

9. BISHOPDALE PARK - BISHOPDALE TENNIS CLUB INCORPORATED - PROPOSED LEASE

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Greenspace Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Boards approval to grant a new lease to the Bishopdale Tennis Club Incorporated over the existing pavilion (club house) and tennis court facilities.

EXECUTIVE SUMMARY

2. The lease issued by the previous Waimairi District Council to the Bishopdale Tennis Club Incorporated dated 5 February 1973 for a period of 33 years expired on 6 February 2006.
3. The Club seeks a new lease to continue occupying the existing pavilion and courts. The Council's Greenspace Unit supports a new lease being granted for a period of 11 years, with two further rights of renewal for 11 years each – a total of 33 years.
4. The main use of the pavilion (club house) is for members to meet whilst playing tennis and engage in social activities. Tennis is the main recreational purpose of the Club. The public also have access to the courts via Bishopdale Sports World for a small court/key hire charge. Occasional meetings are held in the pavilion by local tramping clubs, craft groups, and Kiwanis. The Breen's Intermediate School occasionally uses the pavilion and courts as a sports module for school pupils. The New Zealand Police occasionally use the facilities for a training program.

FINANCIAL IMPLICATIONS

5. The Club has submitted copies of its financial accounts dating back to 2005, and membership numbers over the last five years, which are summarised below.
6. The Club membership numbers for 2009 consist of 65 seniors, eight life members, and 123 junior members, giving a total of 196 members. The average annual membership figure for the last five years is 202 members, officers being of the view that membership is of sufficient numbers to adequately support the Club maintaining their present facilities, and meaningful Club competition.
7. The Club financial accounts dating back to 2005 indicate at least \$14,467 has been expended on grounds maintenance. Officers have formed the view that to date the Club has been financially sound in maintaining assets and membership numbers.
8. Under the Councils Sports Club Leases Charging Policy lease charges are reviewed every three years. The rent under the new lease will be charged at the rate set by the Council for the period 2007-2010.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. The proposal will not impinge on LTCCP budgets, with staff time required to put in place a new sports club lease being budgeted for in existing budgets. The cost of placing the advertisement in "The Press" will be on charged to the Club.
10. The rent will be assessed in accordance with the Councils Sports Club Leases Charging Policy and will not have any adverse financial implications for the Council.

LEGAL CONSIDERATIONS

11. The Board has delegated authority to authorise the granting of the proposed new lease within the provision of Section 54(1) (c) of the Reserves Act 1977.

12. The land is held as Recreation Reserve, and as such provisions 119 and 120 of the Reserves Act 1977 apply, in which the Christchurch City Council as administering authority must publicly advertise the proposal and consider any objections received in writing, before finally deciding whether or not to grant a new lease over the area the Club is presently occupying. The Council has publicly advertised the proposal to lease the Clubs present area for a further 11 years, with two further periods of 11 years as conditional Rights of Renewal. No objections to the issuing of a new lease have been received.
13. There is an obligation on the Council to grant a new lease only if it considers there is sufficient need to continue to provide facilities for tennis, and there is not a greater demand for some other sport or recreational activity that will provide a greater public benefit. Membership numbers (including junior, senior social and life members,) gauged annually, have remained stable since 2005, varying between 195 and 218 members, and therefore officers are recommending that a new lease be put in place.
14. Territorial authorities have been delegated by the Minister of Conservation pursuant to Section 10 of the Reserves Act 1977 authority to grant or decline a lease of land under Section 54 (1) (a) (b) (c) and (d) where the effects of the proposed use will be the same or similar in character, intensity, and scale. There will be no changes to these effects by granting the proposed lease, and therefore the Ministers delegation can be exercised.
15. As part of that delegation it is necessary for the Council to fulfil the requirements of Section 4 of the Conservation Act 1987, that being to consider its obligations to give effect to the Treaty of Waitangi. There are no cultural materials, or fresh water fisheries of importance to Ngai Tahu within the area of Bishopdale Park to be leased to Bishopdale Tennis Club Incorporated, and the area is not identified as a site of significance to the Tangata Whenua in the Christchurch City Plan. Council officers have therefore considered the Councils obligations under Section 4 of the Conservation Act 1987, determining that this issue does not require specific consultation with Te Runanga.

Have you considered the legal implications of the issue under consideration?

16. Yes, see paragraphs 11-15 above. If the Board approves the proposal the Corporate Support Manager may conclude and administer the lease.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

17. The proposal is aligned with the LTCCP's Strong Communities Directions section. The fulfilment of the Clubs ambitions by the Board approving the proposal will maintain the enjoyment that Club members and the public currently enjoy at the park.
18. The proposal is aligned with the LTCCP's Healthy Environment Strategic Directions section. The approval of the proposal will ensure the continuance of the character of the park/open space areas of Bishopdale Park for people's enjoyment.
19. The LTCCP's Liveable City Strategic Directions section prioritises improving the way in which public and private spaces work together. The approval of this application will maintain the private infrastructure on the park thereby maintaining the way it interrelates with the public park it is situated upon, which in turn will add to the value of the experiences both club members and the public can have at the park.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

20. Yes, refer to paragraphs 17 – 19 above.

ALIGNMENT WITH STRATEGIES

21. This application is aligned with the Christchurch Active Living Strategy by supporting member's mental stimulation, physical exercise, and enabling the general public to gain another experience in life by playing tennis.
22. This application also supports the Christchurch Visitor Strategy by maintaining an attraction that visitors both to Christchurch and the park can experience.

23. The approval of this application is in alignment with the Councils Strategic Direction to support Strong Communities. It encourages residents to enjoy living in the City and to have fun, thereby supporting Christchurch as being a good place to live.

Do the recommendations align with the Council's strategies?

24. Yes, refer to paragraphs 21 – 23 above.

CONSULTATION FULFILMENT

25. The Council has publicly advertised the proposal in accordance with the provisions detailed under the Reserves Act 1977. Refer paragraph 12 above.

STAFF RECOMMENDATION

That the Fendalton/Waimairi Community Board under delegated authority from the Council and Minister of Conservation:

- (a) Approve the granting of a new lease to the Bishopdale Tennis Club Incorporated over part of Bishopdale Park on which the pavilion and tennis courts are located, within the clubs existing boundary, being approximately 4715 meters of Lot 3 DP 28874 (folio 10K/1264 of the Canterbury Land Registry) being Recreation Reserve, forming part of Bishopdale Park, for a period of up to 33 years broken into 3 eleven year periods with rights of renewal at the end of the first two periods of 11 years.
- (b) That any rights of lease renewal exercised by the Bishopdale Tennis Club Incorporated are subject to the Council being satisfied with the lease terms and conditions being complied with, and that there is sufficient need for the sports, games, or other recreational activity specified in the lease, and that in the public interest some other sport, game, or recreational activity should not have priority.
- (c) Authorise the Corporate Support Manager in association with the Policy and Leasing Administrator (Network Planning Unit) to conclude and administer the terms of the lease.
- (d) Resolve that the Councils obligations under Section 4 of the Conservation Act 1987 have been considered, and determine that this issue does not require specific consultation with Te Runanga, for the reasons set out in paragraph 15 above.