

9. LEASE TO CASHMERE BOWLING CLUB INCORPORATED - CASHMERE VALLEY RESERVE

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

1. The purpose of this report is to seek the approval of the Spreydon/Heathcote Community Board to grant a new lease to the Cashmere Bowling Club Incorporated over their existing leased area at Cashmere Valley Reserve, within which they have built club buildings, and developed their bowling greens.

EXECUTIVE SUMMARY

2. The lease previously granted to the Cashmere Bowling Club Incorporated has expired.
3. The club has requested a new lease over their existing leased site, on which their pavilion, storage shed and greens 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 11 year periods with rights of renewal at the end of the first two periods, amplified under Section 11 of this report.
4. The club as owners of the buildings, have engaged Powell Fenwick Consultants Limited to provide an engineering report following the 22 February earthquake. Further information regarding this assessment can be found in the Background Information to this report.

FINANCIAL IMPLICATIONS

5. Council records indicate that the Council paid Material Damage Insurance for the buildings up to 1 July 2011, but the Council no longer insures the assets on the club's site. There is no record on the Councils Asset Register that the club structures on site are held as Council assets, and as such there is no obligation by the Council to continue insuring these assets. The club has organised Material Damage Insurance through NZI, a Division of IAG NZ Insurance, for the period of 13 July 2011 to 18 October 2011, and the Club anticipates at the time of the preparation of this report (9 September 2011), that further Material Damage Insurance will be obtained after 9 September 2011.
6. The club's membership as at 31 May 2011 stood at 182 members, including 25 social members which constitute 13 percent of the club's total membership. 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.
7. The club has submitted copies of its audited financial accounts dating back the last five years. 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?

8. 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.
9. The current rent assessed in accordance with the Council's policy for charging rents to sports clubs has no adverse financial implications for the Council. The current annual lease rental being paid by the club to the Council is \$798.93 plus GST in accordance with this policy

LEGAL CONSIDERATIONS

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

10. The Board has delegated authority from the Council to authorise the granting of the proposed new lease.
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 bowls, 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. Current club membership numbers justify a new lease being 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 four 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 Cashmere Valley Reserve to be leased to the Cashmere Bowling Club Incorporated 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.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

14. 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.
15. 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.
16. 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?

17. Yes. Refer to paragraphs 14 to 16 above.

ALIGNMENT WITH STRATEGIES

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

21. Yes. Refer to paragraphs 18 to 20 above.

CONSULTATION FULFILMENT

22. The Council does not need to publicly advertise the proposal or enter in to a formal consultation process because the present sports club has occupied the site continuously for a considerable period of time.

STAFF RECOMMENDATION

That the Spreydon/Heathcote Community Board under delegated authority from the Council and Minister of Conservation:

- (a) Approve the granting of a new lease to the Cashmere Bowling Club Incorporated over the part of Cashmere Valley Reserve on which the existing buildings and greens are located, within their existing fences, being approximately 3850 square metres of Reserve 5114, a recreation reserve of 1.4943 hectares, vested in the Christchurch City Council contained New Zealand Gazette Notice 1985/2166, for a period of up to 33 years broken into three 11 year periods with rights of renewal at the end of the first two 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 And 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.

CHAIRPERSON'S RECOMMENDATION

For discussion.

BACKGROUND INFORMATION

23. The Cashmere Bowling Club engaged Powell Fenwick to undertake an assessment of the leased area. The report prepared on 4 March 2011 indicates evidence was found of fissures and liquefaction on site.
24. The report also indicates:
 - (a) Preliminary indications are that this building (Club pavilion) is not in immediate danger of structural collapse and safe to occupy;
 - (b) Under Specific Notes the report indicates –

The rafter at the top of the column in the kitchen area required proper fixing, the end beam in the Ladies Changing Area required propping, and the fence between the end green and the adjoining playground area required propping for the whole length.
25. A further report to the club from Powell Fenwick dated 14 July 2011 indicates necessary remedial works have been undertaken, and the club has indicated propping of the boundary fence has been undertaken.
26. The Council's report writer also carried out a rapid assessment of the sports club ground with others following the February 2011 earthquake and aftershocks, and at the time of the assessment observed club members finalising remedy of the greens area. The club has indicated that there has been some further damage to the greens from the recent snow falls, but this damage has also been remedied.