

BURWOOD/PEGASUS COMMUNITY BOARD AGENDA

MONDAY 31 OCTOBER 2011

AT 4PM

IN THE BOARD ROOM, CORNER BERESFORD AND UNION STREETS, NEW BRIGHTON

Community Board: Linda Stewart (Chairperson), Tim Baker, David East, Julie Gorman, Glenn Livingstone, and Tim Sintes.

Community Board Adviser Peter Dow Phone 941-5305 DDI Email: peter.dow@ccc.govt.nz

- PART A MATTERS REQUIRING A COUNCIL DECISION
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1. APOLOGIES

2. CONFIRMATION OF MEETING MINUTES – 17 OCTOBER 2011

The minutes of the Board's ordinary meeting of 17 October 2011, are **attached**.

3. DEPUTATIONS BY APPOINTMENT

4. PRESENTATION OF PETITIONS

- 5. NOTICES OF MOTION
- 6. CORRESPONDENCE
- 7. BRIEFINGS

8. RAWHITI DOMAIN – ATHLETICS CANTERBURY – TEMPORARY BUILDINGS

General Manager responsible: General Manager City Environment Group, DDI 941-8608		
Officer responsible:	Unit Manager Asset and Network Planning	
Author:	Derek Roozen, Parks and Waterways Planner	

PURPOSE OF REPORT

1. To enable the Burwood/Pegasus Community Board to consider this report and to endorse or otherwise the officer's recommendation to the Council that approval be given for the temporary location of a building and structure to house equipment belonging to Athletics Canterbury on the Rawhiti Domain recreation reserve pursuant to the Canterbury Earthquake (Reserves Legislation) Order 2011.

EXECUTIVE SUMMARY

- 2. Athletics Canterbury Incorporated ("Athletics Canterbury") is the regional body responsible for inter-club and championship competitive athletics in the Canterbury area. It provides for a range of athletic pursuits, including track and field, and cross country and road running. It also supports the activities of athletics organisations catering for specific groups, including masters track and field (Canterbury Masters Athletics Association), and children's athletics (Canterbury Children's Athletics Association Incorporated). Since the development of the Queen Elizabeth II Park Recreation and Sport Centre ("QEII") in 1973, Athletics Canterbury has booked time each year at QEII for athletics events and activities, and has stored athletics equipment there.
- 3. Due to extensive damage caused to QEII by the 22 February 2011 earthquake, this facility is no longer able to be used as the base for track and field athletics in Christchurch. Whilst cross country and road running can be readily accommodated at other locations, track and field need suitable temporary facilities to give the athletes continuing opportunities to achieve their potential. Athletics Canterbury's Track and Field Committee has established an Athletics Sport Recovery Group with members including from its committee and the Canterbury Children's Athletics Association, this group liaising with Council officers to identify a venue for track and field for the summer of 2011/2012. After consideration of a number of parks around the city, the Group proposed three parks where inter-club track and field competitions could best be held (QEII Park Ascot Green, Nunweek Park and Rawhiti Domain) until such time more permanent all-weather track and associated facilities can be built for Athletics Canterbury, the location for such facilities not being known at this time. Rawhiti Domain was selected as the best available venue for the sport in the meantime. The Rawhiti Domain recreation reserve is shown on the plan in Attachment A. The rationale for selecting this location, including why the other sites were discounted, are given in the table following paragraph 12 of this report below.
- 4. The area on Rawhiti Domain that has been selected already has a track and field facility, used by the New Brighton Athletic Club Incorporated ("NBAC"), which owns and operates the field infrastructure and the adjacent club rooms. The track and field facility is old and in poor condition. NBAC have existing rights of occupation (ground lease for the area of land upon which the club rooms are situated, and a licence to occupy for the specific parts of the Domain upon which NBAC has a starter box, four discus/shot-put circles, a long jump track, a high jump artificial surface and a pole vault track), which terminate on 1 January 2024. NBAC is required to maintain all structures within its licensed areas in a good serviceable condition at all times. The Council maintains all other areas, including the irrigation system that it owns. Attachment B shows a photo plan of the part of Rawhiti Domain containing the existing track and field facilities, including the NBAC's areas of occupation.
- 5. The Athletics Sport Recovery Group has proposed to upgrade the Rawhiti Domain athletics facility to bring it up to a reasonable standard for inter-club athletics. This includes:
 - (a) Providing three new throwing circles for discus, hammer and shot put.
 - (b) Removing two circles at the south end and one at the north end that are in poor condition.

