

## 10. FENDALTON PARK - FENDALTON PARK CROQUET CLUB INCORPORATED - PROPOSED LEASE

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941-8608
<b>Officer responsible:</b>	Greenspace Manager
<b>Author:</b>	Tony Hallams, Leasing Consultant

### PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to grant a new lease to Fendalton Croquet Club Inc over their existing leased area at Fendalton Park, within which they have built buildings, and developed their croquet greens.

### EXECUTIVE SUMMARY

2. The lease issued by the previous Waimairi District Council to the Fendalton Croquet Club dated 4 October 1976 expired on 5 October 2009, having no rights of renewal.
3. The Club has requested a new lease over their existing leased site, on which their pavilion, garage, mallet shed and croquet green and the surrounding area within their fenced off area is built. Council officers from the Network Planning Unit support a new lease being entered into for a period of up to 33 years, broken into three eleven year periods with rights of renewal at the end of the first two periods subject to complying with the conditions amplified in section 11 below.

### FINANCIAL IMPLICATIONS

4. 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.
5. The Club's membership has increased by six members over the last five years with approximately 73 members presently. This membership is made up of 61 members, 10 retired members, and two life members. Overall membership numbers appear to have remained stable over the last five years. Officers are of the view that the membership is of sufficient numbers to adequately support the maintenance of their present facilities, and meaningful club competition.
6. Officers have perused the last five years audited accounts. During this time the Club has spent at least \$8,975 on upgrading grounds maintenance equipment and at least \$51,394 on ground maintenance and refurbishment. Officers have formed the view that the Club is financially sound having sufficient funds to undertake the maintenance and development of their club assets, and maintain their membership.

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

7. The proposal will not impinge on LTCCP budgets, staff time etc required to put a new Sports Club lease in place being budgeted for in existing budgets. The cost of placing the advertisement in the paper will be on-charged to the Club.
8. The rent will be assessed in accordance with the Councils new Sports Club Leases Charging Policy and has no adverse financial implications for the Council.

### LEGAL CONSIDERATIONS

9. The Board has delegated authority from Council to authorise the granting of the proposed new lease.
10. The land is held as reserve, and as such the public advertising provisions of section 119 and 120 of the Reserves Act 1977 apply, requiring the Christchurch City Council as administering authority to publicly advertise the proposal and consider all objections received, before finally deciding whether or not to grant a new lease over the area that the Club is presently occupying. The Council has publicly advertised the proposal to lease the Club's present area for a further 33 years, no objections to the issuing of a new lease being received.

11. There is an obligation on the Council when granting a new lease to grant it only if it considers there is sufficient need to continue to provide the facilities for croquet, and that there is not a greater demand for some other sport or recreational activity and that in the public interest some other sport, game, or recreational activity should not have priority that will provide a greater public benefit. Membership numbers (including retired and life members) gauged annually, have remained stable since 2002, increasing from 61 and 69 members, and therefore officers are recommending that a new lease be put in place.
12. 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 Minister of Conservation's delegation can be exercised.
13. 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 Fendalton Park to be leased to the Fendalton Croquet Club, and the area is not identified as a site of significance to Tangata Whenua in the Christchurch City Plan. Council officers have therefore considered the Council's 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?**

14. Yes. Refer paragraphs 9 – 13 above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

15. The LTCCP's strong communities strategic directions section prioritises: providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; and protecting and promoting the heritage character and history of the city. The fulfilment of the Club's ambitions by approving this application will maintain the enjoyment and experience club members and the general public can obtain at the park.
16. The LTCCP's healthy environment strategic directions section prioritises: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas of open spaces within the metropolitan area. The approval of this application and the resulting development will ensure the continuance of the character of the park/open space for people's enjoyment.
17. 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?**

18. Yes. Refer to paragraphs 15-17 above.

**ALIGNMENT WITH STRATEGIES**

19. 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 croquet.
20. This application also supports the Christchurch Visitor Strategy by maintaining an attraction that visitors both to Christchurch and the park can experience.

21. The approval of this application is in alignment with the Council's 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?**

22. Yes. Refer to paragraphs 19-21 above.

**CONSULTATION FULFILMENT**

23. The Council has publicly advertised the proposal in accordance with the requirements of the Reserves Act 1977 as detailed in paragraph 10 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 Fendalton Croquet Club Inc over the part of Fendalton Park on which the existing buildings and greens are located, within their existing fences, being approximately 5112 square metres of Lot 3 DP 12633, a recreation reserve of 1.8142 hectares, vested in the Christchurch City Council contained in certificate of title 12A/988, for a period of up to 33 years broken into 3 eleven year periods with rights of renewal at the end of the first 2 periods of 11 years. These rights of renewal being subject to the Council being satisfied that the terms and conditions of the lease have been 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.
- (b) Authorise the Corporate Support Manager in association with the Policy & Leasing Administrator (Network Planning Unit) to conclude and administer the terms of the lease.
- (c) Resolve that the Council's 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 section 13 above.