

## 8. SUMNER LIFEBOAT INSTITUTION

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### INTRODUCTION

The purpose of this report is to put forward a process to carry out a number of legal actions to regularise current activities on the foreshore adjacent to Days Harbour at Scarborough, Sumner. The process is aimed at sorting out land status issues to allow the Council to provide security of tenure over the site occupied by the Sumner Lifeboat Institution Inc. ("SLI") at Scarborough. The SLI (established 1898) has submitted a proposal to enlarge and improve the marine rescue facility, which is partly sited on legal road under the authority of a licence to occupy while the balance of the SLI buildings and slipway are not covered by any legal tenure documentation. Intended is the legal stopping of part Scarborough Road, creating esplanade reserve, granting the SLI a long term lease and vesting of "sea bed" in the Crown.

### SCOPE AND POLICY

This report is being referred to the Board for consideration and support to embark upon public consultation before formally resolving to recommend to the full Council the process outlined in the introduction but particularly the stopping of part Scarborough Road. The Board has delegated authority to declare land as Local Purpose Reserve and grant leases pursuant to Section 61 of the Reserves Act 1977, but can only recommend the commencement of the road stopping and vesting actions. This proposal is consistent with the goals of the Council's community policy.

### EXECUTIVE SUMMARY

Discussions have been held between staff of Property, Legal Services, Environmental Services, Parks and Waterway and City Streets Units as well as City Solutions as to the best approach to achieve the requirements of the SLI and Council for the long term development and use of the Scarborough site by the SLI without compromising the rights of access the public currently have to the area.

At the moment there is inadequate security of tenure to provide the collateral or the certainty for the SLI to raise the funding required (\$250,000) to proceed with the extension and improvements to the buildings which are no longer adequate in size and function to meet the current and future needs of its operations.

The SLI has come up with a plan that encompasses its perceived requirements to enable it to function effectively on this site over the next 40 years. The SLI has outgrown the buildings that were constructed by the Council some 40 years ago and it is now appropriate with the alterations planned that the land title and tenure issues be "tidied up" so as to avoid any issues in this regard surfacing in the future. The SLI supports the process proposed to achieve an outcome (if successful), which will give it the confidence to commit to this site over the long term. Council officers endorse the SLI aims and the alterations proposed to the buildings that make up the Station, which provides an integral part of the Royal NZ Coastguard Services.

### BACKGROUND

The present Lifeboat Station at Scarborough (formerly at Shag Rock) was built in 1962, partly on Council's title to Days Harbour (which was transmitted to the Council from the former Sumner Borough) and partly on Crown grant road. The Station comprises a main building/slipway (sited partly on Council's title and partly on legal road) and the jet boat garage (sited entirely on legal road - refer to the attached photograph). The licence of road is revokable on six-month's notice. In 1983 SLI and the Council entered into an agreement to carry out permanent repairs to the slipway and buildings. This agreement set out the parties' financial responsibilities to upkeep the Station, and included amongst other matters, provision for:

- (a) The Council to fund permanent repairs then required estimated at \$100,000 in 1983.
- (b) The SLI to then accept responsibility for future maintenance.
- (c) The SLI to enter into a licence to occupy that part of its building and slipway on Council's title.
- (d) The Council to make an annual inflation adjusted grant reviewable 5 yearly towards structural maintenance of the slipway and buildings.
- (e) The Council contributing to the cost of operational expenses along with other local authorities.
- (f) The SLI to have the right to alter or add to the buildings subject to Council's consent.

The licence mentioned in (c) above has never been completed. Budget grants for the 2001/02 and 2002/03 total \$39475. A further \$25000 is committed for 2003/04 plus \$7,825 ongoing inflation adjusted support. With respect to (f), it is clear that alterations or additions to the buildings were anticipated and in 1988 an additional room was built on top of the main station to serve as a committee room, changing room and First Aid station. Current demands for meetings, socials and more importantly, boating education for lifeboat crews as well as the public has exceeded the room space available for the operation to function effectively.

The SLI has obtained resource consents from both Environment Canterbury and the Council for the proposed redevelopment of the Station –see plans attached as **Appendix I**. It now remains for a building consent to be applied for and granted but before this happens the leasing issues need to be resolved. To do this a process needs to be embarked upon that requires the Council's approval under the Public Works Act 1981, Resource Management Act 1992 and the Reserves Act 1977.