- (c) Providing an all weather 70 metre long jump/triple jump runway with pits at both ends on the west side outside the running track.
- (d) Upgrading the existing all-weather high jump area to allow for left and right foot jumpers.
- (e) Providing an all-weather javelin runway.
- (f) Removing the existing long jump runway and pit inside the track on the eastern side.
- (g) Providing a fence on top of the embankment to prevent anyone from straying on to the adjacent archery range from the athletics track.
- (h) Providing toilet facilities for athletes and spectators (portaloos).
- (i) Providing a cut-down and modified container (reduced to approximately three metres in length) inserted into the embankment adjacent to the finish line to house all the photo finish and electronic timing equipment.
- (j) Providing a power supply to the photo finish and timing equipment area.
- (k) Providing a temporary equipment storage shed (with a footprint of approximately 110 square metres in area) to be situated close to the 100/110 metres start area.
- (I) Preparation of grass track areas by QEII ground staff (it is proposed that for the 2011/2012 season the grass track be of six lanes with the 100/110 metres straight providing eight lanes).
- 6. The proposal referred to in paragraph 5 of this report above has the support of the NBAC.
- 7. The Council has granted the NBAC permission to upgrade the Club's licensed facilities at Rawhiti Domain in the manner described in paragraph 4 of this report above, which is part of the process of temporarily transferring the Athletics Canterbury centre for athletics from the earthquake damaged QEII facilities to Rawhiti Domain. The NBAC and Athletics Canterbury have agreed to share the use of the track and field facilities at Rawhiti Domain, and for Athletics Canterbury to use part of the NBAC's club rooms for control room purposes during periods when it uses the athletics facility. The Athletics Sport Recovery Group will facilitate and fund the upgrades, including the establishment of the proposed temporary storage and photo-finish/timing facilities.
- 8. The arrangement for use by each party is for this to be at different times. Athletics Canterbury has booked the grounds to be used on Saturday mornings for Canterbury Children's competitions and on Saturday afternoons for its Track and Field Committee events, with the season to run from mid October until mid March 2012. For the rest of the week (Sunday to Friday), the facility will be used by the NBAC and its members. NBAC's track and field season commences 4 October 2011 and will run until the end of March 2012. In addition, various schools and zone sports book the grounds during school hours for their athletics championships. There may be more such use this year with the QEII track being out of action. Athletes and coaches from other clubs will be discouraged by Athletics Canterbury from using the venue for training; as such training will have a detrimental effect on the athletic track's turf surface. There are other grass areas in the Christchurch, Selwyn and Waimakariri local authority areas that can be used for training.
- 9. The temporary facilities Athletics Canterbury proposes to locate on Rawhiti Domain within the existing track and field facility complex described in paragraph 4 of this report above are necessary for it and its supported athletics groups to be able to use the complex for athletic activities. These temporary facilities, and their purpose and function, are described in the table below. The proposed locations of these are shown on the photo plan in **Attachment B**. A plan and elevation of the larger proposed building is given in **Attachment C**. Photos of the sites are provided in **Attachment D**.

Proposed Temporary Facility	Description	Purpose
Equipment storage shed	A Totalspan Heritage Barn with an approximate footprint of 10.5 metres by 10.5 metres (110 square metres), and a ridge height of 4.73 metres, placed on a concrete slab in an alcove between mature trees. The barn will require power supply and provision for stormwater drainage. This building can be painted/supplied in a colour that is acceptable to the Council.	To store approximately half of Athletics Canterbury's track and field gear that has been stored at QEII.
Photo-finish and timing gear shed	A cut down and modified Boxman container, with a 3.2 metre by 2.4 metre (7.7 square metres) footprint, and 2.6 metres high, placed at an elevated position on the embankment, aligned with a shifted start/finish line. This building structure will require a power supply connection, and can be painted/supplied in a colour that is acceptable to the Council.	Required for housing all the photo-finish and electronic timing equipment in a weather-protected secure environment.

