

9. DISPOSAL OF THE FORMER WOOLSTON POOL SITE

General Manager responsible:	General Manager Community Services Group, DDI 941 8607
Officer responsible:	Recreation and Sport Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is to provide the Hagley/Ferrymead Community Board with detail of the submissions received in response to the consultation process carried out pursuant to section 138 of the Local Government Act 2002 with respect to the proposed disposal of part of the former Woolston Pool site. It is further intended to seek approval to lease the land to Woolston School and to recommend to the Council to grant a lease for a term of 35 years at a peppercorn rent.

EXECUTIVE SUMMARY

2. The Council owns land adjacent to Woolston School and Woolston Park which used to accommodate Woolston Pool (refer **Attachment 1**). Woolston Community Centre remains on part of the site. The site itself falls within an Open Space 2 Zone which restricts the use for recreation and open space only.
3. Closure of the pool was identified in the 2009-2019 LTCCP with demolition and reinstatement works now having been completed reverting the area occupied by the pool back to grassland.
4. Consultation with the Council's Asset and Network Planning Unit and Transport and Greenspace Unit confirmed that they did not wish for the land to be incorporated into Woolston Park as this would incur additional maintenance costs, it would create a secluded, unsafe area of the park and there was no requirement to increase the size of the existing park.
5. Discussions were subsequently initiated with Woolston School who occupy the adjoining site, who confirmed they wished to take a lease of the site to protect their boundary with the park and provide additional open space/play area for the benefit of the school.
6. In accordance with advice received from the Council's Legal Services Unit it was determined that consultation on the proposed disposal should occur to comply with section 138 of the Local Government Act 2002.
7. Consultation was therefore carried out to comply with section 138 and commenced on 27 March 2010 and concluded at 5pm on 23 April 2010.
8. The consultation consisted of:
 - A public notice in the Christchurch Press, Christchurch Star and the Observer.
 - Availability of consultation submission forms – distributed to Woolston School and Board of Trustees, the Ministry of Education, the Woolston Community Centre, Woolston Community Association, Woolston Library, Linwood Service Centre, neighbouring home owners and occupiers, Christchurch City Council Civic offices and available on request.
 - Have Your Say listing with an electronic submission form available on line.
 - A dedicated email address.
9. Twenty nine written submissions were received (one person submitted twice) (refer **Attachment 2**, circulated under separate cover). Of the 29 submissions:
 - (a) Twenty six were in favour of the proposal. The overarching reason for this was that the land would provide extra grass area for children to play sports and provide a greater social benefit for the children in the Woolston area.

- (b) Three submissions were against the proposal. Reasons for this include:
- The land should be retained as the site for a swimming pool. The site is very good for this purpose and is close to a number of schools and public transport.
 - The land should be kept for future development of the Woolston Community Centre
 - The Woolston Community Centre would like the opportunity to use the land for future expansion of the Community Centre if required. In the meantime, it could be used as a storage area.

In response to those submission received against the proposal:

- The consultation scope does not cover the development of a new swimming pool, as noted in point (3) above. The swimming pool was identified for closure and demolition following the Aquatic Facilities Plan, which was adopted in 2006. The purpose of this consultation was to establish community views on the disposal of the land.
- An expansion of the Woolston Community Centre has not been planned for in the 2009-2019 LTCCP and there are no identified plans or needs analysis for any future development.

10. Staff have considered the issues raised in the submissions and have concluded that no further action is required in respect of them. This report therefore recommends that the submissions be received and the content of them considered by the Council in determining the outcome of the consultation process.

FINANCIAL IMPLICATIONS

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

11. Yes, the closure of Woolston Pool is identified in the 2009-19 LTCCP (page 109 Volume 1).

LEGAL CONSIDERATIONS

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

12. Yes, the Legal Services Unit has been consulted concerning the consultation process required by section 138 of the Local Government Act. Section 138 requires the Council to consult on any proposal to sell or otherwise dispose of land acquired or used principally for community, recreational, environmental, cultural or spiritual purposes (excluding land held under the Reserves Act 1977).
13. The Community Board do not have delegated authority to determine the outcome of the consultation process. This decision needs to be made by the full Council. However, the Community Board does have recommendatory powers to the Council.
14. Council approval is also required for leases of occupation on land held under section 138 of the LGA for terms exceeding five years

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

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

15. Yes (page 108 Volume 2 of 2009-19 LTCCP).

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

16. Not applicable.

CONSULTATION FULFILMENT

17. Consultation has been undertaken pursuant to section 138 of the Local Government Act and there is no statutory impediment to the Council adopting the recommendations of this report.

STAFF RECOMMENDATION

That the Hagley/Ferrymead Community Board recommended to the Council that it adopts a resolution in the following form:

- (a) That the 29 submissions received in response to the public consultation process conducted pursuant to section 138 of the Local Government Act in relation to the proposal to dispose of the former Woolston Pool land at 502 Ferry Road be noted; and
- (b) That having considered the submissions received, that the proposal to dispose of the land at 502 Ferry Road be adopted; and
- (c) That the Corporate Support Unit Manager be delegated authority to negotiate and conclude a lease to Woolston School for a term of 35 years at a peppercorn rental.

CHAIRPERSON'S RECOMMENDATION

For discussion.