



Christchurch City Council

**RICCARTON/WIGRAM COMMUNITY BOARD
AGENDA**

TUESDAY 12 JULY 2005

AT 5.00PM

**AT SOCKBURN SERVICE CENTRE,
149 MAIN SOUTH ROAD**

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PART B 12. COMMUNITY BOARD PRINCIPAL ADVISER UPDATE

PART B 13. MEMBERS' QUESTIONS

SEMINAR MEETING – 6.15PM

- 1. KIRKWOOD AVENUE KERB AND CHANNEL RENEWAL PROJECT**
- 2. BOARD'S STRUCTURE FOR CURRENT TERM**

1. APOLOGIES

2. CONFIRMATION OF THE PREVIOUS MEETING, 14 JUNE 2005

The report of the Riccarton/Wigram Community Board meeting of 14 June 2005 has been circulated to members.

CHAIRPERSON'S RECOMMENDATION

That the report of the Riccarton/Wigram Community Board meeting of 14 June 2005, as circulated, be taken as read and confirmed.

3. DEPUTATIONS BY APPOINTMENT

3.1 RON FENSOM, HALSWELL RETURNED SERVICES ASSOCIATION

Speaking rights have been granted to Rob Fensom to address the Board on a proposal to undertake grounds enhancement work around the War Memorial on Halswell Domain.

3.2 DR LESLEY MACGIBBON, RESEARCHER

Included within the agenda (clause 4) is the report introducing the "Riccarton Community Needs and Facilities Profile" research document. Dr MacGibbon will be present to discuss her report with the Board.

4. RICCARTON COMMUNITY NEEDS AND FACILITIES PROFILE

General Manager responsible:	General Manager Community Services
Officer responsible:	Lesley Symington, Community and Recreation Manager
Author:	Denise Galloway, Community Development Adviser, DDI 941-6536

PURPOSE OF REPORT

1. The purpose of this report is to provide information relating to the presentation by Dr Lesley MacGibbon on her research report entitled "Riccarton Community Needs and Facilities Profile" and its recommendations.

EXECUTIVE SUMMARY

2. In 1998 the Riccarton/Wigram Community Board commissioned a needs analysis of the Upper Riccarton area. One of the recommendations focused on the need for a multicultural facility, which could possibly be managed by the Canterbury Fiji Social Services Trust. The venue used by this group at 40 Hillary Crescent was inadequate for the services and programmes which they ran for the local community. Given the lapse in time due to delays in purchasing the properties and other significant changes, staff decided that it was appropriate to undertake an updated research on the current needs of the wider Riccarton area. In 2004, Dr Lesley MacGibbon was contracted for this task.
3. This research report highlights the ongoing need to address social isolation in the Riccarton area, particularly in relation to new immigrants and the many other ethnic groups. In terms of deprivation levels the Upper Riccarton (between Matipo Street and Curlettes Roads, Riccarton and Blenheim Road) is very high, in fact 55% of the area has a deprivation rating of 8,9,10.
4. Recommendations have been made by the researcher around community development initiatives, and the possible scoping of a multicultural centre at Auburn Park. Council staff responsible for these areas are aware of this report. In summary, the 2005 research provides more recent and relevant information about the Riccarton area and its needs.

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FINANCIAL AND LEGAL CONSIDERATIONS

5. There are no legal or financial considerations that need to be addressed at this point in time. The Riccarton Wigram Community Board has allocated \$47,000 to its Community Initiatives Fund for 05/06. Staff will be able to seek funding from this source, through the reporting process, should a need arise, as the result of the community development recommendations in the 2005 Needs Profile.

BACKGROUND ON RICCARTON COMMUNITY NEEDS AND FACILITIES PROFILE

6. The following background information has been taken from Dr MacGibbon's Summary Report of the Riccarton Community Needs and Facilities Profile 2005.
7. In 1998 the Christchurch City Council commissioned a needs analysis of the Upper Riccarton area, which was directed to pay particular attention to the current and future role of the 'community house' at 40 Hillary Crescent. That study consulted with the Canterbury Fiji Social Services Trust, the agency operating out of 40 Hillary Crescent, young people attending a holiday programme at Hillary Crescent, other service providers in the area, and two classes at the local school. Questionnaires were completed by 120 households from the area.
8. The 1998 report¹ found that the area reflected a greater cultural mix than other parts of Christchurch, and greater levels of social and economic deprivation than in other parts of Christchurch. Specifically the report identified the following issues:
 - Social isolation - for caregivers of small children (particularly for those with cultural and language barriers to community participation); older migrants with limited English.
 - Transience - many people moved frequently contributing to lack of community spirit and cohesion.
 - Traffic - main arterial routes of Hansons Road and Curletts Road, created problems for families with children.
 - Lack of information/services - people didn't know what services/activities were available to them. Families wanted access to facilities socialising/craft activities in a place that provided safe childcare.
 - Parks – children, families, and young people wanted more parks in the area.
9. The report recommended that the Community Board address the need for a larger multi-purpose, multi-cultural facility as a way of meeting the needs of the residents in this community. The report concluded that the existing premises of the Canterbury Fijian Social Services at 40 Hillary Crescent were inadequate for meeting the needs of the people for a community facility to serve the area.

Facility planned for Roche Avenue

10. In consultation with the Canterbury Fijian Social Services Trust, the Christchurch City Council entered into a planning process for a community facility to be based in Roche Avenue. It was proposed that Canterbury Fijian Social Services be contracted to manage the facility and they would run their programmes from the new centre. The centre would also be available for other groups to use.
11. The Christchurch City Council planned to purchase two residential properties in Roche Avenue backing onto a small reserve in Hillary Crescent and the community facility would be built there. The Christchurch City Council has upgraded the park in Hillary Crescent, but has met with difficulties in purchasing the properties in Roche Avenue.

