

12. 6. 2008

**AKAROA/WAIREWA COMMUNITY BOARD  
17 APRIL 2008**

**A meeting of the Akaroa-Wairewa Community Board  
was held on Thursday 17 April 2008 at 9.30am**

**PRESENT:** Stewart Miller (Chairman), Jane Chetwynd, Claudia Reid,  
Pam Richardson and Eric Ryder

**APOLOGIES:** An apology for absence was received and accepted from  
Bryan Morgan, who was attending a resource management training  
course, and an apology for lateness was received from Eric Ryder  
who entered the meeting at 9.45am and was absent for part of  
clause one.

The Board reports that:

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

**1. ASSIGNMENT OF DEEDS OF LICENCE - AKAROA WHARF AND CHILLER SITE**

<b>General Manager responsible:</b>	General Manager City Environment, DDI 941 8608
<b>Officer responsible:</b>	Acting Transport and Greenspace Manager
<b>Author:</b>	Tom Lennon, Property Consultant,

**PURPOSE OF REPORT**

1. The purpose of this report is to seek Council approval to consent, as landlord, to the assignment of the current Deeds of Licence for two portions of the Akaroa Wharf from Captain Jolie Limited (formerly called Black Cat Group Ltd) to Black Cat Group 2007 Ltd.

**EXECUTIVE SUMMARY**

2. The Council is required to consent to the assignment of the Licences subject to the fulfilment of the conditions under the assignment clauses of the Deeds of Licence.
3. Real Journeys Ltd (previously called Fiordland Travel) has bought 50 per cent of Black Cat Group. The Agreement for Sale and Purchase of Business Assets is subject to the transfer of relevant consents, contracts and permits including the assignment of the current Deeds of Licence.
4. As a result of the merger between the two companies a new company has been formed. The new company is called Black Cat Group 2007 Ltd.
5. Clause 9 of the Deed of Licence for the area identified as Site A and Clause 8 of the Deed of Licence for the area identified as Site B provides that the Licensee shall not assign the Licence without first obtaining the written consent of the Licensor (Council) which the Licensor may give provided that there are no breaches under the Licence. A Deed of Assignment to the satisfaction of the Council is to be signed between the parties.

**FINANCIAL IMPLICATIONS**

6. Nil.

**Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?**

7. N/A

1 Cont'd

**LEGAL CONSIDERATIONS**

8. The Community Board does not have delegated authority to give the consent of Council such a decision needs to be made by the full Council. The Board does, however, have recommendatory powers to the Council.
9. The term of the Licence for Site A, including all options, is 10 years from 1 January 2008. The final expiry date for this Licence is on 31 December 2016. The term of the Licence for Site B, including all options, is 12 years from 1 July 2004. The final expiry date for this Licence is on 30 June 2016.

**BACKGROUND**

10. Captain Jolie Limited has advised Council that they have entered into an agreement for the sale of 50 per cent of the business currently operating from the Akaroa Wharf. The sale of the business is subject to Council granting Licensor's consent in accordance with the terms and conditions of the current Licences.
11. In accordance with information provided by the solicitor for Captain Jolie Limited the proposed assignee is a newly created company called Black Cat Group 2007 Ltd. The new company will be under the directorship of Paul Bingham who is the current director of Captain Jolie Limited.
12. Details also provided by the solicitor for Captain Jolie Limited indicate that the purchaser of 50 per cent of the business (Real Journeys Ltd) operates cruises in Milford Sound, Doubtful Sound, Lake Te Anau, Lake Manapouri, Stewart Island and Queenstown with a fleet of approximately 19 vessels. Real Journeys Ltd are widely acknowledged as one of the country's top tourism operators.
13. Captain Jolie Limited has confirmed that the new company will be keeping the Black Cat Cruises branding and that it will be business as usual after the merger takes place.

