

<b>Officer responsible</b> Parks Manager	<b>Author</b> John Allen, Team Leader Consents
Corporate Plan Output: Consents 9.4.8	

The purpose of this report is to acquaint the Board and Council of the serious erosion occurring at Yacht Club Reserve. This reserve is situated upon the estuary foreshore at Redcliffs, see attached photographs. The erosion is causing serious undermining of the Christchurch Yacht Club's facilities and car park upon Yacht Club Reserve.

#### **BACKGROUND**

The Christchurch Yacht Club has a "Licence of Occupation" of an area of land in Main Road Redcliffs known as "Yacht Club Reserve". The site of occupation is shown on the attached plan.

The building on the site (clubhouse and associated jetties etc) is in the ownership of the Christchurch Yacht Club.

The areas of responsibility with regard to the waterway (estuary) and adjoining landowner is as follows:

The bed of the estuary to mean high water tide line is the responsibility of the Canterbury Regional Council; above the mean high tide line is the responsibility of the adjoining landowner. However any retention works require the prior approval from the Canterbury Regional Council (Resource Consent).

The Canterbury Regional Council has stated to the Club (letter 11.5.99) that in their opinion they do not foresee any responsibility for the erosion falling to the Canterbury Regional Council as they see it as a natural process.

The erosion under discussion at this time is below mean high tide line.

While the Club is located in Redcliffs it caters for people from the larger metropolitan area of Christchurch.

#### **HISTORY**

The Parks Unit has spent a considerable amount of money on the car park area to ensure that further erosion does not occur.

The Parks Manager replied to a letter sent to the then Councillor for the area, David Cox, by the Secretary of the Christchurch Yacht Club, concerning the erosion which was occurring on the 23 November 1998. The area where the erosion was occurring at that time was considered outside the Council's area of jurisdiction and in the area controlled by the Canterbury Regional Council (CRC). At that time it was suggested the best course of action was to contact the CRC. It was also suggested in the letter that the Club contact the Community Advocate for the Hagley/Ferrymead Community Board about the possibility of obtaining funding for protection work that would be required to the Club's facilities. No formal application has been received for funding.

On the 2nd September 1999 staff had a further meeting with the Christchurch Yacht Club concerning a number of issues, one of which was their concern about the erosion that was occurring to their facilities. The outcome of this meeting was that they were asked to prepare a submission about the problem so that Officers could inform the Council of its concerns. The submission is sixteen pages long and is attached.

#### **SUBMISSION**

The submission is seeking funding from the Christchurch City Council to:

- a) *Define the extent of erosion problems around the land upon which the Club's premises are located.*
- b) *Define the extent of erosion problems around surrounding land including the adjacent beach and walkway.*
- c) *To carry out work required to combat the erosion.*

In their submission they submit that the erosion may threaten the foundation of the main road itself. The author has passed details of the erosion on to the City Streets Unit to assess the problem from the roading view point. While City Streets is currently investigating the issues no immediate concern is held.

#### **REQUEST FOR ASSISTANCE**

*The Club seeks funding from the Council to deal with the effects of the erosion on the following basis:*

- i *The main road is potentially under threat;*
- ii *The land upon which the Club premises are located is owned by the Council and is also potentially under threat;*
- iii *The Council has a legal responsibility to take action as:*
  - a) *The Club has been based at Moncks Bay since its inception in 1891;*
  - b) *Members of the Club have systematically reclaimed land since 1891;*
  - c) *The Council granted a licence to the Club to occupy the land in the full knowledge that the Club's premises are located upon it;*
  - d) *The Council charges the Club a licence fee;*
  - e) *The Club is entitled to occupy the land on the basis that the owner takes responsibility to ensure that the Land is protected;*

- f) *The Council constructed the walk-way between the west of the Clubhouse and Redcliffs. It appears that this walk-way was constructed in an inadequate manner and may be contributing to the erosion which is threatening the Club's facilities and premises;*
  - g) *The main road may be under threat.*
- iv The Council has a civic responsibility to take action as:
- a) *The Club has been based at Moncks Bay since its inception in 1891;*
  - b) *The Club is the oldest yacht club in Canterbury;*
  - c) *The Club is an integral part of the Redcliffs/Sumner community;*
  - d) *Many of the Club's facilities are available for use by members of the public;*
  - e) *The Club occupies a unique position in the estuary yachting community as it is the only club which offers both high tide and low tide racing.*