¹ Upper Riccarton community Needs Analysis: Final Document, Oct 1998. S Phibbs & S Kelly

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The 2005 Riccarton Community Needs and Facilities Profile

12. This community needs analysis covered a much wider geographical area than the 1998 report, but was asked specifically to assess the suitability and need for the community facility at Roche Avenue.
13. The 2005 report stated a number of developments have impacted on the proposed community house - specifically, the opening of Te Whare O Nga Whetu Multicultural Centre at 153 Gilberthorpe's Road, and the moving of the Canterbury Fiji Social Services Trust administrative base and some programmes to Te Whare.
14. The 2005 report found that the move of Canterbury Fiji Social Services to Gilberthorpe's Road was detrimental to the level of services offered to the people in the Upper Riccarton area. The Canterbury Fijian Social Services was unable to provide services to both Upper Riccarton and Hei Hei communities. In 2004 the Canterbury Fijian Social Services decided to refocus their work back into the Upper Riccarton area if they could find suitable premises from which to operate. The 'community house' at 40 Hillary Crescent according to the 2005 report is even less suitable in 2005 than in 1998, because it has not received on going maintenance.

Ministry of Health Statistical Analysis of the Census and Deprivation Index

15. The NZ. Dep 2001 Index of Deprivation provides a deprivation score for each mesh block in New Zealand. Mesh blocks are geographical units defined by Statistics NZ, containing a median of approximately 90 people. The scale of deprivation from 1 – 10 divides New Zealand into tenths. A value of 10 indicates that the mesh block is in the most deprived 10% of areas in New Zealand. In the Upper Riccarton area (between Matipo Street and Curletts Roads, Riccarton and Blenheim Road) 55% of the areas has a deprivation rating of 8,9,10.
16. The criteria for the deprivation index include:
 - People aged 18-59 receiving a means tested benefit (student allowance is not included in this index)
 - People aged 18-59 unemployed
 - People living in households with income below an income threshold (60% of median disposable income before adjusting for housing costs)
 - People with no access to a telephone
 - People with no access to a car
 - People aged <60 living in a single parent family
 - People aged 18-59 without any qualifications
 - People not living in own home
 - People living in households below a bedroom occupancy threshold (not more than 2 per bedroom)
17. According to the researcher, Lesley MacGibbon, there is a direct correlation between levels of deprivation, as measured by the Deprivation Index, and social and community outcomes. For example, at the area level, deprived neighbourhoods may adversely affect health outcomes for individuals and, at the individual level, deprived individuals are more likely to suffer various poor health outcomes².

Conclusions of the Riccarton Community Needs and Facilities Profile 2005 Research

18. The 2005 report concluded that the needs in the Upper Riccarton area were substantially the same as at the time of the 1998 Community Needs Analysis. As in 1998, the area reflected a greater cultural mix than other parts of Christchurch, and greater levels of social and economic deprivation than in other parts of Christchurch. This conclusion was reached by the researcher following a document analysis and interviews with key stakeholders in the area. The Index of Deprivation confirmed the findings from the other sources.

² Salmond, C, Crampton, P, (2002) NZDep2001 Index of Deprivation. Department of Public Health Wellington School of Medicine and Health Sciences.

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That the Christchurch City Council begins discussions, and expressions of interest, with Canterbury Fiji Social Services Trust/Living Well in Christchurch about their needs for a new centre.

Recommendation 11:

That the Christchurch City Council begins discussions, and expressions of interest, with Canterbury Fiji Social Services Trust/Living Well in Christchurch about the possibility of managing the new centre.

Lower Riccarton Facilities

Recommendation 12:

That the Christchurch City Council continues communication with the Riccarton Community Church, when planning the redevelopment or replacement of the Riccarton Community Centre.

Recommendation 13:

That the Christchurch City Council begin discussions with the Board of Trustees from Wharenui School about the possibilities of opening the school grounds to Division Street.

Recommendation 14:

That the Christchurch City Council works with the Wharenui School Board of Trustees to develop playground equipment that will meet the needs of older children in the community.

22. The research report by Dr Lesley MacGibbon provides important information about the Riccarton area. This information is relevant to several Council Units and it is appropriate that staff follow up the recommendations contained in this report. All the recommendations are aligned with the LTCCP outcomes as identified below;

- A Healthy and Active People
- A Cultural and Fun City
- Inclusive Communities

23. The recommendations are also aligned with Riccarton Wigram Community Board's outcome number two, that is "The capacities and resources of communities are increased through support of the Board". The recommendations fit with the Christchurch City Council Social Wellbeing Policy and the Community Policy

OPTIONS

24. **Option (a)**

The Riccarton/Wigram Community Board receives the information but chooses not to follow up the recommendations from the report

25. **Option (b)**

The Riccarton/Wigram Community Board receives the information from the Riccarton Community Needs and Facilities Profile and endorses appropriate staff to follow up the recommendations related to their particular unit.

26. It is envisaged that the Community Development Adviser would be responsible for following up recommendations identified under the heading "Community Development Initiatives", while the Community Engagement Team would be responsible for following up the recommendations under the heading "Upper Riccarton Facilities".

27. The Community Engagement Team Leader, James Ryan has advised that recommendations 9,10,11 would be considered alongside the development of a Metropolitan Community Facilities Strategy. It is anticipated that the results of the Strategy will be available within 12 months. Discussions with the Canterbury Fiji Social Services Trust and the Refugee Resettlement and ESOL Group and other relevant groups will be an integral part of the Strategy development process.