10. Rawhiti Domain and the adjoining Thomson Park make up a 63.5 hectare Council park area fronting Marine Parade on the New Brighton coastline. This combined park area is characterised by pine and macrocarpa trees, together with open grassed areas. The majority of the park area is taken up with a golf course and sports fields, with some areas available for informal play and recreation. A large number of existing buildings and structures are spread throughout Rawhiti Domain, most of which are built on ground leased by various groups and clubs for sport, recreation and community use. The park area is classified as Recreation Reserve, subject to section 17 of the Reserves Act 1977, the separate land parcels being listed in the following table and the two largest shown in **Attachment A**.

Land Parcel	Reserve	Gazetted	Certificate of Title	Area (hectares)
Part Reserve 1579 (all New Zealand Gazette, 31 July 1969, page 1429), SO 2573	Recreation Reserve	New Zealand Gazette 2005, page 3446	269402	35.9107
Part Reserve 1616 (all New Zealand Gazette, 31 July 1969, page 1429), SO 2573	Recreation Reserve	New Zealand Gazette 2005, page 3446	269402	27.2039
Reserve 4467 (all Computer Freehold Register CB268/103 – all New Zealand Gazette, 31 July 1969, page 1429), DP 3213	Recreation Reserve	New Zealand Gazette 2005, page 3446	269402	0.2507
Lots 2 and 3 DP 3276	Recreation Reserve	New Zealand Gazette 2002, page 1217	269402	0.0622
Lot 9 DP 5123			269402	0.1085
			TOTAL AREA:	63.5360

The track and field facility is located in the south-western corner of the combined park area, in Part Reserve 1579.

- 11. There is a reserve management plan for the combined park area. This is the Rawhiti Domain and Thomson Park Management Plan approved by the Council in January 2007. The vision for the park area as defined in the management plan is for the Christchurch community to be able to enjoy this park area and the associated benefits of diverse sport, recreation and environmental opportunities in a sustainable, accessible and attractive open space.
- 12. In addition to the preferred venue of Rawhiti Domain, alternative venues where inter-club track and field competitions could be held have been considered. Some of the benefits and reasons to discount four of these, as well as for the preferred venue, are given in the following table.

Location	Benefits	Reasons to Discount
South-western corner of Rawhiti Domain (New Brighton) – Preferred Venue	 Solid ground. Existing athletics track and field facility, with an athletics club already present on site and supportive. Permission given by the Council for the NBAC to upgrade the Club's licensed facilities, which will be partly funded by Athletics Canterbury, with the use of these facilities shared by Athletics Canterbury. Will not displace anyone, and not have to share with another sport. Close to previous venue at QEII, and still in the same community catchment. 	 To bring this venue up to a reasonable safe standard will require remedial work to be undertaken to upgrade the existing track and field facility.
Nunweek Park (Harewood)	-	 Existing high use for cricket, touch, rugby and football. No room for an athletics track to be established. Would require an athletics facility to be set up from scratch, and be the costliest option of all the proposed venues.
Ascot Green, QEII Park (North New Brighton)	 Maintains some link with Athletics Canterbury's "home" since 1973. Provides a community facility in the eastern suburbs. 	 Severely damaged by the earthquakes, and unavailable. Vulnerable to further damage if further earthquakes occur. Would require a lot of repair work to be undertaken before athletic facilities could be established there. Would need to be set up from scratch.
Hansen Park (Opawa)	-	 Damaged. Lot of repair work is required to the existing facilities before athletics could use the facilities. Other users, such as football.

Other potential venues initially considered and discounted include Crosbie Park, Hoon Hay Park, Middleton Park and Walter Park.

13. Officers consider the proposed temporary facilities at Rawhiti Domain will have a manageable effect upon the overall Domain environment and its use due to these facilities being related to an existing use of the Domain and located by existing built structures. An assessment of effects is given in the following table, along with comment on how each of these may be mitigated.

