

**BURWOOD/PEGASUS COMMUNITY BOARD
AGENDA**

MONDAY 16 APRIL 2012

AT 4PM

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

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

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1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES – 2 APRIL 2012**

The minutes of the Board's ordinary meeting of 2 April 2012, are **attached**.

3. **DEPUTATIONS BY APPOINTMENT**

3.1 **BAMBINI CHARITABLE TRUST CHRISTCHURCH**

Rod James of the Bambini Charitable Trust Christchurch, will address the Board in regard to their project to set up breakfast programmes in schools in the eastern suburbs.

The **attached** background information refers.

4. **PRESENTATION OF PETITIONS**

5. **NOTICES OF MOTION**

6. **CORRESPONDENCE**

7. **BRIEFINGS**

8. ARTHUR ADCOCK MEMORIAL RESERVE - PARKLANDS BOWLING CLUB - CAR PARK

General Manager responsible:	General Manager, City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Asset and Network Planning
Author:	John Allen – Policy and Leasing Administrator and Eric Banks – Parks and Waterways Planner

PURPOSE OF REPORT

1. To enable the Board to consider a request from the Parklands Bowling Club for the Council to take over responsibility for the development and maintenance of the club's existing car park which is located within the area of Arthur Adcock Memorial Reserve leased to the club by the Council.

EXECUTIVE SUMMARY

2. The Parklands Bowling Club is located at the end of Chadbury Street. Close by are both residential and community service facilities (**see Attachment 1**).
3. Representatives of the Parklands Bowling Club, Messrs Bill Joblin and Rob Curd, made a deputation to the 28 June 2010 Burwood/Pegasus Community Board meeting requesting that the Council take over responsibility for the club's car park, because it is now being extensively used by the community. In light of this fact they also requested that the Council consider changing the area leased by the club to exclude the car park (**see Attachment 2**).
4. The Board decided that the submission from the Parklands Bowling Club be received, and that the matters raised be referred to staff for consideration and reported back to the Board with urgency, including options for improving the safety of the car park and recognising its community usage. This report back to the Board has been delayed because of more pressing earthquake matters.
5. The entrance to the car park is off Chadbury Street which is a cul-de-sac off Queenspark Drive. In the original concept plans for the road layout of the later stages of the Parklands subdivision it was envisaged that Chadbury Street would be a through street linking the newer stages of the subdivision with the older established areas. Four important community facilities are located on Chadbury Street, namely the Parklands Shopping Centre on the corner of Chadbury Street and Queenspark Drive, Parklands Primary School, and the Parklands Kidsfest Kindergarten, which were all built during the earlier stages of the subdivision development, and the ABC Early Childhood Learning Centre, a new complex built during a later stage of the subdivision. Partly as a consequence of these facilities being located in this street it was decided not to make Chadbury Street a through street, because of the danger to children from through traffic using the street. The street was subsequently changed during the subdivision planning stage to a cul-de-sac to reduce the traffic danger to children.
6. The entrance into the bowling club car park is not located in an ideal position, but the reason for this is historical. The land for Arthur Adcock Memorial Reserve was part of the reserve contribution payable by the subdivider for an earlier stage of the subdivision of land north of Parklands School, and therefore legal road access off Chadbury Street to the reserve was not available until a much later stage of the subdivision was completed at which time the head of the Chadbury Street cul-de-sac was constructed. An arrangement by the exchange of letters was entered into with the subdivider to allow access to the reserve to be obtained across a corner of the subdividers land, which in the future would be developed into the extension for Chadbury Street. It was understood at the time that the entrance into the bowling club's leased area would be moved further north when the head of Chadbury Street was formed, which would allow for a more efficient layout of the bowling car park to be effected. This change of entrance to the car park has not been made as yet. This relocation of the car park entrance was not a resource consent condition placed on the development of the car park.