28. Relevant staff to follow up recommendations under "Lower Riccarton Facilities" would include the Parks Officer, Community Development Adviser and Community Engagement Adviser.

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PREFERRED OPTION

29. The preferred option is option (b).

STAFF RECOMMENDATION

It is recommended that the Riccarton/Wigram Community Board receives the information from the Riccarton Community Needs and Facilities Profile, and endorses follow-up by staff on the recommendations.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

5. PROPOSED POLICY FOR THE GRANTING OF LICENCES TO COMMERCIAL RECREATION PROVIDERS WISHING TO OPERATE UPON COUNCIL OWNED OR ADMINISTERED PARK AND RESERVE LAND

General Manager responsible:	General Manager City Environment
Officer responsible:	Acting Greenspace Manager
Author:	John Allen, Policy and Leasing Administrator, DDI 941-8699 Tony Hallams, Policy and Leasing Officer, DDI 941-8320

PURPOSE OF REPORT

1. The purpose of this report is to enable the Board to comment on the proposed attached policy, for the licensing of commercial recreation providers, who wish to operate regularly on Council owned or administered park and reserve land. These comments will be included in a final report which will be placed before Council to adopt the attached draft policy, as Council policy. This policy does not apply to the occasional one off events, which may be organised by a commercial recreation provider, these applications being processed by the Community and Recreation Unit. A commercial recreation provider as identified in this report is a person, company or organisation (including an educational institution), who provides a recreational opportunity for the public to partake of for which a specific payment is made to cover costs, including wages or profit. Organisations with paid instructors, who are instructing people in a recreational pursuit, as part of a formal program are included in this definition. This report is being placed before the City's Community Boards for comment, prior to being considered for adoption by Council.
2. The Council's objective behind the proposed policy is to ensure that the recreational resource is protected for future generations to enjoy, and that private individuals are still able to use the resource, while at the same time providing the maximum opportunity for commercial recreation providers to provide the recreation added value component to the park or reserve for the general public using the reserve, at no cost to the Council.

Benefits for Licensees

3. The benefits for commercial recreation providers who have a licence to operate their business on Council owned, or administered park or reserve land are as follows:
 - (a) They have a legal right to operate their business on Council controlled, or administered land.
 - (b) There is a formal relationship between the licence holder, and the Council, ensuring that both parties are aware of their individual responsibilities in the relationship.
 - (c) The licence holder will be supplied with a vehicle/logo sticker indicating that the licence holder has a licence to operate on Council owned or administered park and/or reserve land.

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EXECUTIVE SUMMARY

4. The Council is legally able to licence commercial recreation providers wishing to operate upon Council owned or administered park and reserve land.
5. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation are in breach of occupation law, and may expose the Council to risk.
6. Recently there has been an increase in the number of commercial recreation providers using, or wishing to use, Council owned or administered park and reserve land.
7. There is also a need for the Council to put in place a policy, the adherence to which will ensure that:
 - (a) The resource will be protected for future generations to enjoy.
 - (b) That clients of the commercial recreation providers will receive a quality experience.
 - (c) That the Council is protected from any liability arising from the activities of the commercial recreation providers who operate on Council owned or administered land.
 - (d) Other park users or potential users are not adversely affected by the activity, and their access to the recreational resource is maintained.
 - (e) That the commercial activities are aligned to the vision, purpose, and management objectives for the park or reserve.
 - (f) That the commercial activities are aligned to the Council's goals and objectives, City Plan, bylaws, and other pertinent Acts of Parliament.
8. The proposed policy sets out the methods by which commercial recreation providers' activities on Council owned or administered land may be limited or controlled and managed to ensure that the objectives outlined above are achieved.
9. Based upon the premise that it is not the Council's responsibility to provide the public with the recreation added value component that takes place upon parks and reserves, officers are advocating that a cost recovery fee based charging system be used, in preference to a gross return percentage based fee system. Five different options for applying a formal licensing process have been considered:
 - (a) Apply a formal licensing process with the fees set at a level to cover Council costs only (the preferred option).
 - (b) Maintain the status quo (no formal licensing process).
 - (c) Apply a formal licensing process with fees charged as a percentage of gross profit.
 - (d) Apply a formal licensing process with two levels of licence fees charged. Organisations who operate for profit are charged a percentage of gross profit, while organisations operating on a cost recovery basis only are charged at a level to cover Council costs only.
 - (e) Apply a formal licensing process with no fee or cost recovery.
10. Officers are recommending that the proposed "Policy for the Granting of Concessions to Operators Undertaking Commercial Activities on Council Owned or Administered Park and Reserve Land" as set out at the end of this report be adopted as Council Policy.

