

20. 4. 2006

**SPREYDON/HEATHCOTE COMMUNITY BOARD  
21 MARCH 2006**

**A meeting of the Spreydon/Heathcote Community Board  
was held on Tuesday 21 March 2006 at 5.00 pm  
in the Boardroom, Beckenham Service Centre**

**PRESENT:** Phil Clearwater (Chairperson), Oscar Alpers, Barry Corbett,  
Paul de Spa, Chris Mene, Sue Wells and Megan Woods.

**APOLOGIES:** An apology for lateness was received and accepted from Oscar Alpers.

Oscar Alpers arrived at 5.06 pm and was absent for clause 11.

Chris Mene retired at 7.05pm and was absent for clauses 1, 2, 4, 7, 8, 9,  
12 and 13.

Sue Wells retired at 8.09pm and was absent for clauses 4, 7, 8 and 9.

The Board reports that:

**PART A – MATTERS REQUIRING A COUNCIL DECISION**

**1. OPAWA EXPRESSWAY – STAGE II – DISPOSAL OF LAND (REPORT 3)**

<b>General Manager responsible:</b>	General Manager, City Environment
<b>Officer responsible:</b>	Don Munro, Transport and City Streets Manager
<b>Author:</b>	Bill Morgan, Property Consultant, DDI 941-8581 & Jeff Woodham, Property and Leasing Adviser, DDI 941-8771

**PURPOSE OF REPORT**

1. To declare surplus the balance of those properties not required for the Opawa Expressway.
2. To grant the Corporate Support Manager delegated power to approve the disposal of the surplus properties in Opawa Road and to purchase Nos 205, 209 and 267 Opawa Road from the Crown.
3. To address the recommendations made by the Spreydon/Heathcote Community Board at its meeting on 7 February 2006, namely:

*“That the staff recommendations be adopted, subject to a report initially being made to the Board, but prior to the conclusion of the offer-back process, detailing:*

*(a) The forms of development that could occur on the land involved, given the current zoning;  
and*

*(b) The use of land covenants in respect of the affected on sold land.”*

**EXECUTIVE SUMMARY**

4. The Opawa Road upgrade is currently under way. Land to facilitate this upgrade was purchased by the Council and Transit New Zealand over a number of years prior to the upgrade. The balance of the properties at 203 through to 279 Opawa Road are now surplus to requirements. Three of these are currently owned by Transit New Zealand and are recommended for strategic purchase.
5. The land has been identified for disposal in the Transport and City Streets Capital Programmes in 2005/06 and 2006/07, to offset the Opawa Expressway construction costs. The disposal of the land is therefore in compliance with this objective, but to facilitate disposal it is necessary for the Council to resolve that the properties are surplus to Council requirements.

1 Cont'd

6. For the reasons identified in both the legal and planning reports, it is proposed that the land be offered for sale unencumbered and that the City Plan be relied upon to control development.

**FINANCIAL AND LEGAL CONSIDERATIONS**

7. The Legal Services Unit has confirmed the Council is bound by the offer back provisions of Section 40 of the Public Works Act 1981 and is therefore required to go through the offer back process for those properties (detailed in the proposed resolution schedule) as part of the process to dispose of the land.
8. The Legal Services Unit has provided an opinion in relation to the use of covenants. This opinion concludes "it is not considered that the land covenant device is the appropriate method to control land use by the Council" and is included as an attachment to this report.
9. The Legal Services Unit has provided commentary (refer attachment) concerning the forms of development that could occur on the land given the current zoning in the City Plan. In addition to this, the City Plan Team has commissioned a report from Planit R.W.Batty & Associates Ltd (refer attachment) with the purpose of providing an overview of the potential land use options for the blocks of surplus land on Opawa Road.
10. At the date of preparation of this report, Transit New Zealand is awaiting approval from LINZ to offer the three properties they own on Opawa Road to the Council exclusively. It is likely this approval will be given, although if it is not, the Council can still attempt to purchase the land. Transit is also awaiting approval for reimbursing the Council for the cost of the land as a funding contribution to the project. Should the Transit New Zealand Board decline to make the funding contribution it is recommended that the Council still acquire the land as a strategic purchase, such an acquisition to be funded either from Transit New Zealand contribution or from the proceeds from the sale of surplus property.