8. Cont'd

7. Usually when a sports club leases Council controlled park and reserve land, the car parking requirements for the leased area to be built on the park are located outside the leased area, on the understanding that the car park when not being used by members of the sports club concerned, can be used by members of the public not associated with the club when using the park for other sporting activities. In these situations the car parks required for the lessee's development on the reserve as a condition of resource consent under the City Plan, are constructed by the lessee at their expense, before being handed over to the Council to maintain in the future, at the Council's expense. This occurs on the understanding that the car parks can be used by other park users, when not being used by the leasing club concerned.
8. There are some sports clubs who lease Council-owned parks and reserve land, who reserve the required car park for club members use only. In these cases, the car park is included in the clubs leased area and the club is responsible for the ongoing development and maintenance of these car parks.
9. The car parks on the reserve required under the then Waimairi District Council Plan being included in the Parklands Bowling Club leased area is an unusual situation,, the reason being that the balance of the park is used as a local park, not a sports park, and does not have any other regional playground or sporting facilities located on it, and therefore car parking other than for the Bowling Club is not required for the park. In the majority of cases, the leased area on which sporting facilities are built is part of a much larger sports park, which requires car parks to be provided for the general public's use of the park for sporting activities. This is not the case here because the balance of the park is used as a local park. The club is solely responsible for the maintenance of the car park area because it sits within their existing lease area, this being specified within the provisions of the lease.
10. In August 1994 resource consent was granted for the construction of an extension to the club's pavilion. One of the conditions of the consent was to form the car park as shown on a plan indicating a layout with individual spaces and occupying the area between the club buildings and the western boundary of the club lease area, which is also the boundary of the park as shown on **Attachment 3**. The northern section of the leased area is set aside for a third green, which has not been developed as yet.
11. The Bowling Club car park was not required to be paved under the provisions of the Waimairi District Plan which was still partly operative at the time. The current Christchurch City Plan requires that any car park required by the plan be fully formed and sealed.
12. The immediate neighbours of the club include Parkview Primary School, Kidsfirst Kindergarten and the ABC Leaning Centre Pre-School as well as residential properties. The club believes that whilst a cul-de-sac eliminates the risk of high speed through traffic it has created a problem with parking at peak periods. The club believes parking and vehicles manoeuvring on the street are a hazard for the children and pedestrians generally. The club has consequently made the car park freely available to the parents and staff of the school and preschools, and believe it is safer and more convenient for parents to use the club's car park and then walk their children to and from the pre-school and school facilities. The schools have written in support of the continued use of the car park, these letters of support are attached as **Attachment 4**.
13. In relation to the car park design, the club is concerned that the combined pedestrian and vehicle entrance is a hazard to pedestrians and that the additional use the car park is receiving is cutting up the shingle surface increasing maintenance requirements for the club. The unsealed surface is not suitable for wheelchairs or older visitors and the unmarked surface is not suitable for multiple users. The club expect demand for parking to increase in the future.
14. The club has obtained estimates from Fulton Hogan Ltd to relocate the entrance/exit at a cost of \$5,510 excluding GST [quotation dated 26 May 2010] and also to form up and seal the car park at a cost of \$63,462 excluding GST [quotation dated 28 May 2010] attached in **Attachment 5**.

8. Cont'd

15. The school has requested a time limited parking restriction outside the school (P3), and as a result of this request Council traffic engineers have been monitoring the traffic on Chadbury Street. They have reported that they have not yet seen the street fully parked out, that this is a short cul-de-sac where vehicle operating speeds are very low, and that there have been no reported crashes near the bowling club car park in the last 10 years. Their recommendation is not to change the current layout of the bowling club car park or the vehicle crossing at this stage and see no benefit to traffic operations or safety of this proposal. They did however believe forming a footpath on the west side of the cul-de-sac head would be beneficial.

FINANCIAL IMPLICATIONS

16. If the Council were to approve the club's requests for taking over the responsibility for changing the entrance, and upgrading and maintaining the car park, it would need to allocate funds to cover the capital costs which have been estimated by Fulton Hogan Ltd in late May 2010, at the clubs request, to relocate the entrance/exit (\$5,510 excluding GST), and form up and seal the car park (\$63,462 excluding GST). The Council would also need to budget approximately \$1,000 to \$2,000 annually, for ongoing car park repairs, and associated garden maintenance. Further funding would need to be provided in approximately 14 to 20 years to reseal the car park, this being the expected life of the sealing. Funding these modifications from Council budgets could potentially encourage requests from a number of other clubs of a similar nature and is not recommended by staff.