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- 11. Officers are recommending that where the Acts of Parliament allow, Council delegates its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

FINANCIAL AND LEGAL CONSIDERATIONS

- 12. The Council is legally able, under Sections 54(1)(d), 56(1)(b), 58A(1), 59A and 61 of the Reserves Act 1977, and under the powers of general competency as provided for in Section of the Local Government Act 2002, to issue licences to commercial recreation providers. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation, are in breach of occupation law and may expose Council to risk. The conditions for granting a licence vary depending on the class of reserve

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13. There are currently a number of commercial operators who use Council owned or administered land without formal agreements in place. Their activities include mountain bike rides, parapentes, paragliders, rock climbs, horse treks and other recreational pursuits. Officers are aware of only four such organisations that do have the required agreements in place. The only other legalised commercial recreation activity occurring on parks are the single one-off events, which are required to be booked through the Call Centre, or the Major Events Co-ordinator. A fee is charged for this type of event.
14. Some commercial recreation providers may require resource consent to operate their businesses in certain areas of the city, as defined in the City Plan. Officers are of the view that Council consent for business activities on Council controlled land should be obtained, prior to the applicant applying for Resource Consent, if required by the City Plan.
15. Some coastal land and some of the Port Hill Reserves (including the Summit Road Scenic Reserves) are not vested in the Council. In these cases a concession may be issued by the Department of Conservation (usually done in consultation with the Council). The processing fees are paid directly to the Department of Conservation. Where the Council has a management role under the Reserves Act (ie where the Council is appointed to control and manage such land), then subsequent licence payments will be paid to the Council.
16. In the case of the foreshore, the Council will need to take into account the requirements of The Coastal Regional Plan that is governed by Environment Canterbury. The foreshore below mean high water springs is within the coastal marine area, covered by the plan.
17. It is also necessary for all applications to be assessed against the requirements of the Reserves Act 1977, the management plan for the park or reserve if there is one, City Plan requirements, other pertinent bylaws, and Acts of Parliament where appropriate eg Summit Road Protection Act. Where no management plan exists, the application needs to be assessed for alignment to the vision, purpose, and management objectives for the park or reserve. The recreational experience should also be aligned with the Council's goals and objectives.
18. Officers require all businesses operating on Council owned or controlled land to have a minimum of \$1,000,000 public liability insurance to protect themselves against claims from a third party in relation to damage to the third party's property, caused by the businesses' activities on Council land. The Council also requires businesses operating on Council owned or controlled land to indemnify the Council against any actions and suits that may be taken against the Council because of the businesses' activities on the land.
19. A number of commercial recreation providers' activities take place in rural fire districts, which are prone to being high fire risk areas in the summer, for example Bottle Lake Forest Park and the Port Hill Reserves. It is prudent that commercial operators operating in these areas have insurance to protect themselves against claims made against them under the Forest & Rural Fires Act 1977, should their activities start a fire. It is not uncommon for the cost of controlling and extinguishing a fire in these areas to cost more than \$100,000. If the licensing policy is adopted, it will be a requirement of commercial recreation providers, operating in these areas, to have a minimum of \$250,000 rural fire insurance, which some insurance companies provide as an extension to their companies' public liability policy. This amount could be increased to \$500,000 if deemed appropriate by the Principal Rural Fire Officer.
20. The Council also has responsibilities under the Health & Safety in Employment Act as the owner of the land, and with it being a work place. To discharge its obligations, it would generally need as a minimum to ensure that any operator has a Health & Safety Management Plan. Applicants will be required to include an externally audited Health & Safety in Employment Plan, when they make application for a licence.
21. Schedule 7, Part 1, Section 32 of the Local Government Act 2002 allows the Council to delegate any of its responsibilities to an officer of the Council unless it is expressly stated otherwise in any other Act. Sections 54(1)(d), 56(1)(b), 58A(1), 59A and 61 of the Reserves Act 1977 are silent on the delegation matter, and therefore Council is able to delegate these responsibilities to an officer of Council. Council Officers are therefore recommending that

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BACKGROUND ON PROPOSED POLICY FOR THE GRANTING OF LICENCES TO COMMERCIAL RECREATION PROVIDERS WISHING TO OPERATE UPON COUNCIL OWNED OR ADMINISTERED PARK AND RESERVE LAND

22. The Council's past approach, when dealing with a commercial recreation provider's request or application, was to take into account the benefits to the general public, while trying to balance the effects of the proposed activity on the environment, and other park users. In the past a number of commercial recreation providers operated under informal arrangements discussed with Council officers. Although these discussions and arrangements took place while the business was gradually evolving, a formal arrangement should have been put in place once the business became viable and established. On the other hand, there were some instances where Council officers have not been consulted at all by a commercial recreation provider who has been operating on Council owned or controlled land. If the land is held under the Reserves Act 1977, these unknown Commercial Recreation Providers are committing an offence under Section 94 of the Reserves Act 1977.
23. The Council has in the past allowed commercial recreation providers to operate for a trial period on Council owned or administered park and reserve land, for the following reasons:
 - (a) Where the impact of the proposed activities on the park and/or reserve are difficult to assess. The terms of the temporary licence granted to the commercial recreation provider will allow the Council to place conditions on the activity during the trial period as the impacts of the activity become better understood, and the necessary mitigation requirements are identified.
 - (b) Where the returns from a new business venture that requires a significant capital investment are difficult to assess.
24. The trial period allows for a detailed evaluation and assessment of the operation to be undertaken at the end of the period, enabling further conditions to be placed upon the operation to mitigate any adverse effects of the operation upon the environment, and to assess the future viability of the operation, before committing to a full licence.
25. During the last few years, the use of Council parks and reserves by commercial recreation providers has increased, partly because many ventures that were previously run as amateur non-profit making activities have evolved into commercial businesses as individuals have sought to make a livelihood out of their interest. A number of the areas used, such as Bottle Lake Forest Park (mountain bike activities), and the Port Hills (paragliding, parapenting, hang gliding, rock climbing), are under pressure from competing commercial operators. Officers are of the view that this competition at certain sites has reached a stage where ordinary public use is sometimes being jeopardised. Officers are therefore recommending that the Council adopt the draft policy as set out later in this report as Council Policy thereby ensuring:
 - (a) That the recreation experience, which is derived from the activity, is what the participants should reasonably expect.
 - (b) That there is the ability to manage activities to minimise conflict with other users and access to the area is protected for members of the general public who wish to use these areas at the same time.
 - (c) That the natural resource that the recreation is taking place upon is protected for future generations to enjoy.
 - (d) That the commercial recreation experience being promoted is aligned to the vision, purpose, and management objectives for the park, or reserve, and Council.
 - (e) To ensure that health, safety, and other legislative requirements have been properly addressed by the commercial recreation provider, before the recreation experience is delivered.