**BACKGROUND ON OPAWA EXPRESSWAY – STAGE II – DISPOSAL OF LAND (EX REPORT 2)**

11. At its meeting on 15 December 2005, the Council considered and approved the disposal of 257 and 261 Opawa Road to an adjoining owner, given the land was effectively landlocked. The Council was advised that Opawa Road from Garlands Road towards the Port of Lyttelton is part of the State Highway Network in Christchurch. Transit New Zealand (Transit) is usually responsible for improvements of this network. However, some years ago the residents of Opawa Road raised concerns at the increasing volume of traffic on the road, and the adverse effects of increased traffic noise vibration, local air pollution and accessibility to their properties. Realignment of the road was considered necessary to overcome all of these effects.
12. The Council subsequently reached an agreement with Transit and Transfund where Transfund funds that part of the work it considers economically justified, and the Council pays the costs above and beyond that.
13. The Council subsequently approved funding to purchase the remaining ten properties for the road during the 2001/02 financial year which was subsequently completed.
14. Construction of the road commenced in 2004/05 and has been completed.

**SURPLUS LAND**

15. The properties acquired for the expressway were purchased over many years by both the former Heathcote County Council, the Christchurch City Council and a number by Transit New Zealand.
16. Being State Highway, Transit has insisted that access to the road from adjacent properties be prohibited (with two exceptions) and as a consequence access to the surplus land is to be provided by rights-of-way running off the side streets. Services i.e. power, sewer, water etc. are also required to be reticulated from the adjoining streets.

## 1 Cont'd

17. All of the land on the eastern side of Opawa Road between numbers 201 and 279 (Garlands to Curries Road – as depicted on the attached plan number TP162405) is surplus to requirements with part being zoned Living and part Business. The zoned boundary lies between 261 and 265 Opawa Road with the properties to the north being zoned business and to the south living. Approximately two thirds of the properties are within the business zone.
18. As indicated, the majority of the land is owned by the Council and the balance (205,209,239 and 267 Opawa Road) owned by Transit New Zealand. Before considering a disposal strategy both the Council and Transit have to comply with the offer back requirements of the Public Works Act prior to commencing this process, the Council is required to declare the land surplus to requirements. The offer back on 239 Opawa Road was accepted by the previous owner.
19. Transit was required to offer the land to Ngai Tahu Properties Ltd before it could dispose of the land on the open market. It is understood that Ngai Tahu Properties have now declined the offer on 205, 209 and 267 Opawa Road. In line with the Crown's disposal policy the land will be transferred to Land Information New Zealand to facilitate its sale. The potential purchase of 205, 209 and 267 Opawa Road (209 Opawa Rd bisects the Council's holding) from the Crown will be a strategic purchase given the land would dramatically increase the Council's return on the adjoining properties. A delegation is sought to the Corporate Support Manager to acquire the land providing the purchase price is within 10% of valuation.
20. Transit may make a funding contribution to the Council of the equivalent value. The net effect, if this occurs, will result in the land being acquired at nil cost, however, it will be necessary for the Council to fund the transaction which will be offset by a revenue receipt (Transit funding contribution), these transactions will occur simultaneously.
21. Until the outcome of the Council's offer back process is known, the extent of and the number of properties that may be placed on the open market, cannot be determined. It is anticipated however, that this will be clearer by May/June 2006 on completion of the offer back process. Given, as part of its budgetary provision, the Council had approved in principle the disposal of the land to offset the overall cost of the project, a delegation to the Corporate Support Manger is being sought to approve the subsequent sale of the surplus properties provided they are within 10% of valuation. This will enable the Council to respond quickly to market forces.
22. At the present time strong inquiry has been received from persons interested in purchasing both the Living and Business zoned land. The Council's current policy is to dispose of its surplus property by the tender process. However, it is believed that in this instance a degree of flexibility is required to respond to the market in the most appropriate manner and to keep the Council's options open in the disposal of the land. In some instances it may be more appropriate to sell individual lots by private treaty at a fixed price and in others, if the demand is high, which it is anticipated will be the case for the commercial land, then it may be more appropriate to sell the properties by auction. In the circumstances a delegation is sought for the Corporate Support Manager to determine the most appropriate method of sale having due regard to the respective properties and the demand at the time.
23. The properties situated at 2 Kennedy Place and 255 Opawa Road are being retained by the Council as Local Purpose (Drainage) Reserves. A stormwater basin, appropriately landscaped, is to be created to capture the first flush of water before entering Curries Drain. The Transport and City Streets Unit will be reimbursed for the value of the land by the Greenspace Unit.