Area of Effect	Effects	Comment on Effects and how they can be mitigated
Public Access	The proposed facilities will not restrict public access to the Domain.	-
Impact on Recreational Activities	The proposed temporary facilities will enable Athletics Canterbury, and its associated athletics groups, to effectively undertake athletic activities at a competition level on the Domain. These temporary facilities, in conjunction with the other track and field facility upgrades taking place on the Domain, will enhance the activities of the existing club (NBAC).	Positive effect.
Visual	The proposed storage shed is a moderately large building.	The storage shed will be tucked away into an alcove in a stand of mature trees on the perimeter of the ground, and will be close to the larger existing NBAC club rooms. It will be painted/provided in a suitable colour to blend into the surrounding Domain environment. The photo-finish and timing gear shed is small, tucked into the embankment, close by an existing structure and can also be of a colour to sympathetically blend into the surrounding Domain environment. In addition, the proposed facilities will provide only a temporary visual intrusion as they will be removed at the end of the occupation.
Vehicle Access and Parking	The proposed temporary facilities in themselves will not result in any increased demand at any one time for the use of the existing car park that would be additional to any increase resulting from the already approved use of the athletics facility by Athletics Canterbury.	-
Access to Utilities	The siting of the proposed facilities will not restrict the Council's ability to access any underground services.	-

Physical (Ground)	The site for the proposed storage shed will require some levelling, and excavation for placement of a concrete slab foundation. Excavation for an underground power cable from both the storage shed site and the photo-finish and timing gear shed to connect to existing services will be required. This will require some surface disruption during the construction phase of the proposed development.	The disruption will be temporary, being only during the period of construction phase. During this phase, fencing will be required to keep the sites secure and to exclude the public for their safety.
Physical (Vegetation)	The proposed storage shed will be positioned close to existing mature exotic (poplar, Eucalyptus, pine and oak) trees, and within the fall zone of branches from the Eucalypt trees.	Council arborists advise that the Eucalypt trees will be removed as these are in poor form and declining condition, it being planned prior to the earthquakes to remove these. The building will be positioned so that it is at least ten metres away from the trunk of the oak tree on its south-western side and 12 metres from the trunk of the poplar tree on the north- eastern side (as shown on the photo plan in Attachment B).
Level of compliance with reserve classification/ management plan/ City Plan zoning	The proposed temporary facilities are not inconsistent with the reserve classification (recreation reserve), City Plan zoning (Open Space 2) and management plan for Rawhiti Domain.	The facilities support a use on the Domain that the Council supports (athletics) and is consistent with the recreation reserve classification. The Open Space 2 (District Recreation and Open Space) Zone provides for buildings and facilities necessary to facilitate recreation, as long as they and hard surfacing do not dominate the open space. Management plan policy 7.5(c) permits new buildings and structures on the reserve where they are necessary for the outdoor use of the reserve, and the proposed activity is unable to be accommodated in existing buildings either on the reserve or elsewhere.

FINANCIAL IMPLICATIONS

14. There are no financial implications for the Council arising from granting permission for Athletics Canterbury to temporarily occupy the two sites in Rawhiti Domain with the proposed temporary facilities. Athletics Canterbury will meet all costs associated with the establishment and operation of the proposed facilities, including all resource and building consents, and costs to reinstate the sites, to the satisfaction of the Greenspace Manager or her designate, at the end of the occupation under the Canterbury Earthquake (Reserves Legislation) Order 2011.

15. Athletics Canterbury is contributing financially towards the upgrading of the NBAC's licensed athletics facilities on Rawhiti Domain, which Athletics Canterbury estimates will cost between \$80,000 and \$100,000, to the level detailed in the table below. There will be the legacy of an enhanced athletics facility on the Domain once a more permanent home for Athletics Canterbury is found and built and its temporary occupation ends. Officers are therefore of the view that, in acknowledgement of Athletic Canterbury's financial contribution towards this enhanced athletics facility, the Council should not charge Athletics Canterbury a rental for the temporary occupation of the two sites on Rawhiti Domain.

Funding Source	Amount
SPARC through Sport Canterbury	\$15,000
Calliope Athletic and Harrier Club	\$10,000
Athletics Canterbury Track and Field Committee	\$20,000
Canterbury Children's Athletics Association	\$10,000
Canterbury Masters Athletics Association	\$5,000
Mayoral Relief Fund	Balance of between \$20,000 and
	\$40,000 to be sought from the fund.