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Present Situation

26. The main areas being used for commercial recreational activities are Regional Parks, more specifically Bottle Lake Forest Park, The Groynes, and the Port Hill Reserves, although there are some commercial recreation providers operating in urban parks, for example South Brighton Domain, Hagley Park, and on the Foreshore.
27. Examples of some of the issues, which have given rise to the necessity for such a licensing policy, are outlined below:
 - (a) The Council has recently received complaints about the activities of wind powered vehicles (land yachts) using the South New Brighton foreshore. The complaints focus on the danger that the use of these land yachts, which speed along the beach, pose to other beach users. This activity raises issues of public safety, which need to be addressed.
 - (b) A number of bolts have been fixed in the past into the rock faces in the same area of particular climbs on the rocky outcrops on the Port Hills. If this practice is left unchecked it will result in the degradation of the rock faces. The problem has arisen from the fact that it is a cardinal rule that climbers should not use someone else's bolt, unless they are sure that it is safe, hence the possible proliferation of bolts in the same area. No bolting or removal of existing bolts should be undertaken without the permission of the Port Hills Area Head Ranger first being obtained.
 - (c) Recently, three commercial mountain bike operators applied to hold night races on the same night in Bottle Lake Forest Park. Officers viewed this with concern because, in their opinion, only one such race should be held at one time during the night, for safety reasons.
 - (d) During recent investigations, it was found the one unlicensed parapenting operator had

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29. The Council may need in some cases to reduce the intensity of use or control activities of a number of commercial providers using a particular park or reserve, to ensure that those licensed commercial recreation providers are able to provide a quality experience to the community, while at the same time ensuring that the right of the general public to recreate upon these areas is maintained, and that the recreational resource is protected. This can be achieved by the Council limiting commercial operations upon a particular site, by tendering out, balloting, or extending the period of existing licences for permitted commercial activities on identified parks or reserves that are subject to a high intensity of use. Areas of high use can be identified by perusal of the Community and Recreation, and Greenspace Customer Service Centre booking records, Park Ranger Service surveys, and other monitoring strategies.
- (a) Where a tendering process is used, the successful tenderer will be chosen using the following criteria using the weighted attribute system of selection:
- (i) The tenderer's experience in the activity being offering to the customer.
 - (ii) The quality of the service that the tenderer is prepared to provide to the customer.
 - (iii) Measures the tenderer is prepared to take to minimise the activity's effect on the environment
 - (iv) That the commercial recreation experience being promoted, is aligned to the vision, purpose, and management objectives for the park, or reserve.
 - (v) The tenderer's monetary offer made to the Council to undertake the activity upon Council owned or controlled land.
- (b) It is envisioned that the successful tenderer would be issued with a licence for a finite period after pre-payment of a processing fee and annual licensing fee. Officers consider a licence term of between three and five years would be appropriate, this being dependent upon the site applied for and the amount of capital investment required by the applicant to set up their particular business.

Delegation

30. The philosophy behind the proposed policy, is to ensure that the recreational resource is protected for future generations to enjoy, while providing the maximum opportunity for commercial recreation providers to provide the recreation added value component to the general public using the reserve, at no cost to the Council. A licence does not confer an exclusive right to the land, as a lease does. Where the Acts of Parliament allow, officers are recommending that Council delegate its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

Consultation Procedure

31. The public, (using advertisements placed in the public notices column of the newspapers), existing known commercial recreation providers, all lessees who lease Council owned or administered park and reserve land, Canterbury Chamber of Commerce, Summit Road Society, and Summit Road Protection Authority, have been invited to comment on the draft policy for the granting of licences to commercial recreation providers, who wish to operate on Council owned or administered park and/or reserve land, during the month of October last year. Thirty six submissions were received to this process, 12 from Council staff, six from commercial recreation providers, 11 from sports clubs, three from professional organisations, and four from the general public. Where appropriate, the proposed policy has been altered to take into account their suggestions. The main suggestions not included in the proposed policy are elaborated upon below:
- (a) It was suggested by two submitters that a bond be required from commercial recreation providers, to cover the cost of rectifying any adverse effects that the commercial recreation activity may have on the environment, which were not envisaged when the activity was approved, or resulting from the commercial recreation provider not complying with the conditions of their licence.

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Officers did consider this issue, believing it better to include a trial licence period where the effects upon the environment of the proposed activity are not easily ascertained. During this trial period alterations to the licence will be able to be made at any time by the Council to mitigate the activities' effects upon the environment. It is also proposed in the policy to delegate to the Greenspace Manager the right to limit, or shift a commercial activity from one site to another site, if in their opinion the activity is causing damage to the environment, infrastructure of the park or reserve, or affecting the general public's rights to use an area. Where a commercial recreation provider has breached the conditions of their licence, the Council will have the right to withdraw the licence, should it decide to do so.

- (b) Four submitters, some of whom operate under a charitable trust deed, argue that they make little or no profit from their activities and therefore should not have to pay a licence fee.