**LEGAL AND PLANNING COMMENTARY ON BOARD RECOMMENDATIONS**

24. The Community Board has sought the use of land covenants. Both legal and planning advice has been sought in this matter with the reports attached for the Board and the Council's information. In summary the reports conclude:
  - (a) *"it is not considered that the land covenant device is the appropriate method to control land use by the Council"*
  - (b) *The primary instrument of control of use is the Christchurch City Plan. Any development on any property must therefore comply with the zoning requirements and the rules of the City Plan before it can proceed. There is, therefore, in existence a compliance system of controlling in respect of land use and development.*

1 Cont'd

- (c) *For a land covenant to be created, it is necessary to have another piece of land as the "dominant tenement" (that is another piece of land that has the benefit of the covenant). The "dominant tenement" should also be adjacent to or in the immediate vicinity of the land being proposed to be subject to the covenant. It is improbable, therefore, that the Council can create such a covenant, as there will be no "dominant tenement" available.*
- (d) *This section of Opawa Road is a State highway, as such Transit New Zealand is the road controlling authority. Transit New Zealand required that on street parking be restricted to improve the efficiency and safety of the road, the only exception to this is an indented parking bay outside the dairy on the western side of the road, with a 10 minute parking restriction.*

*To further improve the efficiency of the road, Transit New Zealand has also restricted traffic access to the properties on the eastern side of the road by means of segregation strips. This limits access to the sites from the side streets only, with the exception of the block of land near Garlands Road (shown as Block 1 on the map in the Planit report) where no other access was available. Any developments that could lead to illegal on street parking (as has occurred on Blenheim Road) are undesirable and would affect the integrity of a State Highway.*

- (e) *Given the limited depth of the sites (on average 30 metres) the ability to provide adequate landscaped setbacks and more importantly from a commercial perspective, visible and accessible car parks would be severely restricted. This could have a detrimental effect on the marketability of the sections and limit and/or restrict the interest from prospective purchasers given the specialised developments that would be required. Any reduction in the potential return from sale of these sites could mean failure to meet the budgeted capital revenue.*
- (f) *The following are the permitted activities within the respective Business or Living Zones:*
- (i) *The Business 4 zoned land could as of right support:*
- Offices;*
  - Commercial Activities (such as Valuers, Banks, Real Estate Agents);*
  - Retail activity – Up to 2000m<sup>2</sup> glfa (as a single activity or aggregate group)*
  - Trade retail activities, food and beverage activities (such as a takeaways/sandwich bar);*
  - Light industrial activities, such as distribution, construction, or light manufacturing.*
- (ii) *As the site is zoned Business 4, apart from a plot ratio of 1.0, there are little controls on the height and scale of any building constructed on this land. There are standard setbacks, landscaping and recession plane setbacks from residential boundaries.*
- (iii) *The Living 1 zoned land, south east of the detention swale could support low density, generally single storey, residential activity, with a requisite setback and open space requirement.*

*It is believed that the City Plan provides adequate opportunities for a diverse range of activities and that market forces will determine the preferred development.*

**OPTIONS**

25. In approving funding for the road, the Council approved the sale of the surplus land as a line item in the Transport and City Streets Capital Programme in the Property Sales Output with \$847,000 being budgeted in 2005/06 and \$600,000 in 2006/07. The sales therefore are in compliance with the objectives of disposing of the surplus land to offset the roading costs.

## 1 Cont'd

## STAFF RECOMMENDATIONS

It is recommended that the Board recommend to the Council:

- (a) That the properties described in the following schedule be declared surplus.