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

17. Yes, budget provision has not been made for this work in the capex or opex budgets in the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

18. Arthur Adcock Memorial Reserve is made up of three land parcels, Lot 1 DP 82355, Lot 45 DP 324885, and Sec 2 SO Plan 19528, being a recreation reserve of a total area of 3.7772 hectares vested in the Council pursuant to the Reserves Act 1977 (Act). The reserve has a drainage retention basin, informal recreational areas, and the area leased to the Parklands Bowling Club located on it. Except for the area leased to the bowling club it is essentially used as a local reserve by adjacent residents for informal recreation.
19. Section 17 (1) of the Act states *"It is hereby declared that the appropriate provisions of this Act shall have effect, in relation to reserves classified as recreation reserves, for the purpose of providing areas for the recreation and sporting activities and physical welfare and enjoyment of the public, and for the protection of the natural environment and beauty of the countryside, with the retention of open spaces and outdoor recreational activities, including recreational tracks in the countryside."*
20. The provision of car parks on a reserve to support people visiting the reserve for recreational purposes is therefore a legitimate use of reserve land, as is set out in the Christchurch District Planning Scheme, however the use of reserve land to provide car parking for traffic generated by activities *taking* place on adjacent land is not a legitimate use of reserve land held under the Act.
21. Section 17 2(a) of the Act provides, *"The public shall have freedom of entry and access to the reserve, subject to the specific powers conferred on the administering body by sections 53 and 54"*. Section 54 relates to leasing powers of administering bodies in relation to recreation reserves. The lease the Council has with the Parklands Bowling Club specifies the car park shall be used only for bowling related activities, and that the facilities shall not be sub-leased. The Legal Services Unit advise that technically, allowing others to use the car park constitutes sub-letting regardless of any payment by the other party and is not in accordance with the purposes that recreation reserves are set aside for as set out in section 17 above.

8. Cont'd

22. Therefore, for the Council to formally approve the use of the car park for the provision of temporary parking while letting off or picking up children from the adjacent preschools or primary school, would be ultra-vires in terms of the requirements of the Act and the lease.
23. Other situations similar to this have occurred in the past. In one situation where the Council had a clear responsibility to assist to enable an historic building to be recycled for a profitable business, the Council did allow parking to take place on land that was recreation reserve, because there was no land available in close proximity to fulfil the City Plan car parking requirement. In this particular case the reserve designation was removed off the area of land required for the car park, (a public consultative process, requiring the Minister of Conservation's approval), allowing the land to be held in fee simple by the Council and used to fulfil the car parking requirement of the District Plan by an adjacent business. The issues which lead to the aforementioned actions being taken, are not present in the Parklands Bowling Club car park situation, the car parking requirements for the educational facilities in the street being already satisfied from a City Plan requirements perspective. The removal of the reserve designation from land held under the Reserves Act 1977 is a decision for the full Council, not being delegated to Community Boards.

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

24. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

25. This request does not align with the LTCCP, or the Council's Activity Management Plans for Council park and reserveLand.

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

26. No, because the Council is not legally able to formally extend the use of the present car park within the Parkland Bowling Club's leased area of Arthur Adcock Memorial Reserve to adjacent property owners who's activities on their properties generates increased traffic movements not normally associated with residential properties.

ALIGNMENT WITH STRATEGIES

27. The thrust of this request does not align with the Council's strategies.

Do the recommendations align with the Council's strategies?

28. No.

CONSULTATION FULFILMENT

29. Not applicable.

CONCLUSION

30. The use of the Parklands Bowling Club car park by other than bowling club members or people visiting the bowling club, is a breach of the club's present lease conditions.
31. The use of the car park by members of the public visiting and using the reserve other than the Bowling Club's facilities presently is in breach of the club's current lease requirements but is allowed under the Reserves Act 1977; a change would need to be made to the lease conditions to allow this parking to occur legally.
32. The Council has no authority under the Reserves Act 1977 to allow the use of the car park by members of the public for car parking purposes connected with activities occurring on adjacent land.

