

## 9. LESLIE PARK- HORNBY RUGBY LEAGUE FOOTBALL CLUB INCORPORATED PROPOSED LEASE

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager, Transport & Greenspace
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### PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Riccarton/Wigram Community Board to grant a new lease over land at Leslie Park to the Hornby Rugby League Football Club Incorporated (the Club) for the continued occupation of their existing pavilion (club house).

### EXECUTIVE SUMMARY

2. The 33 year lease issued by the previous Paparua District Council to the Hornby Rugby League Football Club Incorporated has expired.
3. The Club seeks a new lease to continue occupying the land on which their existing pavilion is situated. The Council's Transport and Greenspace Unit supports a new lease being granted for a period of 11 years, with two further rights of renewal of 11 years each.
4. The main use of the pavilion is for members to meet and engage in social activities associated with rugby league football. Rugby league football is the main recreational purpose of the Club. Chans Martial Arts holds classes twice a week, with a six week break over Christmas. Occasionally, the hall area and lounge bar are used for private functions mainly for the benefit of members, and by some Fulton Hogan staff for union meetings. The premises do not have a history of noise complaints associated with activities at the site, with only one unsubstantiated noise complaint investigated by the Council's contracted noise control service on 25 June 2006.

### 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 consisted of 88 seniors, 13 life members, and 122 junior members, giving a total of 223 members. The average annual membership figure for the last five years is 215 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 have been reviewed. Officers have formed the view that to date the Club has been relatively financially sound in maintaining assets and membership numbers.
8. Under the Council's 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 Long Term Christchurch City Plan (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" and compilation of the new Deed of Lease by the Council Legal Services staff will be on charged to the Club.
10. The rent will be assessed in accordance with the Council's 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 Club's 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 rugby league football, 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 193 and 236 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 Minister's 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 Ngāi Tahu within the area of Leslie Park to be leased to the Hornby Rugby League Football 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 Council's obligations under Section 4 of the Conservation Act 1987, determining that this issue does not require specific consultation with Te Rūnanga o Ngāi Tahu.

**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 Club's 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 Leslie 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 to 19 above.

**ALIGNMENT WITH STRATEGIES**

21. This application is aligned with the Christchurch Active Living Strategy by supporting members' 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 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?**

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**

It is recommended that the Board:

- (a) Approve the granting of a new lease to the Hornby Rugby League Football Club Incorporated over part of Leslie Park on which the pavilion is located, within the club's existing boundary, being approximately 800 square metres of Reserve 332 (held in the Canterbury Land Registry) being Recreation Reserve, forming part of Leslie Park, 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 of 11 years.
- (b) Approve that any rights of lease renewal exercised by the Hornby Rugby League Football 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, including the renewal provisions in (b) above.
- (d) Note 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 Rūnanga o Ngāi Tahu, for the reasons set out in paragraph 15 of this report.