Address	Legal Description	Size m2	Zoning	Offer Back
203 Opawa Road	Pt LOT 1~DP 302185 Pt LOT 1 DP 42482	13634	B4	No
203 Opawa Rd	Pt LOT 1 DP 302185 Pt LOT 1 DP 42482	1363	B4	No
207 Opawa Rd	LOT 1 DP 25293	403	B4	No
207a Opawa Rd	LOT 2 DP 25293	433	B4	Yes
211a Opawa Rd	LOT 2 DP 18748	912	B4	No
211 Opawa Rd	LOT 1 DP 18748	487	B4	No
213 Opawa Rd	LOT 1 DP 20219	1054	B4	No
239a Opawa Rd	LOT 1 DP 82941 LOT 3 DP 82941	655	B4	No
241 Opawa Rd	Pt LOT 8 DP 412	710	B4	Yes
243 Opawa Rd	Pt LOT 9 DP 412	710	B4	No
245 Opawa Rd	Pt LOT 10 DP 412	706	B4	No
247 Opawa Rd	Pt LOT 11 DP 412	709	B4	No
249 Opawa Rd	Pt LOT 12 DP 412	719	B4	Yes
251 Opawa Rd	Pt LOT 13 DP 412	566	B4	No
253 Opawa Rd	LOT 1 DP 25769	402	B4	Yes
2 Kennedy Pl	LOT 1 DP 22932 - To Greenspace			
255 Opawa Rd	Pt RS 91 (BM 312) - To Greenspace			
263/265 Opawa Rd	LOT 2 DP 35997	2226	L1	Yes
269 Opawa Rd	LOT 1 DP 19432	585	L1	Yes
269a Opawa Rd	LOT 15 DP 27317	137	L1	No
271 Opawa Rd	LOT 1 DP 13838	596	L1	Yes
273 Opawa Rd	LOT 2 DP 13838	596	L1	Yes
275 Opawa Rd	LOT 3 DP 13838	589	L1	Yes
277 Opawa Rd	LOT 4 DP 13838	574	L1	Yes
279 Opawa Rd	LOT 5 DP 13838	573	L1	Yes

- (b) That pursuant to Section 40(4) of the Public Works Act 1981, the properties be disposed of and the offer back process be followed.
- (c) That following completion of the offer back requirements, the Corporate Support Manager be delegated authority to dispose of the remaining properties at a price not less than 10% of the valuation as assessed by an independent registered public valuer.
- (d) That the Corporate Support Manager be delegated authority to determine the most appropriate method of sale of the surplus land having due regard to the market situation at the time of disposal.
- (e) That the Corporate Support Manager be delegated authority to acquire 205, 209 and 267 Opawa Road provided it is within 10% of valuation as assessed by an independent registered public valuer.
- (f) That pursuant to Section 52(4) of the Public Works Act 1981, the Council hereby resolves to set apart the land detailed below hereto for a Local Purpose (Drainage) Reserve subject to Section 23 of the Reserves Act 1977 and to remain vested in the Christchurch City Council.

All those parcels of land situated in the Canterbury Land Registry being part Lot 1 DP 22932 containing 328m<sup>2</sup> and being all of the land contained in Certificate of Title 3D/270 together with part Rural Section 91 containing 195 m<sup>2</sup> and being all of the land contained in Certificate of Title 378/231.

- (g) That the advice of the Legal Services Unit in their commentary "it is not considered that the land covenant device is the appropriate method to control land use by the Council" be adopted, and the land be offered for sale unencumbered.
- (h) The report from Planit be accepted and that the City Plan provisions be relied upon to control development.

## Spreydon/Heathcote Community Board 21.3.2006

## 1 Cont'd

**BOARD CONSIDERATION**

Having considered the officer's report and in particular the accompanying recommendations, the Board recommends to the Council a number of changes to those proposed by the staff as notated in bold in the following recommendations.

**BOARD RECOMMENDATIONS**

That the Council resolve:

- (a) That the properties described in the following schedule be declared surplus.