8 Cont'd

33. The issues which have lead to the reserve designation being removed from a reserve in the past to enable car parking for adjacent businesses to take place on Council owned land so as to comply with City Plan requirements are not present in the Parklands Bowling Club car park situation, the car parking requirements for the educational facilities in the street being already satisfied from a City Plan car parking requirement perspective.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board request that Council staff write to the Parklands Bowling Club acquainting them with the legalities of the situation, and therefore why the Council is not able to assist the Club to upgrade and maintain its car park for these reasons.

9. PARKLANDS COMMUNITY CENTRE - PEGASUS TOY LIBRARY - LEASE

General Manager responsible:	General Manager Community Services DDI 941-8607
Officer responsible:	Manager Community Facilities
Author:	Kathy Jarden, Team Leader Leasing Consultancy

PURPOSE OF REPORT

1. The purpose of this report is to seek the approval of the Burwood/Pegasus Community Board to issue a new lease to the Pegasus Toy Library Inc. to occupy part of the Parklands Community Centre for the purposes of providing toy lending services to the eastern suburbs.

EXECUTIVE SUMMARY

2. The Parklands Community Centre was gazetted in 1988 as a Local Purpose (Community Centre) Reserve being Lot 1 DP 51630, located at 75 Queenspark Drive. The lease premises is the former meeting rooms in the Community Centre which has been allocated to the Toy Library which was previously in the main hall but relocated to the meeting rooms to accommodate the Council when shifting the recreation programmes from Queen Elizabeth II Park. Groups using the former meeting rooms can now utilise the facilities in the adjoining Parkview Lounge.
3. The lease between the Council and the Pegasus Toy Library Inc. expired on 31 March 2012 and the Pegasus Toy Library has requested a new lease. The **attached** plan shows the location of the leased premises within the Parklands Community Centre, highlighted in orange.
4. The proposed lease is for a term of three years with two further rights of renewal of three years making a total term of nine years if the rights of renewal are exercised.
5. The annual rental was \$400 plus GST. The new rent will be set in alignment with rents charged to similar community groups.

FINANCIAL IMPLICATIONS

6. The Council's Sporting Bodies Leases Charging Policy does not apply to sports clubs and not-for-profit organisations that occupy Council owned facilities on reserve land.

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

7. Yes.

LEGAL CONSIDERATIONS

8. The Community Board has delegated authority to approve the granting of a lease under Section 61(2A)a of the Reserves Act 1977. A new lease is not able to be issued until such time as the requirements of the Reserves Act have been met.
9. Section 61(2A)a of the Reserves Act 1977 - this section of the Act empowers the Council to grant a Lease to any person, body, voluntary organisation or society for the following purposes – community building, playcentre, kindergarten, Plunket room, or other like purposes. Such a lease may be granted for a term of up to 33 years.

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

10. Yes.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Christchurch City Council is committed to promoting the healthy, happy development of children to their full potential, both as children now and for the future well-being of our community.

9. Cont'd

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

12. Yes, Activity 2.2 Strengthening Communities.

ALIGNMENT WITH STRATEGIES

13. This lease is aligned with the Children's Strategy, by providing facilities to ensure that Christchurch will be known as the city that is good for children, young people and their families.

Do the recommendations align with the Council's strategies?

14. Yes.

CONSULTATION FULFILMENT

15. A formal notification process under the Reserves Act 1977 is not required as the intended lease use is consistent with the classification for local purpose (community centre) use. Consultation is not required under the Reserves Act 1977.