There are a number of issues raised in the request for assistance that need to be clarified. The Club contends that Council has a legal responsibility to take action because of the issues raised in (a) to (f) above. Officers have sought a legal opinion from the Legal Services Manager (P Mitchell) upon the Club's contention, as follows:-

*"In my opinion the Council has no obligation to the Club in this matter. I am unaware of any legal authority to support the Club's proposition that the Council is obliged to spend money to prevent erosion, simply because the Council has granted a licence. The Council has a discretion to spend money. It is not obliged to".*

The Club's contention that the Council constructed walk-way between the west of the clubhouse and Redcliffs was constructed in an inadequate manner and may be contributing to the erosion which is threatening the club's facilities and premises is not correct officers believe, as a Resource Consent from Regional Council had been obtained to carry out the work which was inspected during the construction phase.

OCEL Consultants Limited suggest that a more likely cause is some change in the alignment of the sandbanks forming the east bank of the ebb flow channel to the north of the club, which Council Officers believe is more likely.

OCEL Consultants Limited in their letter to the Commodore of the Christchurch Yacht Club dated the 14 September 1999, suggested a way forward in resolving the erosion problem which is outlined below:-

*"Prior to embarking on any solution, such as the installation of a flexible mattress, some survey and engineering work is required to precisely define the extent of the problem and to tailor a solution. Once the design is established an accurate cost estimate can be made. The survey work will encompass current metering, soil sampling, hydrographic survey and diver inspection.*

*These are the sort of tasks undertaken by OCEL and based on our experience this work, including investigation, design, calling tenders for the work and contract supervision, could cost in the order of \$10,000.00. It is apparent that because of the magnitude of the costs involved and the fact that the CYC leases rather than owns its area this problem is more practically handled by the Council. We would be happy to discuss this further with the Council on behalf of the CYC, something needs to be done to arrest the scouring before it causes some serious damage”.*

Board members are reminded that the CYC only has a Licence of Occupation, in other words does not lease or have any ownership rights to the land.

#### **ACTIONS TO DATE**

- (a) The Parks Manager in November 1998 suggested that the Club make contact with the Regional Council concerning the issue of erosion, as alluded to earlier in the report.
- (b) The Parks Manager also suggested that the Club make contact with the Community Advocate for the Hagley/Ferrymead Wards with a view to making application for funding to assist with the repairs that will be required to protect the Club's investments.
- (c) The author of this report has also suggested to the Club that they make contact with Senior Facilities Advisor (Peter Walls) with the object of acquiring a Council loan to effect the repairs necessary. To date this offer has not been exercised.

#### **OPTIONS**

The Council does not have a legal responsibility to assist the Club with the repairs, which will be expensive.

- The Council does not have a legal responsibility to protect its land from erosion from the Estuary, however it may choose to do so as it has done to protect the sea wall shoring up the car park to the east of the Club's lease area. The work required will be expensive.
- Indicative costs for undertaking the investigation work, design, calling tenders for the work and contract supervision, could be in the order of \$10,000.
- The work necessary to effect the repairs could cost a number of tens of thousands of dollars to complete.
- The Club believes that this type of expenditure is beyond their resources. This is one reason why the author suggested to the Club that they make contact with officers responsible for low interest loans from the Council to assist in effecting the repairs.

## **OPTIONS FOR COUNCIL CONSIDERATION**

1. That the Council decide to assist with the costs the Club will incur to carry out the necessary repair and protection of its facilities.
2. That the Council assist the Club by way of a low interest loan from Council resources. This is an issue for the Council to decide.

**Recommendation:** That the Board recommend to the Council that it resolve as follows:

1. That the Christchurch Yacht Club be encouraged to make application to the Council operated Community Organisation Loan Scheme for money with which to undertake repairs and protection work to their facilities. (The current applications close on 31 March 2000)
2. That the Council give consideration to providing assistance towards the financial costs of investigation/repairs.

### **Chairman's**

**Recommendation:** That the Board facilitate a meeting with all affected parties in an endeavour to move this matter forward.