

9. FENDALTON BOWLING CLUB INCORPORATED - NEW LEASE AT FENDALTON PARK

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

1. The purpose of this report is to seek the approval of the Board to grant a new lease to the Fendalton Bowling Club Incorporated over their existing leased area at Fendalton Park, within which they have a pavilion and bowling greens.

EXECUTIVE SUMMARY

2. The lease previously granted to the Fendalton 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 are 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 eleven-year periods with rights of renewal at the end of the first two periods, amplified under Section 11 of this report.
4. Following the major earthquake events of 2011 the Club, as owners of the buildings on the subject land, engaged TM Consultants, consulting engineers to provide an assessment. Whilst minor damage was reported, the summary of the consultants report concluded that overall the pavilion had withstood the recent earthquakes exceptionally well, is structurally sound, and was safe for immediate use and occupancy.

FINANCIAL IMPLICATIONS

5. There are no financial implications to the Council in granting a new lease. The Club currently holds insurance on the buildings on the site and is working with the insurer to have repairs undertaken.
6. The Club's membership as at 31 May 2011 stood at 187 members, including 24 honorary members. 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 Long Term Plan(LTP) budgets?

8. The proposal will not impinge on LTP budgets, Staff time etc required to put a new Sports Club lease in place can be accommodated within existing budgets.
9. The current rent, as assessed in accordance with the Council's Sports Club Leases Charging Policy, has no adverse financial implications for the Council. The current annual lease rental being paid by the Club to the Council is \$1327.76 including GST, in accordance with this policy

LEGAL CONSIDERATIONS

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. The subject land being recreational reserve is subject to the provisions of the Reserves Act 1977. 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 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 Ngai Tahu within the immediate area of Fendalton Park to be leased to the Fendalton 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.

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

14. Yes. Refer paragraphs 10 – 13 above.

ALIGNMENT WITH LONG TERM PLAN (LTP)

15. Yes. The Council has affirmed under the Parks, Open Spaces and Waterways category Council Activities and Services its commitment to provide leisure and recreational opportunities, including spaces for recreational sport. The LTP is applicable to the subject land.

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

16. Yes. Refer to paragraph 15 above.

ALIGNMENT WITH STRATEGIES

17. 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.
18. This application also supports the Christchurch Visitor Strategy by maintaining an attraction that visitors both to Christchurch and the park can experience.
19. 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?

20. Yes. Refer to paragraphs 17-19 above.

CONSULTATION FULFILMENT

21. Because the subject land that forms the lease area is classified as recreation reserve any application will be subject to the consultation provisions of the Reserves Act 1977, the Council having followed this process. The Council has publicly advertised the fact that it is considering the proposal. No objections or submissions have been received within the statutory time frame of one calendar month.

STAFF RECOMMENDATION

That the Fendalton/Waimairi Community Board under delegated authority from the Council and Minister of Conservation:

- (a) Approve the granting of a new lease to the Fendalton Bowling Club Incorporated over the part of Fendalton Park on which the existing buildings and greens are located, within their existing fences, being approximately 6130 square metres of Lot 3 Deposited Plan 12633, a recreation reserve of 1.8143 hectares, originally vested in the Waimairi County Council, contained in New Zealand Gazette Notice 1972 Page 674, 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. 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.