STAFF RECOMMENDATION

That the Burwood/Pegasus Community Board, under delegated authority from the Council:

- (a) Approve the granting of a new lease to the Pegasus Toy Library Inc over part of the Parklands Community Centre, being approximately 80 square metres of Lot 1 DP 51630, located at 75 Queenspark Drive, a Local Purpose (Community Centre) Reserve of 3614 square metres, for a period of up to nine years broken into three terms with right of renewal at the end of the first period of three years. The right 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 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 and Community Support Unit Managers to negotiate and settle the rent with Pegasus Toy Library Inc. and that the Corporate Support Unit Manager conclude and administer the terms and conditions of the lease.

9. Cont'd

BACKGROUND

16. Pegasus Toy Library Inc became an incorporated society in 1991 and is a member of the Toy Library Federation of New Zealand established to operate a toy library service to serve the needs from infants to 12 years of age. They provide a service which responds to the physical, social, emotional and intellectual development of children and respects the cultures of all families/whanau.
17. The Toy Library's current membership includes 76 families.
18. The Toy Library operates two sessions per week on Wednesdays and Saturdays.

10. PORRITT PARK - KERRS REACH ROWING CLUBS –TEMPORARY STORAGE SHEDS



General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Transport and Greenspace
Author:	Lewis Burn, Property Consultant

PURPOSE OF REPORT

1. To obtain Council approval for the temporary location of buildings, associated sanitary facilities and security fencing to provide for the immediate to medium term storage needs of the Avon Rowing Club at Kerrs Reach, Porritt Park, pursuant to the Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011.
2. To delegate to staff the authority to approve the temporary location of such structures, fencing and sanitary facilities within the present leased areas of The Canterbury/Union Rowing Clubs and Christ's College to meet their immediate to medium term storage needs.

EXECUTIVE SUMMARY

3. Substantial damage has occurred to the rowing amenities on Kerrs Reach, Porritt Park during the 2010 and 2011 earthquakes. Avon, Christ's College and the Leander (Canterbury/Union Rowing Clubs) were destroyed with the Avon and Christ's College buildings having been demolished and the sites cleared. The Leander building, also severely damaged, has subsequently been burnt out with a shell now remaining on site. The Canterbury Rowing Association boatshed while also suffering significant damage is still being used while repairs are assessed. In addition to the built facilities there has been severe damage to the surrounding land and infrastructure with no sewerage on site. The condition and use status of Arawa Canoe Club building is unclear at the moment.
4. Rowing activities have now recommenced on the Avon River at Kerrs Reach. The Avon Rowing Club has submitted plans and details to the Council, applying for landowner approval to temporary site storage sheds, toilet facilities and office accommodation at their Kerrs Reach site. The intended temporary occupation extends beyond the club's present leased area (refer **attachment 1**). The structures and amenities proposed are intended as a solution to meet rowing's urgent need in the short to medium term to address the current delivery of the sport.
5. Avon Rowing Club proposed development includes two total span sheds (30 metres by 12 metres), an office block (salvaged from Clubrooms), two portacom toilet blocks (six metres by three metres) surrounded by a security fence (refer **attachment 2**). The total occupation inside this compound including the existing tin shed that is to be repaired, comprises an area of approximately 2,418 metres squared and while going over the existing lease boundary will make river access for the public available at all times. Their existing lease is a perpetually renewable lease which takes in an area of approximately 2,609 metres squared. Initially all internal areas within the compound would be finished with shingle and in time paved with asphalt.
6. Ordinarily the application by Avon Rowing would be considered as a grant of a new lease. As the intended temporary occupation takes in land outside their current lease boundary, a public consultation process as required by Section 138 of the Local Government Act 2002 would be necessary. This process could possibly add a further two months to the timeframe to obtain a decision. To give the re-establishment programme the club has set to have temporary facilities in place and functioning before the commencement of the 2012 training season a good chance of succeeding, landlord approval will be required in May 2012. Avon Rowing Club already hold approval under the Resource Management Act 1991 for temporary accommodation of the activity pursuant to the Canterbury Earthquake (Resource Management Act (Permitted Activities Order)) 2011. This order expires on 18 April 2016 and occupation on the site by this temporary accommodation permit will need to cease on or before that date unless a resource consent has been applied for and obtained.