Address	Legal Description	Size m2	Zoning	Offer Back
203 Opawa Road	Pt LOT 1~DP 302185 Pt LOT 1 DP 42482	13634	B4	No
203 Opawa Rd	Pt LOT 1 DP 302185 Pt LOT 1 DP 42482	1363	B4	No
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241 Opawa Rd	Pt LOT 8 DP 412	710	B4	Yes
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245 Opawa Rd	Pt LOT 10 DP 412	706	B4	No
247 Opawa Rd	Pt LOT 11 DP 412	709	B4	No
249 Opawa Rd	Pt LOT 12 DP 412	719	B4	Yes
251 Opawa Rd	Pt LOT 13 DP 412	566	B4	No
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2 Kennedy Pl	LOT 1 DP 22932 - To Greenspace			
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263/265 Opawa Rd	LOT 2 DP 35997	2226	L1	Yes
269 Opawa Rd	LOT 1 DP 19432	585	L1	Yes
269a Opawa Rd	LOT 15 DP 27317	137	L1	No
271 Opawa Rd	LOT 1 DP 13838	596	L1	Yes
273 Opawa Rd	LOT 2 DP 13838	596	L1	Yes
275 Opawa Rd	LOT 3 DP 13838	589	L1	Yes
277 Opawa Rd	LOT 4 DP 13838	574	L1	Yes
279 Opawa Rd	LOT 5 DP 13838	573	L1	Yes

- (b) That pursuant to Section 40(4) of the Public Works Act 1981, the properties be disposed of and the offer back process be followed.
- (c) That for **Block B1**, following completion of the offer back requirements, the Corporate Support Manager be delegated authority to dispose of the remaining properties at a price not less than 10% of the valuation as assessed by an independent registered public valuer.
- (d) That for **Block 1**, the Corporate Support Manager be delegated authority to determine the most appropriate method of sale of the surplus land having due regard to the market situation at the time of disposal.
- (e) That the Corporate Support Manager be delegated authority to acquire 205, 209 and 267 Opawa Road provided it is within 10% of valuation as assessed by an independent registered public valuer.
- (f) That pursuant to Section 52(4) of the Public Works Act 1981, the Council hereby resolves to set apart the land detailed below hereto for a Local Purpose (Drainage) Reserve subject to Section 23 of the Reserves Act 1977 and to remain vested in the Christchurch City Council.

All those parcels of land situated in the Canterbury Land Registry being part Lot 1 DP 22932 containing 328m<sup>2</sup> and being all of the land contained in Certificate of Title 3D/270 together with part Rural Section 91 containing 195 m<sup>2</sup> and being all of the land contained in Certificate of Title 378/231.

1 Cont'd

- (g) **That the Council note** the advice of the Legal Services Unit in their commentary "it is not considered that the land covenant device is the appropriate method to control land use by the Council", and the land be offered for sale unencumbered.
- (h) That the report from Planit be **received and that the effects of the current City Plan provisions be noted.**
- (i) (new) **That following completion of the offer back process in respect of Blocks 2 and 3, the Council give further consideration to enabling comprehensive development opportunities appropriate to the area, through its disposal process.**

(Note: The above recommendations were carried unanimously.)

**PART B – REPORTS FOR INFORMATION**

**2. MOORHOUSE AVENUE TRAFFIC MANAGEMENT & SAFETY IMPROVEMENTS  
(HAGLEY AVENUE TO BARBADOES STREET)**

A report was submitted to the Board by Lee Kelly, Senior Capital Programme Consultation Leader and Katherine Eveleigh, Project Manager Streets Capital Programme, seeking approval for the Moorhouse Avenue Traffic Management and Safety Improvements project to proceed to implementation.

As a decision on the proposal was required with urgency, a report from the Chairperson on this matter was submitted to the 6 April 2006 Council meeting.

**3. DEPUTATIONS BY APPOINTMENT**

**3.1 BRADFORD PARK PLAYGROUND UPGRADE AND LANDSCAPING**

Representations on the proposed plan and related matters were made by:

- Rachel Phillpotts, 22 Cheviot Street
- Gloria Hutchinson, 90 Roker Street
- Robert Bailey on behalf of Fleur Ford, 6/17 Devon Street

Points raised and requested in the presentations included selecting the right plantings for the site, attention to the ongoing maintenance of plantings generally and enhancing the visibility and public awareness of Bradford Park.