#### **APPROVALS NECESSARY**

With reference to drawings 24475/5 and 24475/6 attached as **Appendix II** it is proposed to:

1. Stop that part of Scarborough Road shown as Sections 1-5 on 24475/5.
2. Declare as road those parcels shown as Sections 6 & 7 on 24475/5.
3. Subject to (1), declare all land above Mean High Water Springs (MHWS) (i.e. Sections 1-5 and Lots 1-3 on 24475/6) as Local Purpose (Esplanade) Reserve under the Reserves Act 1977.
4. Vest the land below MHWS (i.e. Lots 4 & 5 on 24475/6) in the Crown (Department of Conservation) as seabed.
5. Approve the alterations proposed to the SLI Station buildings and a conditional agreement to lease under the Reserves Act 1977, long term (33 years with a right of renewal for a further term of 33 years), over Lot 2 and Sections 1 & 2 on plan 24475/6 to the SLI.

#### **1. Proposed Road Stopping**

Crucial to the process proposed is the successful legal stopping (not physical) of road affected being part of Scarborough Road. In determining the area of legal road intended to be stopped and the manner in which stopping takes place, regard has been had to physical layout, present building occupations and the recently realigned kerb and channel. By stopping the road in separate sections more flexible tenure options exist in relation to the building footprints. The Council is the only landowner affected and no land is to go out of public ownership. The public's rights of access to and over the land will be preserved (see comment on esplanade reserve below). It is felt appropriate to gauge public feeling on the intention to change the status of this part of Scarborough road from legal road to esplanade reserve before determining which process (ie Local Government Act or Public Works Act) to follow.

#### **2. Land for Road**

It is appropriate that during this process those parts of the Council's title that are physically formed and used as road be formally declared as road.

#### **3. Local Purpose (Esplanade) Reserve**

The intention is that (provided the road stopping procedure is successful) all the land between the new road boundary and the landward side of MHWS become a local purpose (esplanade) reserve under the Reserves Act 1977. The classification as esplanade reserve is eminently suitable to the situation as this protects the public right of access and allows activities that interface between land and water such as boat launching, fishing and the rescue activities of the Summer Lifeboat Station. The breakwater will be held within this reserve, which would have an underlying zoning of conservation 1A. The process to declare Council land reserve requires public notification prior to a resolution of Council and this would be carried out at the appropriate time i.e. when road stopping and subdivisions issues have been resolved.

#### **4. Vesting of Sea Bed**

While going through a subdivision of Council's title it is proposed that the parts of the title under water (below MHWS) be vested with the Department of Conservation as seabed. Discussions with DOC confirm this vesting would most likely be accepted provided the Council does not seek compensation. The question may be asked: why then vest this part of the Council's title in the Crown?

The use of land below MHWS is restricted to the rules of the coastal marine area and hazard zone administered by Environment Canterbury. Vesting of this area in the Crown would be consistent with the way in which most foreshore is held. This action is not however crucial to the overall aims and objectives of the exercise.

## 5. **Sumner Lifeboat Institution**

The alterations and additions planned by the SLI have been costed at \$350,000. It is proposed by the SLI to seek partial funding from the Community Trust (\$250,000), with the balance coming from the SLI including the Council grant and release of funds from the slipway maintenance account.

Graeme Leonard, Architectural Designer City Solutions reports as follows:

*"I visited the Site on Friday 26 July 2002 to visualise the proposed new additions from the approach from the Main Road, from Scarborough Tce & from Whitewash Head Road.*

*The new ground floor portion of the addition is on the north side adjacent to the breakwater, has a low profile walls and gutter line and will have little impact on the surrounding area.*

*The new first floor extension is to the west or seaside and houses a new crew room, command centre and open deck. A new 20deg. pitched roof over the existing and new extension is in keeping with the ground floor roofline.*

*In general, the design is simple, has low maintenance building materials, will not have an adverse visual impact from any quarter and should serve the Sumner Lifeboat Institution well. The proposed first floor SLI clubroom extension over the existing jet boat garage would be a big improvement and reflects the design of the main building".*

The Council has granted resource consent on the grounds that any effect on the environment will be insignificant and the proposal does not significantly contravene the objectives and policies of the Operative or proposed District plan. The SLI has also been granted land use consent and a coastal permit by Environment Canterbury for the proposed extensions as they affect the Coastal Hazard Zone and Coastal Marine area.