10. Cont'd

7. Similar intentions to provide for temporary storage space for rowing boats and other plant/equipment with associated amenities are held by the Canterbury and Union Rowing Clubs and Christ's College. At the time of writing this report, the plans of these clubs had not been firmed up in sufficient detail to report but it is understood that in both situations their temporary occupations will be contained within the existing lease boundaries. It is intended to deal with the applications from these clubs under lease transactions, but in order to provide a decision in a timely manner a staff delegation is being sought from the Council. The Canterbury and Union Rowing Clubs' lease will expire on 30 September 2012 with no right of renewal. Christ's College has a lease until 30 March 2038. The Arawa Canoe Club (which has a perpetually renewable lease) has not given any indication at this stage of its intentions for their site.
8. Porritt Park and Kerrs Reach is situated in the Government's Green Zone, N/A – Urban Non residential. This means the park has not been assigned a Technical Category, and thus can follow the normal consenting process. It has yet to be established what the long term future of Porritt Park and Kerrs Reach will hold and the temporary occupation period will allow time for the rowing clubs to explore long term options which may or may not involve the Reach for delivery of the sport while providing a training base in the interim.
9. The Avon Rowing Club membership makes up about 58 per cent of the Kerrs Reach users with 11 schools and tertiary institutions aligned to this club. The club in partnership with the Canterbury Rowing Association, resource plant and facilities for the operation of the Southern High Performance Centre catering for up to an additional 40 athletes. The current membership has dropped significantly to around 243 competitive athletes due mainly to resources being hit hard and school users having difficulty getting to and from rowing and having to train and compete further afield post earthquake. The club is confident that these numbers will increase dramatically once a base is re-established and training gets underway.

FINANCIAL IMPLICATIONS

10. It is understood there are no financial implications for the Council arising from the granting of permission for Avon Rowing Club to temporarily occupy the site at Kerrs Reach (see paragraph 11). The club will meet all costs associated with the establishment and operation of their temporary facilities, including all resource and building consents, and costs to reinstate the site to the satisfaction of the Greenspace Manager or their designate at the end of the occupation. The Avon Rowing Club is committed to this plan and it is understood that the Avon Rowing Club will identify financial resources to carry it through to fruition and Sport Canterbury is assisting them in this process.
11. There are issues as yet unresolved in relation to the facilitation and funding of infrastructure in particular the sewer line to service the portacom toilets and repair of the access roadway. The options/implications are currently being explored with the parties and in order that the report may proceed to meet the intended agenda, a delegation to the General Manager Corporate Services is being requested to resolve on these issues when the preferred approach by the Council is clear.
12. A ground rental will be charged for the temporary occupation of the site, consistent with the Councils' sports charging policy.

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

13. Not applicable.

10. Cont'd

LEGAL CONSIDERATIONS

14. Porritt Park including Kerrs Reach is a large recreation ground held and administered by the Council pursuant to the provisions of the Local Government Act 2002. Leases or occupation agreements for periods of more than six months in respect of parks which are not legally reserves subject to the Reserves Act 1977 are required to be consulted on in terms of Section 138 of that Act.
15. In response to the circumstances arising from the 4 September 2010 and 22 February 2011 earthquakes, the Government under the powers of the Canterbury Earthquake Recovery Act 2011 made the Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011 ("the Order") to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act. For the purposes of this order a "reserve" also means land that is owned, administered, managed, controlled, or held by the Council under any enactment (other than the Reserves Act 1977) as a reserve or park or for community purposes. Porritt Park (of which Kerrs Reach is part) is held as a Recreation Ground pursuant to the provisions of the Local Government Act 2002.
16. The Order expires (unless extended) on 18 April 2016 and it is not possible for the Council to authorise the use of Porritt Park under the Order beyond that date. Unless the Order is extended, any use beyond that date would need to be authorised using the 'business as usual' processes available under the Local Government Act 2002.
17. Clause 5 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:
 - (a) a depot or any other storage facility (for example, for the storage of vehicles, demolition waste, or building or other materials) (Clause 5(b)(i))
 - (b) temporary housing or accommodation, including sanitary and other ancillary facilities Clause 5(b)(ii)
 - (c) 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 - Clause 5(c).
18. The Order provides that when the Council authorises any use of a reserve, or the erection of any structure on a reserve, it does not need to comply with any other enactment under which the reserve is held or that applies to the reserve (for example, any provision relating to public notification or the hearing of objections). 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 at the end of the use or when the structure is removed as closely as practicable to its prior condition.
19. In addition to Council authorisation under the Order, the applicant will also need to obtain all necessary resource and building consents required.
20. 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 with the Council. 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.
21. The Board does not have delegated authority from Council to approve a temporary occupation right pursuant to the Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011. Further, Porritt Park is of metropolitan significance having city wide impact for rowing and therefore this report is being placed before the Board to enable a recommendation to be made to the Council.