Whilst acknowledging that the redevelopment of the playground would be an asset to the area, there remained concerns that some of the equipment features now proposed would not be catering for the 8-15 year olds. In support of this viewpoint, a 145 signatory submission was tabled seeking the Council's support to revise the proposed plans to provide equipment and space to include a basketball facility for this age group.

Concerns were also expressed to the Board regarding ongoing issues over the visual state of some private land immediately adjoining the eastern boundary of Bradford Park for which abatement action had been initiated by the Council.

The Chairperson thanked the presenters for their submissions.

Clause 5 of this report records the Board's decisions on this matter.

**3.2 ATHELSTAN STREET – NEW BUS STOP LOCATION**

Representations expressing concern at the proposed new bus stop location in Athelstan Street were made by the Barrington Medical Centre, 14-18 Athelstan Street represented by Mr Dean Crystal, Planning Consultant and Dr Rosemary Ford and from Beaton Real Estate Limited, 10 Athelstan Street represented by Mr Wayne Beaton.

### 3 Cont'd

Specific mention was made about traffic management and safety issues and the impacts that the proposed changes might have on their business operations.

The Chairperson thanked the submitters for their presentations.

Clause 6 of this report records the Board's decisions on this matter.

### 4. BOARD MEMBERS' INFORMATION EXCHANGE

Members provided updates on community activities/Council issues, in line with the Board's Objective No. 2 - "To ensure local people's needs are being represented".

The Board **decided** to seek a staff report on the Waltham Park Memorial Gates including possible relocation options.

The Board also **agreed** to reconvene the Hillmorton Working Party and that a meeting be held on Thursday 30 March 2006 at 5.15pm.

### 5. BRADFORD PARK – PLAYGROUND UPGRADE AND LANDSCAPING

Further to the submissions made by the deputations earlier in the meeting (Clause 3.1 refers), the Board considered a report from staff seeking approval for the final landscape plan for the upgrading of the Bradford Park playground together with approval to remove three Ash trees from the Strickland Street entrance way and to plant a small feature tree at the frontage.

The Board **decided**:

- (a) That the deputations' submissions be received.
- (b) That the matter be held over pending further advice from staff on the consequences and feasibility, including costs and timeframes, of further consultation being undertaken on other equipment options catering for the 8-15 year age group.

### 6. ATHELSTAN STREET – NEW BUS STOP LOCATION

Further to the submissions made by the deputations earlier in the meeting (clause 3.2 refers), the Board considered a report from staff seeking approval for a new bus stop on Athelstan Street required as a result of Barrington Mall's request to Environment Canterbury for buses to no longer enter the Mall's car park.

The Board **decided**:

- (a) That the deputations' submissions be received.
- (b) That the matter lie on the table and that the Board invite ECan's Christchurch South Councillors to join with them in meeting with the owners of the Barrington Mall to discuss the issue.
- (c) That the General Manager City Environment be asked to review the processes around the point at which Community Boards are advised and their input sought on bus route reviews undertaken by Environment Canterbury.

### 7. COMMUNITY BOARD DELEGATIONS AND TERMS OF REFERENCE

The Board considered a staff report inviting feedback to the Community Board Governance Working Party on the current delegations and terms of reference for Community Boards in Christchurch.

The Board **received** the information.



**8. SPREYDON/HEATHCOTE SCAP COMMITTEE  
- REPORT OF MEETING 27 FEBRUARY 2006**

The Board considered the report of the Committee's meeting held on 27 February 2006.

The Board **received** the report and noted that the Committee would decide on its schedule of future meetings.

**9. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE**

The Board **received** an update on forthcoming key dates regarding Board input into the draft LTCCP and the allocation of the Board's 2006/07 Project Funding.

**10. MEMBERS' QUESTIONS**

Nil.

**PART C – REPORT ON DELEGATED DECISIONS TAKEN BY THE BOARD**

**11. CONFIRMATION OF MEETING REPORT – 7 MARCH 2006**

The Board **resolved** that the report of its ordinary meeting held on 7 March 2006, be confirmed.