This situation however, does not provide commercial equity with another entity that is trying to run a business providing the same or similar activities because this entity will be at a cost disadvantage. The reality of the situation is that the Council is legally able under the Reserves Act 1977, and under the powers of general competency of the Local Government Act 2002, to licence commercial operators where the service that is being provided is being paid for by the client. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation are in breach of occupation law and may expose Council to risk. In fact Section 94 of the Reserves Act 1977 expressly provides that it is an offence to carry on within any reserve vested in an administering body any trade, business, or occupation without authorisation first being obtained from the Minister of Conservation or the administering body, as the case may require.

There is a need for the Council to satisfy itself that all commercial recreation providers, operating on Council owned or managed land, where the clients are paying a fee for the service provided, have the appropriate insurances, health and safety plans in place, and that they have the appropriate experience and qualifications to ensure that their customers receive a good value experience. There is also the need for the Council to adequately balance the use of the resource by commercial recreation providers, which includes profit, and non profit motivated organisations, and educational institutions, with the rights of the general public to use the resource. There is also an equity situation that the non-profit organisation should not have a cost advantage over a profit motivated organisation who provide a similar service to the general public. It should be noted that officers are recommending that a Council cost recovery licensed based fee system be put in place, not a profit based system.

This reworked report was re-submitted to submitters, one indicating that they were still not happy with the definition of whom is included in the commercial recreation providers definition, requesting to be heard on the matter. This hearing will be set up shortly.

OPTIONS

General

32. Officers have examined the methods used by the Department of Conservation and the Auckland Regional Council to charge for commercial concessions on land under their control. In many cases, concessionaires are charged a percentage of their gross profits, accrued from their activity on the land, which in the case of the Department of Conservation is approximately 7%.
33. The costs of putting the licence in place for the benefit of the commercial recreation provider would be paid by the applicant in accordance with Council's policies relating to charging/quotations for the compilation of leases, licences, and easements as confirmed at the Council meeting of 28 June 2001. These costs would include the application processing costs (report preparation and meeting attendance), public advertising fee, hearing preparation and attendance costs if required, Minister of Conservation approval fee, Council legal and valuation fees if required.

5 Cont'd

Apply a formal licensing process with the fees set at a level to cover Council costs only (the preferred option).

34. Using this system will enable the commercial recreation provider to offer their activities to the general public at a lower price, this being of benefit to the public. The advantage to the licensee is that they will retain the maximum benefits of their endeavours. The licence fee will still need to be reviewed annually, to ensure that costs involved in administering the licence are properly covered in the fee, and that any additional costs incurred by Council for maintaining the Council owned asset for the direct benefit of the licensee are recovered. There are two exceptions to this being:
 - (a) Where there are more applicants wishing to operate upon a particular site than the site can accommodate, in which case a tender or ballot process will be used, the price offered for a licence over the site being taken into account together with all the other requirements.
 - (b) Where there are commercial recreation providers providing a similar service on private land in the vicinity of Council managed or controlled park and reserve land, there will be a need to charge a similar fee.
35. Officers are of the view that while Council has the responsibility to maintain reserves for the purpose for which they are held, that as a general guide it is not the Council's responsibility to provide the added value recreational component, which may expose the Council to a greater financial risk. This area of activity is seen as the domain of the private recreational provider, who is willing to take on the financial risks that such a venture entails. Sports Clubs also provide this service, but of course are not included in the definition of Commercial Recreation Provider. Consequently, officers are of the view that in the majority of cases, the costs associated with private enterprise providing this extra value, and accepting the financial risks involved should be minimal, covering the costs of Council, with a small percentage of this cost for profit, to ensure that no burden is placed upon the ratepayer. These costs should include, where possible, the additional expense incurred by Council to maintain the public facility, where this additional expense can be directly attributed to the licensee's activities, for example, mountain bike track maintenance.
36. The only exceptions to this rule should be when the provision of this added value by a commercial recreation provider is in direct competition with private recreation providers supplying the same recreation service on private land, where higher rentals are often paid, or where there are competing interests for a particular site. In these situations a fair rental for the use of the resource should be arrived at, using independent valuation methods, or tendering the opportunity to use the site.
37. Such a Council policy would be seen as business friendly by the business community.

Maintain the status quo (no formal licensing process).

38. With this option there is no control over the commercial recreation providers activities on Council owned, or managed park and reserve land. Congestion at some sites may mean that the general public are not able to use the resource at times, dangerous congestion situations may occur, eg on rock climbing resources etc.
39. The recreational resource may be damaged through over-use, or unique habitat damaged because of its presence in the area not being known, or understood.
40. Council maintenance costs may be increased by commercial recreation providers use of the resource, without the Council being able to recoup these additional costs from the commercial operators.
41. Council not being aware of commercial recreation providers use of sites which may be culturally sensitive to Maori.

5 Cont'd

Apply a formal licensing process with fees charged as a percentage of gross profit.

42. Officers are of the view that percentage-based payments are more difficult to police. It is acknowledged that while the Council may miss out on some revenue using a cost recovery rent system, the system will afford the licensee the maximum opportunity to establish their business, at no cost to the Council. This option will not be seen as business friendly as the recommended option.

Apply a formal licensing process with two levels of licence fees charged. Organisations who operate for profit are charged a percentage of gross profit, while organisations operating on a cost recovery basis only are charged at a level to cover Council costs only.

43. The Commercial Recreation Provider who is offering their services for profit will be at a cost disadvantage to other providers because they will need to charge customers more to cover costs.
44. This option does not provide for commercial equity between operators operating for profit, and those that operate to cover costs only.
45. Because of how different applicants' organisations are constituted, it is likely to be difficult to ascertain which category some of these organisations should fit into.
46. This option will not be seen as business friendly as the recommended option.