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

22. As above.

10. Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

23. 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 add to the enjoyment and experience, both club members, and the general public can obtain at the park.
24. 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 enhance the character of the park/open space for people's enjoyment.
25. 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 add to the private infrastructure on the park thereby improving the way it interrelates with the public park that it is situated upon and the adjacent Avon River, 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?

26. Not applicable.

ALIGNMENT WITH STRATEGIES

27. This application is aligned with the Strengthening Communities' Strategy by contributing to increasing participation in community recreation and sport programmes and events. This application also aligns with the Strengthening Communities' Strategy by ensuring that communities have access to community facilities that meet their needs.
28. This application also supports the Christchurch Visitor Strategy by improving the facilities which are an attraction to visitors to Christchurch who come to partake in and watch the sport of rowing.
29. This application aligns with the Physical Recreation and Sport Strategy by providing a safe physical environment that encourages participation in recreation and sport and ensuring that promising and talented participants are nurtured and given the opportunity to maximise their potential.

Do the recommendations align with the Council's strategies?

30. As above.

CONSULTATION FULFILMENT

31. The Canterbury Earthquake (Local Government Act 2002) Order (No 2) 2011 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.
32. The exemptions for public consultation under the Local Government Act 2002 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.

10. Cont'd

33. 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. In this case the party to whom it is proposed to grant temporary occupation rights is the current leaseholder and the only party holding any legal right over the site.
34. It should be noted that following a decision by Council in May 2009, public consultation was carried out with no negative feedback on a proposal by the Canterbury and Union Rowing Clubs as part of a planned staged development by the Kerrs Reach users to construct a further boat storage shed within their leased area. This development did not eventuate before the September 2010 earthquake.

STAFF RECOMMENDATION

It is recommended that Board recommend that the Council resolve as follows:

- (a) Pursuant to clause 5 (b)(i) & (ii) and (c) of the Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011, and having formed the opinion that such is necessary to respond in a timely manner to circumstances resulting from the earthquake of 4 September 2010, 22 February 2011 and subsequent aftershocks, that the Avon Rowing Club be authorised to use approximately 2,418 square metres being that part of Porritt Park known as Kerrs Reach as is approximately shown and labelled Kerrs Reach site and bordered yellow on the plan attached to this report as **Attachment 1** for the erection of temporary buildings (and associated office, sanitary amenities) for the purpose of storing rowing boats, and rowing plant and equipment and operating the rowing club office.
- (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 (No 2) 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 she shall consider necessary to implement the authority referred to in paragraph (a) of this resolution (including the obligation on the occupier to remove the buildings and to reinstate the reserve once this authority has expired).
- (d) That the Corporate Support Manager (acting in consultation with the Greenspace Manager) be delegated the power in the period between the date of this resolution and the date on which the Canterbury Earthquake (Reserves Legislation) Order (No 2) 2011 shall expire (including any amended expiry date), to act on behalf of the Council as landlord, to enter into such leasing arrangements or lease variations as she may consider necessary in respect of the existing Canterbury and Union Rowing Club and Christ's College leases at Kerrs Reach (including the authority to approve any additions or alterations to any existing structures or the erection of new temporary structures for the storage of rowing boats and or rowing plant and equipment within their existing leasehold areas).
- (e) That the Corporate Support Manager (acting in consultation with the Greenspace Manager) be authorised to approve such landscaping as may be deemed appropriate given the temporary nature of the proposed occupation.
- (f) That the General Manager Corporate Services be delegated authority to determine Council funding (if any) for infrastructure installation and or repair (refer paragraph 11) associated with the temporary occupation by the Rowing Clubs on Kerrs Reach.