16. There will be no change to the existing maintenance arrangements for the athletics track and field facility with the Council granting permission for the temporary occupations. The Council meets the cost of operating and maintaining the automatic irrigation system to irrigate the running track, including the water used for that, and maintains the track to cricket wicket outfield standards. At present, the Council mows the outfield area on an informal basis. In addition, the QEII ground maintenance crew will be undertaking some ongoing maintenance to the track, which will raise it to a slightly higher standard than it is currently. This work is covered within existing budgets. All other grounds maintenance of the area is paid for by the NBAC.

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

17. Yes, see above.

LEGAL CONSIDERATIONS

- 18. The Council entered into a lease dated 27 July 1983 with the New Brighton Athletic Club Incorporated ("NBAC") for the land the Club occupies at Rawhiti Domain, being part of the recreation reserve, for a term of 21 years, with a right of renewal for a further 21 years, the final expiry of the lease term on 1 January 2024. The Council on 11 December 2003 approved the restructuring of the lease to a lease/licence arrangement, with the expiry dates remaining the same as the original lease expiry date; the lease under section 54(1)(b) of the Reserves Act 1977 being for the land underlying the clubrooms building footprint, and the licence under section 54(1)(c) of the Reserves Act covering the areas containing structures (starter's box, four discus/shot-put circles, a long jump track, a high jump artificial surface and a pole vault track) the Club has built and owned on the athletic ground.
- 19. A letter from the Council dated 7 September 2011 granted the NBAC permission to upgrade the Club's existing licensed facilities at Rawhiti Domain, as part of the process of temporarily transferring Athletics Canterbury's athletics activities from the earthquake damaged QEII facilities to Rawhiti Domain. This permission is subject to a number of requirements being met prior to any work commencing, including the NBAC signing a temporary site access licence with the Council.
- 20. Ordinarily, the grant to a sports body of a right to occupy a recreation reserve would by way of a lease granted by the Council under section 54 of the Reserves Act 1977. If a proposed lease conforms to the management plan for the reserve then no other process steps are required. However, if a proposed lease does not conform to the management plan, the Reserves Act requires that a public consultation process is undertaken (including the hearing of any objections received) and that the consent of the Minister of Conservation is obtained.

- 21. In response to the circumstances arising from the 22 February 2011 earthquake, the Government made the Canterbury Earthquake (Reserves Legislation) Order 2011 ("Order") to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act 1977.
- 22. Whilst the Order currently expires on 31 March 2012, the Department of Building and Housing and the Department of Conservation have recommended to the Government that the Order be extended to 18 April 2016 (which is the expiry date of the empowering legislation under which the Order has been made). It is expected that the extension will have been granted by early October 2011. Unless the Order is extended beyond 18 April 2016 it will not be possible for the Council to authorise the use of the Rawhiti Domain recreation reserve beyond this date. Any use beyond that date would need to be authorised using the 'business as usual' processes available under the Reserves Act.
- 23. Clause 5(c) of the Order provides that the Council, or any person authorised by the Council in writing, may use a reserve or erect a structure on a reserve for any purpose if the use or structure is necessary in the opinion of the Council or the chief executive of the Council to respond in a timely manner to any circumstances arising from the earthquake.
- 24. The Order provides that when the Council authorises such use of a reserve, or the erection of any structure on a reserve, it does not need to comply with any relevant management plan or the usual Reserves Act processes. However, the Council is required to take all reasonable steps to protect the integrity of the reserve and to ensure that the reserve is reinstated as closely as practicable at the end of the use or when the structure is removed to its original condition.
- 25. In addition to Council authorisation under the Order, the applicant will also need to obtain all necessary resource and building consents required.
- 26. If the Council approves the proposed occupation under the Order then a formal written occupation agreement in the form of a "warrant of occupation" will be entered into by the applicant. The agreement will contain the provisions that would ordinarily be included in a lease to protect the Council's position, including an obligation on the occupier to remove its building at the end of the term and to reinstate the land.
- 27. Before any work commences upon the site it will be necessary for Athletics Canterbury or its principal contractor to contact the Greenspace Eastern Area Contract Manager and Council arborist to arrange an onsite meeting to discuss the Council's requirements for working on the reserve, some of which are set out below:
 - (a) The contractor undertaking the work is to have a minimum of \$2,000,000 public liability insurance; a copy of the policy is to be bought to the meeting.
 - (b) The site works within the reserve must be fenced off at all times to prevent public access to the site, because the work is being undertaken in a public reserve.
 - (c) No materials or equipment are to be stored under the drip line of any trees in the reserve.
 - (d) There is to be a temporary site access licence signed by the Greenspace Eastern Area Contract Manager, who is acting under the delegated authority of the Council, and the contractors undertaking the work to install the temporary buildings.
 - (e) A bond will be required to be paid to the Christchurch City Council via the Greenspace Eastern Area Contract Manager before work commences upon the site. The bond, less any expenses incurred by the Council to restore the reserve to its former condition, will be refunded to the contractor upon completion of the work, after the site has been inspected by the Greenspace Area Contract Manager.
 - (f) There may be other on-site requirements that the Greenspace Eastern Area Contract Manager or Council arborist wish to include in the licence.