**12. ENVIRONMENTAL ENHANCEMENT FUND 2005/06 – ALLOCATIONS**

The Board considered a report from staff on possible projects for the allocation of the Board's Environmental Enhancement Fund.

The Board **resolved** that its Environmental Enhancement Fund of \$7,000 be allocated to the following projects:

- Thorrington School \$2,500
- Heathcote Riverbank (at Ernle Reserve) \$4,500

Members noted that maintenance issues in the Ernle Reserve area were in hand and that use of the Board's funding for further planting and regeneration would follow this work.

**13. SPREYDON DOMAIN – SPREYDON TENNIS CLUB – APPLICATION TO EXTEND LEASE AREA**

The Board considered a report from staff seeking to:

- (a) Approve the application by the Spreydon Bowling Club to surrender part of its lease area, namely the former Number 2 Green.
- (b) Grant a new lease to the Spreydon Tennis Club which includes its current leased area and the former Number 2 Green, a total area of approximately 5325 square metres.

The Board **resolved**:

- (a) To approve with regret, the application from the Spreydon Bowling Club dated 27 January 2005, for the partial surrender of its lease being the area on which the No. 2 Green is located.
- (b) To approve the Spreydon Tennis Club's application to lease approximately 5325 square metres of Spreydon Domain, being all of Lot 7 DP 44573, a recreation reserve (page 3256 in the New Zealand Gazette 1997) of 644 square metres, contained in certificate of title 28F/75, and part of Reserve 3824 a recreation reserve (page 1429 in the New Zealand Gazette 1969) of 7.1325 hectares, contained in certificate of title 657/52 on SO plan 4936, both areas vested in the Council, pursuant to Section 54 (1) (c) of the Reserves Act 1977 for a period of up to 33 years, subject to the following conditions.

13 Cont'd

- (i) Public notification and subsequent approval by the Minister of Conservation.
- (ii) The Spreydon Tennis Club surrendering its present lease dated 10 March 1987 over its present site.
- (iii) The lease period to be broken into three 11 year periods, with a right of renewal at the end of the first two periods, subject to the Spreydon Tennis Club still being a viable entity, and having a history of paying all dues owed by it to the Council, the Council being satisfied that the terms and conditions of the lease have been compiled 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.
- (iv) All necessary resource and building consents being obtained by the Spreydon Tennis Club before it commences any construction of the new court facilities on the newly leased site.
- (v) The lease terms and conditions being negotiated by the Corporate Support Manager in consultation with the Parks and Waterways Policy and Leasing Administrator.
- (vi) The leased area being maintained in a safe and tidy condition at all times by the applicant, or principal contractor.
- (vii) All costs associated with the preparation and issue of the lease, site development and subsequent maintenance of the facilities to be the responsibility of the Spreydon Tennis Club.
- (viii) The Spreydon Tennis Club to liaise with the Greenspace Unit's representative (Greenspace Contract Manager, Sockburn Service Centre) to ascertain site requirements prior to the letting of any tenders for the construction of the new court facilities.
- (ix) The applicant is to pay a \$2,000 bond to the Council (via the Greenspace Contract Manager, Sockburn Service Centre) before any construction work commences on the site. The bond less any expenses incurred by the Council will be refunded to the payee upon completion of the development to a standard acceptable to the Greenspace Manager.
- (x) This approval to lapse if the club has not made substantial progress towards the completion of the development within two years of approval being granted.
- (xi) As part of the construction, a root barrier is to be installed along the southern boundary of the leased area to prevent tree roots growing under the new courts, at the Spreydon Tennis Club's expense.
- (xii) If at any time in the future, tree roots grow from the park into the court area and cause damage to the Club's infrastructure, it will be the responsibility of the Spreydon Tennis Club to undertake any necessary repairs at their cost.
- (xiii) All new fences built around the new courts are to be built of black plastic coated wire mesh, the posts to be powder coated black, to reduce their impact on the park environment.

The meeting concluded at 8.54 pm

**CONFIRMED THIS 4TH DAY OF APRIL 2006**

**PHIL CLEARWATER  
CHAIRPERSON**