11. BURWOOD/PEGASUS COMMUNITY BOARD 2011/12 DISCRETIONARY RESPONSE FUND – BURWOOD/PEGASUS COMMUNITY WATCH, NORTH BEACH CHILDCARE CENTRE AND PARKLANDS YOUTH TRUST - APPLICATIONS

General Manager responsible:	General Manager Community Services Group, Ph 941-8607
Officer responsible:	Unit Manager Community Support
Author:	Natalie Dally/Sylvia Smyth, Strengthening Communities Advisors

PURPOSE OF REPORT

1. The purpose of this report is for the Burwood/Pegasus Community Board to consider applications for funding from its 2011/12 Discretionary Response Fund from:
 - (a) Burwood/Pegasus Community Watch towards volunteer uniforms
 - (b) North Beach Childcare Centre to set up a Whanau Corner
 - (c) Parklands Youth Trust to develop an extra curricular programme for intermediate aged youth.

EXECUTIVE SUMMARY

2. In 2011/12, the total pool available for allocation for the Burwood Pegasus Discretionary Response Fund is \$77,926. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
3. The purpose of the fund is to assist community groups where the project and funding request fall outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
4. At the its meeting on 22 April 2010, the Council resolved to change the criteria and delegations around the local Discretionary Response Fund.
5. The change in criteria limited the items that the local Discretionary Response Fund does not cover to only:
 - (a) Legal challenges or Environment Court challenges against the Council, Council Controlled Organisations or Community Boards decisions;
 - (b) Projects or initiatives that change the scope of a Council project; and
 - (c) Projects or initiatives that will lead to ongoing operational costs to the Council.

Council also made a note that: *"Community Boards can recommend to the Council for consideration grants under (b) and (c)."*
6. Based on these criteria, the applications from Burwood/Pegasus Community Watch (volunteer uniforms), North Beach Childcare Centre (Whanau corner) and Parklands Youth Trust (intermediate aged youth programme), are eligible for funding.
7. Detailed information on the application and staff comments are included in the **attached** Decision Matrix.

FINANCIAL IMPLICATIONS

8. As at 13 March 2012 there was \$39,448 remaining in the Board's 2011/12 Discretionary Response Fund.

11. Cont'd

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

9. Yes, see page 184 of the LTCCP regarding community grants schemes including Board funding.

LEGAL CONSIDERATIONS

10. There are no legal considerations.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Aligns with LTCCP and Activity Management Plans, page 172 and 176

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

12. Yes, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding.

ALIGNMENT WITH STRATEGIES

13. Refer to the **attached** Decision Matrix.

CONSULTATION FULFILMENT

14. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board:

- (a) Approve a grant of \$5,000 from its 2011/12 Discretionary Response Fund to the Burwood/Pegasus Community Watch towards the purchase of volunteer uniforms.
- (b) Approve a grant of \$3,500 from its 2011/12 Discretionary Response Fund to the North Beach Community Childcare Centre towards the set up of a Whanau Corner.
- (c) Approve a grant of \$10,800 from its 2011/12 Discretionary Response Fund to the Parklands Youth Trust towards the development of an extra curricular programme for intermediate aged youth.

12. RESIDENTS' ASSOCIATION/COMMUNITY ORGANISATIONS

Representative(s) from the Horseshoe Lake Residents' Association will update the Board on the activities of the group.

13. COMMUNITY BOARD ADVISER'S UPDATE

13.1 **UPCOMING BOARD ACTIVITIES**

13.2 **2011/12 BOARD FUNDS UPDATE (Refer attached)**

13.3 **CHIEF EXECUTIVE'S COUNCIL UPDATE MARCH 2012/SCIRT REPORT (Refer attached)**

14. QUESTIONS UNDER STANDING ORDERS