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

28. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

29. Not applicable.

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

30. Not applicable.

ALIGNMENT WITH STRATEGIES

31. Not applicable.

Do the recommendations align with the Council's strategies?

32. Not applicable.

CONSULTATION FULFILMENT

- 33. Clause 6 of the Order expressly provides that the Council may act under the Order without complying with the Reserves Act 1977 (including any provision relating to public notification or the hearing of objections).
- 34. Clause 7 of the Order requires the Council to give notification to parties who have an easement, lease, licence, covenant or other legal right over the area of reserve to be temporarily occupied under the Order. There are no such parties external to the Council immediately over the sites proposed to be temporarily occupied at Rawhiti Domain, although the NBAC has a licence covering areas containing athletics facilities that lie nearby. The NBAC is party to and supports the shared use of the Rawhiti Domain track and field athletics facility.
- 35. In addition, the Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out in the Local Government Act 2002. These include the requirement that the Council considers community views and preferences.
- 36. The exemptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury Earthquakes.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board recommend that the Council resolve as follows:

(a) Pursuant to clause 5(c) of the Canterbury Earthquake (Reserves Legislation) Order 2011, and having formed the opinion that such is necessary to respond in a timely manner to circumstances resulting from the earthquake of 22 February 2011 and subsequent aftershocks, that Athletics Canterbury Incorporated be authorised to use those parts of the recreation reserve known as Rawhiti Domain as are approximately shown as hatched areas labelled "Equipment storage shed" and "Photo-finish and timing gear shed" on the plan attached to this report as Attachment B, for the purposes of the placement of a building to be operated as an athletics equipment store, and a cut-down container to be operated as a photo-finish and timing gear platform, respectively.

- (b) That the period for which the authority referred to in paragraph (a) of this resolution shall apply is that period commencing on the date of this resolution until the date on which the Canterbury Earthquake (Reserves Legislation) Order 2011 shall expire (including any amended expiry date).
- (c) That the Corporate Support Manager be delegated the power to negotiate and enter into on behalf of the Council such occupancy agreement, warrant or similar document on such terms and conditions as he shall consider necessary to implement the authority referred to in paragraph (a) of this resolution (including the approval of the colour scheme for the buildings, and the obligation on the occupier to remove them and to reinstate the reserve once this authority has expired).
- (d) That the principal contractor for the site establishment works contacts the Greenspace Eastern Area Contract Manager to sign a temporary site access licence and complete the procedures as set out in paragraph 27 of this report above before commencing work upon the reserve.
- (e) In recognition of Athletics Canterbury's financial contribution towards the upgrading of the New Brighton Athletic Club's licensed athletics facilities on Rawhiti Domain, which will be a legacy for the Domain and its users, the Council resolves not to charge Athletics Canterbury Incorporated a rental for the temporary occupation of the two building sites on Rawhiti Domain.

9. COMMUNITY BOARD ADVISER'S UPDATE

9.1 UPCOMING BOARD ACTIVITIES

10. BOARD MEMBERS' QUESTIONS