**STAFF RECOMMENDATION**

That the Council:

- (a) Consent to the assignment of the Deed of Licence for the area identified as Site A affecting a portion of the Akaroa Wharf from Captain Jolie Limited to Black Cat Group 2007 Ltd.
- (b) Consent to the assignment of the Deed of Licence for the area identified as Site B affecting a portion of the Akaroa Wharf from Captain Jolie Limited to Black Cat Group 2007 Ltd.
- (c) That a deed of assignment in customary form be signed by the parties.
- (d) That the assignee and assignor meet all costs of the assignment of the lease as agreed between the parties.

**BOARD RECOMMENDATION**

That the staff recommendation be adopted.

**PART B – REPORTS FOR INFORMATION**



**2. DEPUTATIONS BY APPOINTMENT**

**2.1 Leigh Hickey – Community Garden**

Leigh Hickey addressed the Board with a proposal to establish a community garden in Akaroa. She had approached Council staff with this proposal and a request for a suitable piece of Council land for the garden. She had been advised to talk to the Community Board in order to try and identify any suitable sites.

Ms Hickey outlined the background work she had done on this project, including visiting the Lyttelton community garden and consulting with the Akaroa Area School which was registered as an Enviro-School and hence was keen to participate in the project. The school could use the garden for such things as worm farms, and local businesses could recycle their organic waste through such a facility.

Ms Hickey said she was looking for a site of up to a half acre and which was centrally located. The site would need to receive a fair amount of sunshine and should be easily accessible for all age groups.

Members were enthusiastic about this proposal and whilst supportive of suitable Council land being used for this purpose, they did also note that there could be other public land in Akaroa which may be equally suitable – for example at the hospital or the school. It was also noted that there may be private land that could be used for this purpose.

The Board **decided** to ask staff to assist in identifying areas of Council land that could be suitable for a community garden and also to mention this proposal in the Board newsletter.

**2.2 Chris Broome and Lyn Baynes – Wainui Sewerage Scheme**

Chris Broome and Lyn Baynes spoke to the Board regarding their concerns over the proposed Wainui Sewerage Scheme. They explained that they own a property very close to where it is proposed to build the sewerage plant. They then read from a prepared submission to describe their position and the apparent lack of response from Council officers to their concerns.

Board members noted that some of the concerns raised by Ms Broome and Ms Baynes had also been raised by Board members at a seminar presented to the Board on the issue of the Wainui Sewerage Scheme. Members expressed concern at the apparent lack of mediation by Council officers with these adjacent residents.

The Board **decided** to ask staff to arrange a meeting with the affected parties so that these concerns could be discussed.

**2.3 Evan Parry – Pigeon Bay Road**

Mr Parry addressed the Board regarding what he had observed to be the deteriorating condition of Pigeon Bay Road from the Summit Road to the Pigeon Bay foreshore. He said that in addressing the Board he was representing the Pigeon Bay Ratepayers and Residents Association.

Mr Parry tabled a list of the defects in the road that had not been repaired, including problems with the road surface, drainage and road edges. He said the road had been seriously upgraded after the 1992 storm but that it appeared very little had been done since that time. He also related that Association members had spoken to him on damage to their vehicles and incidents of loss of control, reportedly from the road condition.

Mr Parry asked that the Board make representations to roading staff to ask for serious maintenance and improvement work to be carried out on Pigeon Bay Road.

## 2 Cont'd

The Board **decided** to raise this issue with staff under the local roading projects briefing later in the meeting.

### 2.4 Daphne Temple

Daphne Temple raised several issues with the Board which had been discussed at the March Board meeting.

- Proposed Road Stopping, Akaroa – Ms Temple was concerned at the subdivision proposal by Ngāi Tahu Property Ltd that had prompted the need for a road stopping procedure on an unformed part of Penlington Street. She questioned what consultation had been carried out with the community on the proposed residential development and she expressed concern at possible affects on the towns infrastructure, as well the overall affect on the town. As a resident of Muter Street she was particularly concerned at the increase of traffic on that, and other streets in the area. She also questioned how the development could proceed before the Akaroa Town Plan was finalised.
- Bus Shelter, Place de la Poste – Ms Temple expressed her opposition to any advertising being placed on a proposed bus shelter in Place de la Poste. She said she did not agree with commercialisation of public areas.