Apply a formal licensing process with no fee or cost recovery.

47. This option was not considered for the following reasons:
- (a) These applicants are commercial recreation providers, and therefore these costs are a legitimate cost the applicants should expect to pay when setting up their businesses that should not be subsidised by the ratepayer.
 - (b) Council has approved a policy based on a processing quotation/estimate being given to the applicant for the recovery of Council costs for processing commercial type applications to use Council owned or managed park and reserve land (28 June 2001).

PREFERRED OPTION

48. Apply a formal licensing process where the fees are set at a level to cover Council costs only.

STAFF RECOMMENDATIONS

That the Board recommend to Council:

- (a) To approve the proposed "Policy for the Granting of Licences to Commercial Recreation Providers Wishing to Operate on Council Owned or Administered Park and Reserve Land" as set out in the attached policy.
- (b) Where the Acts of Parliament allow, Council delegates its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendations be adopted.

6. ROAD NAMING – WIGRAM ROAD AND WORSLEYS ROAD

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Jane Donaldson, Unit Manager Environmental Services
Author:	Bob Pritchard, Subdivision Officer, DDI 941-8644

PURPOSE OF REPORT

1. The purpose of this report is to obtain the Board's approval to three new right of way names, and six new road names.

EXECUTIVE SUMMARY

2. The approval of proposed road and right of way names is delegated to Community Boards.
3. All proposed names have been checked against the Council's road name database to ensure they will not be confused with names currently in use. Land Information New Zealand who represent the interests of the emergency services have also been consulted.

(a) **Wigram Road - Brian Gillman Limited**

This is a large subdivision creating six new roads and two new formed and sealed rights of way to provide access to 126 new residential allotments, and six new reserves totalling 2.8 hectares. The subdivision has been named "Broken Run" by the applicant company, as the land before development was a grazing farm with a natural valley and waterway splitting the farm into two halves, thus being a broken farm or run. The property is located at the headwaters of the Heathcote River.

The applicant company has requested the use of Broken Run for the first spine road into the subdivision. The remaining names proposed share a common theme of high country stations, and are:

- Longspur Avenue (Longspur is a high country station near the Rakaia Gorge);
- Highpeak Place (Highpeak Station is located at the head of the Selwyn River);
- Cromdale Place (Cromdale Station is situated in Lees Valley near the Ashley River)
- Glen Arrife Place (Glen Arrife Station is in the Rakaia catchment);
- Ryton Way (Ryton Station is situated at the head of the Ryton River which feeds into Lake Coleridge);
- Grassington Lane (this station is situated behind Rotheram on the banks of the Waiau River).

Other names included as alternatives to Highpeak, Cromdale, Glen Arrife, Ryton and Grassington are Bendigo, and Glen Elton, also high country stations, although not situated in Canterbury.

(b) **Worsleys Road - Oxenbridge Estate**

This subdivision creates five new residential allotments to be served by a fully formed and sealed right of way. The name Tisbury Lane has been proposed for the right of way. There is an existing cul de sac in Dallington called Tilbury Place. This is in a different postal zone.

In respect to the emergency services, the difference in pronunciation between Til and Tis, and Place and Lane should be significantly different to avoid any confusion.

FINANCIAL AND LEGAL CONSIDERATIONS

4. The administration fee for road naming is included as part of the subdivision consent application fee, and the cost of name plates is charged to the developer. There is no financial cost to the Council. Local Authorities have a statutory responsibility to approve road names.

6 Cont'd

STAFF RECOMMENDATION

It is recommended that the Board consider and approve the use of the names as proposed above.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.

7. CHANGES TO CHAIRMANSHIP OF STANDING COMMITTEES

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Manager Secretariat
Author:	Lisa Goodman, Community Board Principal Adviser, DDI 941 5108

The Chair of the Board's Transport and Roothing Committee has indicated that he would like to stand down as Chair of that Committee. A change to the chairmanship of the Community Services Committee has also been proposed in discussion among Board members. The idea of having "co-chairs" has been raised, but this is not a possible option under Standing Orders.

STAFF RECOMMENDATIONS

It is recommended that the Board appoints:

- (a) a new Chair of the Transport and Roothing Committee; and
- (b) a new Chair of the Community Services Committee.

CHAIRPERSON'S RECOMMENDATION

That:

- (a) Mike Mora be appointed as chairperson of the Transport and Roothing Committee; and
- (b) Tony Sutcliffe be appointed as chairperson of the Community Services Committee.

**8. RICCARTON/WIGRAM COMMUNITY SERVICES COMMITTEE
REPORT OF 29 JUNE 2005 MEETING**

General Manager responsible:	General Manager, Regulation and Democracy Services
Officer responsible:	Lisa Goodman, Community Board Principal Adviser
Author:	Roger Cave, Community Secretary, DDI 941-5112

PURPOSE OF REPORT

The purpose of this report is to submit the outcomes of the Community Services Committee meeting held on its Wednesday 29 June 2005 meeting.

The meeting was attended by Tony Sutcliffe (Chairperson), Lesley Keast, Mike Mora, Bob Shearing and Neville Bennett.

Apologies were received and accepted from Peter Laloli.

1. APPOINTMENT OF TEMPORARY CHAIRPERSON

It was **agreed** that Tony Sutcliffe be temporary Chairperson for this meeting.

8 Cont'd

2. SOUTH HORNBY PRIMARY SCHOOL – REQUEST FOR FUNDING

The Committee considered a report prepared by staff on a request from the School for financial assistance of \$2,700 to enable a party of 27 children to travel to Adelaide to perform in a music festival.