The procedures necessary to achieve the outcomes desired will take some considerable time to work through and it is proposed that initially an agreement to lease be entered into with the SLI conditional on the successful outcome of the process outlined above (steps (1) to (5)) to allow this project to progress. The SLI accepts this situation and is approaching the Community Trust on this basis. The lease intended would be issued under the provisions of Section 61 of the Reserves Act 1977, which allows for a term of 33 years (with or without renewal). This term length will be possible, as the leased premises above MHWS will be defined by survey, which is a prerequisite for lease terms in excess of 20 years under the subdivision provisions of the Resource Management Act. The resource consent from Environment Canterbury permits (without any other tenure) the SLI to carry on its activity from that part of the enlarged building/slipway that is below MHWS i.e. will be within the bed of the sea to vest in the Crown.

### **CONSULTATION**

At this stage the community and its representative groups have not had any input into this proposal. While in essence the actions proposed are about rationalisation of land status and the tenure of the Lifeboat Station, in keeping with the Council's Seeking Community Views policy, it would be appropriate that a public meeting is initiated to gauge the feeling of the community on the issues, particularly the intention to legally stop this part of Scarborough Road, before taking the decisions necessary to proceed.

### **COSTS**

The costs to carry out the survey and subdivision to create the parcels for leasing, reserve and seabed vesting will be shared between City Streets and Parks and Waterways Units. It is proposed that the Council and the SLI accept responsibility for their own legal costs associated with the lease agreement, which would be prepared by the Council's internal solicitor.

## NATURAL + PEOPLE + ECONOMIC STEP ASSESSMENT

#	CONDITION:	Meets condition ✓/0*	HOW IT HELPS MEET CONDITION:
<b>The Natural Step</b>			
N1	Reduce non-renewable resource use	-	No impact
N2	Eliminate emission of harmful substances	✓	Redevelopment will include connection to main services & removal of fuel tank with resultant lessening of discharge to sea
N3	Protect and restore biodiversity and ecosystems	✓	Recognition of foreshore values with shifting of total control to Crown of land below MHWS
N4	People needs met fairly and efficiently	NA	NA - See People Step + Economic Step
<b>The People Step</b>			
P1	Basic needs met	✓	Ensure long term provision of marine rescue services and in doing so improve peoples sense of safety
P2	Full potential developed	✓	Enhance skills and capabilities through training and courses
P3	Social capital enhanced	✓	Create better venue for people to contribute to the common good and well being of others
P4	Culture and identity protected	✓	Continuance of long-established local "institution"
P5	Governance and participatory democracy strengthened	✓	Governance processes will be transparent through consultation
<b>The Economic Step</b>			
E1	Effective and efficient use of all resources	×	Small one off cost short term to avoid potential long term legal tenure issues
E2	Job rich local economy	✓	Local professionals/contractors engaged
E3	Financial sustainability	-	No impact

### SUMNER BOATING CLUB

This Incorporated Society, which has been established on part of the legal road (Section 3, plan 24475/5) since the early 1900's, also built and maintains the public concrete slipways for a small launching fee. As far as can be ascertained, there is no licence for the Boating Club to occupy the building. At this stage, no discussions have been entered into with this Club in relation to its right to occupy this site. It is intended to set this aside as a separate matter until such stage that the land on which the building sits is vested as esplanade reserve, and then enter into discussions with the Club to determine the most appropriate way of legalising its occupation and control of the slipways.

### CONCLUSION

The proposal by the SLI to enlarge and improve its facility at Scarborough has brought to a head tenure and title anomalies of a complex nature and it is timely that the situation is rationalised by due legal process so that these issues do not arise again in the future. After discussions with Property, Legal Services, Parks & Waterways, City Streets and City Solutions Units of the Council, as well as the SLI itself, the process being suggested is seen as the best way forward to deal with the rights and obligations of the Council and SLI. In essence and from the public use perspective, nothing of significance will change physically on the site but the building occupations including the main Scarborough Road carriageway will continue on proper legal footing. The alterations now proposed will, the SLI believes, enable its various operations to be consolidated and so allow it to confidently operate during the first half of its 2<sup>nd</sup> century of voluntary marine life saving service.

### Staff

- Recommendation:**
1. That the Board support in principle the actions proposed by this report, and that the Community Advocate convene a public meeting with the Board's community and stakeholders.
  2. That the Board receive a further report at its October 2002 meeting with specific recommendations having regard to community feed back on the legal processes proposed for resolution in terms of the Board's delegation.

### Chairperson's

- Recommendation:** That the recommendations be adopted.