. Kidsfirst Kindergartens Wales Street, through the Canterbury/Westland Free Kindergarten Association, to show proof of having obtained \$1,000,000 public liability insurance to the Greenspace Unit Policy and Leasing Officer before work commences on the site.
9. Kidsfirst Kindergartens Wales Street, through the Canterbury/ Westland Free Kindergarten Association to show proof of having an Occupational Health & Safety Plan in place before any work commences on the site.
10. The approval of the Minister of Conservation being obtained.

### **Chairperson's**

**Recommendation:** The Officer Recommendations be adopted.