The School Principal (Lindsay Penman) was in attendance.

As the primary school is a decile three school, many families are struggling to pay the \$897 per child, and the school is trying to attract funding from other sources in order to reduce the cost to the families. The request for funding is to assist all the families involved in the choir (i.e to fund each family \$100).

The Committee was supportive of the request; their recommendation is recorded under clause 5 of this report.

3. EVALUATION REPORT ON THE NORTH HORNBY TAIAHA WANANGA PROJECT

**9. RICCARTON/WIGRAM TRANSPORT AND ROADING COMMITTEE
REPORT OF 1 JULY 2005 MEETING**

General Manager responsible:	General Manager, Regulation and Democracy Services
Officer responsible:	Lisa Goodman, Community Board Principal Adviser
Author:	Roger Cave, Community Secretary, DDI 941-5112

PURPOSE OF REPORT

The purpose of this report is to submit the outcomes of the Transport and Roading Committee meeting held on its Friday 1 July 2005 meeting.

The meeting was attended by Mike Mora (Chairperson, from clause 2), Bob Shearing, Helen Broughton, Tony Sutcliffe, Lesley Keast and Neville Bennett.

An apology was received and accepted from Peter Laloli.

1. APPOINTMENT OF TEMPORARY CHAIRPERSON

It was **agreed** that Mike Mora be temporary Chairperson for this meeting.

2. DEPUTATION BY APPOINTMENT

Graham Brown and Cathy Andrell (residents of Brynley Street) addressed the Committee on the Oakhampton Street/Brynley Street roundabouts, and the safety and traffic issues arising from their observations since the roundabouts were installed.

The Committee received tabled submissions from Graham and Cathy.

Issues discussed included vehicle speeds, heavy vehicles u-turning, accidents, and pedestrian safety concerns.

On behalf of the Transport and City Streets Unit, Jeff Owen advised that consultants were due to report back on the roundabouts, and the associated issues at Tower Street.

The Committee's recommendation is recorded under clause 6 of this report.

3. CHALMERS STREET LINK – DRAFT TRANSPORT ASSESSMENT

The Committee received the consultant's report, and agreed that it be considered at the Committee's meeting on 29 July 2005. It was agreed that representatives of Hornby Mall management and of the Hornby Workingmen's club be invited to the Committee's next meeting to outline their views on this issue.

4. O'HALLORAN DRIVE/MUIR AVENUE PUBLIC MEETING OUTCOMES

Following the public consultation meeting held on 20 June 2005, the Committee considered the directions that could now be pursued on this issue.

While the public meeting did not identify any clear traffic management treatment preferences, the option of a proposed roundabout had not been favoured by residents.

The majority of Committee members favoured some works at the Sabys Road/O'Halloran Drive intersection, and a review of (any) works still considered necessary (due to safety reasons) at the O'Halloran Drive/Muir Avenue intersection.

The Committee's recommendation is recorded under clause 6 of this report.

9 Cont'd

5. CURRENT ISSUES

Committee members discussed the tabled schedule of current traffic/streets issues in the Riccarton/Wigram ward.

The Committee agreed to wait for the report from the Transport and City Streets Unit on the Rata Street parking review, prior to any further community consultation occurring.

In the context of the information sought from staff identifying possible off road cycle routes, the Committee also agreed to continue to give support to an off-road cycle route from Templeton to the City, where possible utilising the existing rail corridor.

6. COMMITTEE RECOMMENDATIONS

- (a) That the Community Board request staff to provide a progress report to the next meeting of the Transport and Roothing Committee on the consultants' findings on the Brynley Street/Oakhampton Street intersections, prior to a public consultation meeting on the issues being held.
- (b) That the Community Board request staff to provide a report to the Transport and Roothing Committee on options for safety treatment works at the Sabys Road/O'Halloran Drive intersection, that also identifies any safety weaknesses at the O'Halloran Drive/Muir Avenue intersection.

CHAIRPERSON'S RECOMMENDATION

That the Committee's recommendations be adopted.

10. UPDATE OF BOARD FUNDS

Attached is a schedule with up-to-date information regarding the Board's 2005/06 Project and Discretionary Funds (this excludes all financial recommendations contained within the agenda), together with a copy of the Objectives.

CHAIRPERSON'S RECOMMENDATION

That the information be received.

11. BOARD MEMBERS' INFORMATION EXCHANGE

Board Members will have an opportunity to provide updates on community activities/Council issues.

12. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

This is an opportunity for the Community Board Principal Adviser to give members an update on various matters of interest.

13. MEMBERS' QUESTIONS

SEMINAR MEETING – 6.15PM

1. KIRKWOOD AVENUE KERB AND CHANNEL RENEWAL PROJECT

Michelle Flanagan from Transport and City Streets Unit, will be in attendance to obtain feedback regarding the proposed consultation process. The consultation plan and draft publicity pamphlet have previously been distributed to Board members.

2. BOARD'S STRUCTURE FOR CURRENT TERM

At its meeting on 14 December 2004, the Board decided to confirm the principle of operating with Standing Committees, with recommendations being referred onto the full Board for consideration. This confirmation was **for the period ending 30 June 2005**, with the structure to be kept under review.

As 30 June 2005 has now passed, the Board needs to consider whether it wishes to retain its current structure, or explore possible alternatives. A preliminary discussion is proposed under this item as to whether the Board's structure is still the optimal one for achieving its objectives. Board Support staff will be present to discuss the advantages and disadvantages of possible alternatives.