The Board asked that Ms Temple's comments be taken into account by staff when working on this project.

- Cruise Ship Visits – Ms Temple spoke about the planned visit to Akaroa on Boxing Day 2008, of a cruise ship with 2,800 passengers. She said the visit would provide a special opportunity for local businesses but the logistics of dealing with so many people in the town would need to be handled carefully.

It was noted that a working party was being formed to deal with the issue of cruise ship visits. The Board nominated members Pam Richardson and Jane Chetwynd to be on that working party and also asked that Akaroa District Promotions be invited to appoint a representative.

## 3. CORRESPONDENCE

### 3.1 Friends of the Akaroa Museum – Garden of Tane

The Friends of the Akaroa Museum wrote to the Board advising that it had appointed a sub-committee to represent the Friends interest in the Garden of Tane, as a place of historical, cultural, natural and recreational significance. The sub-committee wanted to establish a line of communication with Council officers and requested a reassurance that no planning or development work would be carried out in the Garden of Tane without them being informed.

The Board **received** the letter and asked that it be passed to staff for comment. The Board was informed that staff were going to present a seminar to the Board in May, on the Garden of Tane. Members requested that if possible the Friends of the Akaroa Museum sub-committee be asked to attend the seminar.

### 3.2 Alan & Laurice Bradford – Legal Road between Beach Road and Penlington Place

The Board considered a letter from Alan and Laurice Bradford expressing concern at the effect the opening of the legal road between Beach Road and Penlington Place would have on nearby streets. Their concern was that the traffic volumes, parking problems and noise levels would increase on nearby streets such as Muter Street, which was already very busy, particularly at peak times.

The Board **received** the letter and asked that it be passed to staff for comment.

### 3 Cont'd

The Board noted that there was a lot of concern being expressed in the community regarding the affects of the proposed residential development on the former junior school site. The Board asked that concerns expressed through this meeting be forwarded to the developers, Ngāi Tahu Property Ltd so that they had an opportunity to respond to the community. The Board also suggested that Council staff keep the community informed of Council's actions (e.g. road stopping) in connection with the development.

## 4. BRIEFINGS

### 4.1 Local Roothing Projects Update – David McNaughton, Asset Engineer

David McNaughton (Asset Engineer, Asset & Network Planning Unit) attended the meeting and updated the Board on local roading issues, including the bridge replacement programme and the Chorlton-Okains Bay Road resealing.

Board members passed on information raised by a deputation at this meeting regarding the Pigeon Bay Road and asked Mr McNaughton to investigate the issues covered.

## 5. ELECTED MEMBERS INFORMATION EXCHANGE

Members made specific mention of the following matters:

- Le Race – it was noted that there were some minor problems associated with the event this year but generally things worked well with the finish line again being on Woodills Road. The Board felt that there was still not enough liaison between the race organisers and local organisations. Staff were asked to arrange a debrief meeting on the race and invite all interested parties, including fire, ambulance, police and local organisations.
- Fire Restrictions – the Board commented on the confusion in the community regarding the current status of fire restrictions and noted that the lifting of the restrictions across different local authority areas was meant to be co-ordinated through the Canterbury Rural Fire Authority. Staff were asked to comment on why this had not occurred.
- Akaroa Area School Development – Board members asked that staff arrange a meeting between the school and Council staff to examine the issues which were preventing the school from complying with resource consent requirements.
- Wheelie Bins Rubbish System – the Board asked that staff provide more information to the public on the new rubbish system using wheelie bins, as there was still a lot of confusion and speculation occurring in the community. It was suggested that information could be included in the Akaroa Mail and the Board's newsletter, On Board.
- Akaroa Beach Steps – Board members noted that since the vandalism and destruction some years ago of the steps at the southern end of Akaroa Beach, there had been no way of people accessing the beach safely from that end of the promenade. Staff were asked to comment on the feasibility of installing some steps at the southern end of the beach to replace those which had previously been there.

