

8. DISPOSAL OF FORMER WOOLSTON POOL SITE

General Manager responsible:	General Manager Community Services Group, DDI 941 8607
Officer responsible:	Recreation and Sport Unit Manager
Author:	Justin Sims, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to provide the Hagley/Ferrymead Community Board 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**). The 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 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 to Board members previously). 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 - closure of Woolston Pool is identified in the 2009/19 LTCCP (p.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. The Council approval is also required for leases of occupation on land held under section 138 of the Local Government Act 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.

ORIGINAL STAFF RECOMMENDATION

That the Hagley/Ferrymead Community Board recommend to the Council that it adopt 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.

BOARD CONSIDERATION

The Hagley/Ferrymead Community Board considered this report at its meeting on 2 June 2010. A resolution was not passed and the Board requested that additional information be provided back to them before they make their recommendations to the Council. The additional information is set out below, along with an amended staff recommendation as a result:

18. During the consultation process that was carried out to fulfil the obligations of the Local Government Act, the Woolston Community Association (the Association) objected to the disposal of the former pool site on the grounds that they wished to retain it for possible future expansion.
19. Following consultation with the Association subsequent to the Board Meeting, staff have agreed to reduce the area of land to be disposed of as indicated on the attached plan (refer **Attachment 3**) to enable the Association to utilise the remaining land.
20. Furthermore, the lease proposed to be granted to the school would include a break clause operable for the benefit of the Council for any purpose. This would enable the whole site to be re-acquired by Council. A break clause operable for any purpose is beneficial to a clause that is confined for a specific reason to keep open future uses/options.
21. There is a legal obligation under the Fencing Act for the boundary between the pool site and the school to be fenced as indicated on the attached plan (refer **Attachment 4**). During discussions with the school it is clear that as they have recently expended considerable sums in fencing the entire school grounds, they would require the boundary to be fenced if they are not granted a lease of the pool site.
22. If however the school are granted a lease, the fence proposed on the boundary between Woolston Park and the pool site is 24 metres shorter than the boundary between the school and the pool site thereby saving fencing costs of approximately \$4,500.
23. The alternative to leasing the area to the school would be to incorporate the area with Woolston Park. There is however no requirement to increase the size of the park. Incorporation with the Park would also incur additional maintenance costs whilst leasing the land imposes those future maintenance costs with the lessee.
24. There are also concerns that if the boundary between the pool site and the park is not fenced, there would be an area behind the community centre shielded from view from Ferry Road, which could create a secluded location and pose potential safety issues.
25. With regard to the Communities Facilities Plan, work has been underway since July 2007 as part of the Strengthening Communities Strategy to develop a comprehensive plan for the future provision of community facilities in Christchurch and Banks Peninsula up until 2025. The final Community Facilities Plan informed the prioritisation for the 2009-19 LTCCP which in turn sets out any proposed changes to Council facilities.

26. When the Council consulted the public on the Strengthening Communities Strategy in 2007 it found strong public support for a network of suburban community facilities, evenly distributed across the city. Ward by ward consultation was subsequently carried out on the development of a citywide network of community facilities (halls, community centres and cottages) to serve community needs. The Plan as currently drafted does not propose any future expansion of the Woolston Community Centre given the large number of other facilities in the catchment area indicated in the plan.
27. The Community Facilities Network Vision was presented to a Council workshop in March 2010 with no change to that which was presented for consultation. The Community Facilities Implementation Plan, which includes operational planning as well as the Network Plan, is currently under development and is anticipated that signoff will take place in the 2010 calendar year.

AMENDED STAFF RECOMMENDATION

That the Hagley/Ferrymead Community Board recommend to the Council by way of Chairperson's report to the Council's meeting of 8 July, that the Council adopt 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 of the area indicated on the attached plan (refer **Attachment 3**) for a term of 35 years at a peppercorn rental including a break clause operable at the discretion of the Council at any time.
- (d) That if (c) above is approved, that a fence is constructed on the boundary of Woolston Park and the pool site as indicated by a purple line on the attached plan (refer **Attachment 4**).

CHAIRPERSON'S RECOMMENDATION

For discussion.