## 6. COMMUNITY BOARD ADVISER'S UPDATE

The Community Board Adviser updated the Board on a number of issues.

**PART C – DELEGATED DECISIONS****7. CONFIRMATION OF REPORT**

The Board **resolved** that the report of the ordinary meeting held on Thursday 20 March 2008 be confirmed.

**8. DISCRETIONARY FUNDING**

The Board considered a report seeking decisions on funding for Board sponsored events and a recommendation to establish a funding committee.

The Board **resolved** to:

- (a) Allocate \$2,560.00 from its 2007/08 Discretionary Fund for ANZAC Day Commemorative Services in Akaroa and Little River.
- (b) Allocate \$2,000 from its 2007/08 Discretionary Fund for a Youth Development Fund, with any unspent balance at 31 March 2008 to be returned to the Discretionary Fund.
- (c) Allocate \$1,000 from the Discretionary Fund for a Small Grants Fund, with a ceiling of \$200 per application, and that a funding sub-committee consisting of the Chairman or Deputy Chairman plus any two Board members, be appointed for the balance of the triennial term, with delegated authority to consider and approve urgent applications to the Discretionary Fund that cannot wait until the next Board meeting. The resolutions are to be reported to the next following Board meeting.

**9. APPLICATIONS TO DISCRETIONARY FUND**

The Board considered a report seeking decisions on funding applications to the Boards Discretionary Funding.

The Board **resolved** to approve the following allocations for disbursement of the balance of the Board's 2007/08 discretionary funds, subject to noted conditions:

<b>Recipient</b>	<b>Amount</b>	<b>Project</b>	<b>Conditions</b>
Birdlings Flat Community Centre Establishment Committee	3,000.00	To undertake an independent research project to determine the need for a community centre in the area.	
Akaroa Health Centre Ltd	5,900.00	To contribute to a scoping exercise on the future provision and expansion of health care services in Akaroa.	Following preparation of a brief by Council staff, the scoping exercise must be carried out by an independent, professional company so that Council could have confidence in the resulting report. Councillor Reid plus one Board member to liaise with Council staff to ensure these conditions are met.
Chalice Productions	2,500.00	To assist in the production of an historical documentary film.	Board to be acknowledged as a sponsor in the film and a complimentary copy of the DVD to be provided to both the Akaroa and Little River Libraries.

In allocating these grants the Board also wished to emphasise the importance of supporting rural health services, and its continuing commitment to do so.

12. 6. 2008

**10. AKAROA MUSEUM ADVISORY COMMITTEE**

The Board **received** and considered the report of the Akaroa Museum Advisory Committee meeting held on 26 March 2008.

The Board **resolved** to adopt the following recommendations contained in the report from Akaroa Museum Advisory Committee:

- That Pam Richardson be appointed as Chairman of the Akaroa Museum Advisory Committee.
- That the Akaroa Museum Advisory Committee schedule of meetings for 2008 be as follows:

Wednesday 26 March 2008	Akaroa Museum	10am
Thursday 26 June 2008	Akaroa Service Centre	10am
Thursday 25 September 2008	Akaroa Service Centre	10am
Thursday 27 November 2008	Akaroa Service Centre	10am

- That the Akaroa Museum Advisory Committee appointments remain as follows for the balance of the triennial term:

2 members Friends of the Akaroa Museum	- Jane Chetwynd
	- Elizabeth Haylock
1 community representative	- Victoria Andrews
1 member/representative of the Onuku Runanga	- Meri Robinson
1 member of the Akaroa/Wairewa Community Board	- Pam Richardson
Chairman of the Akaroa-Wairewa Community Board (ex-officio)	

The meeting concluded at 12.20pm

**CONFIRMED THIS 22<sup>ND</sup> DAY OF MAY 2008**

**STEWART MILLER  
CHAIRMAN**