



Christchurch City Council

BURWOOD/PEGASUS COMMUNITY BOARD AGENDA NO 215

6 JULY 2005

5.00 PM

IN THE BOARDROOM,
CNR BERESFORD AND UNION STREETS
NEW BRIGHTON

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1. **APOLOGIES**

2. **CONFIRMATION OF REPORT**

The reports of the ordinary meeting (including open and public excluded) of the Burwood/Pegasus Community Board held on Wednesday 15 June 2005 and the extraordinary meeting held on 29 June 2005 have been circulated to Board members.

CHAIRPERSON'S RECOMMENDATION

That the reports of the ordinary meeting (including open and public excluded) held on Wednesday 15 June 2005 and the extraordinary meeting held on Wednesday 29 June 2005 be confirmed.

3. **PETITIONS**

4. **DEPUTATIONS BY APPOINTMENT**

5. **CORRESPONDENCE**

6. **RESIDENTS' ASSOCIATIONS**

Time is allocated at Board meetings for Residents' Association representatives to address the Board on local matters.

A representative of the **Waitikiri Residents' Association**, will be in attendance to outline the group's activities. Each residents' group is invited to do this in rotation.

7. **CANTERBURY ROWING ASSOCIATION PROPOSAL TO EXTEND THE BOAT STORAGE SHED AT KERRS REACH**

General Manager responsible:	General Manager City Environment
Officer responsible:	Acting Greenspace Manager
Author:	Tony Hallams, Policy and Leasing Officer, DDI 941-8320

PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider a proposal by the Canterbury Rowing Association (CRA) to extend its existing boatshed by "two bays" (9.4m x 16.7m), which will allow an additional 34 boats to be stored in the space created.

EXECUTIVE SUMMARY

2. The Canterbury Rowing Association seek to extend its existing boatshed from approximately 324m² to 478m² to accommodate the rearrangement of storage for existing boats and accommodate the storage of extra boats due to the increased popularity of rowing.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The existing CRA Boatshed is a modern structure, but the CRA would consider moving it to any newly created water sport facility.
4. The Association has obtained the necessary quotations from preferred suppliers for the proposed extension. The estimated cost of the extension is \$60,000.
5. The applicant has indicated the CRA has a building fund and has been successful in obtaining a grant for the partial funding of the structure. It is confident of being in a position to carry out the construction of the building extension, hoping to complete work in time for 2005/06 regatta season, which commences in September/October 2005.

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6. The CRA has previously been provided with a lease document to sign for the existing premises, but despite a number of past requests made by the Facility Assets Unit this remains unsigned. Recent enquiries made by the CRA has revealed that the Association's solicitor has mislaid the original document. A covering letter from the CRA is detailed under attachment one.
7. The existing structure and intended additions sit on land held under the Public Works Act 1981, which requires a decision of the Council whether the project should proceed. Because the land is held under this Act it is not necessary to advertise the proposal. Whilst the Canterbury Rowing Association have not signed the existing lease it is considered a new lease could be compiled in the Council's Facility Assets Unit to accommodate the existing and intended building footprint. The applicant has agreed to sign a new lease in the event of Council approving the addition.

STAFF RECOMMENDATIONS

That the Board recommend to the Council that it support the proposal, subject to the following conditions:

1. The Canterbury Rowing Association to obtain all necessary Resource and Building Consents before any development commences on the site.
2. Any building extension to be painted in a colour to match the existing green colour, without triangular shapes (shades).
3. The Canterbury Rowing Association to ensure the construction area is maintained in a safe and tidy condition at all times.
4. All costs associated with development and subsequent maintenance of the building to be paid for by the Canterbury Rowing Association.
5. The applicant is to enter in to a written lease agreement for the site and ensure that any necessary documentation is fully completed prior to any construction works being undertaken.
6. Before any tenders are let or work commences on the site, discussions are to be held with the Parks and Waterways Area Advocate (Burwood/Pegasus) to ascertain the Council's requirements through the development phase of the construction of the facility.
7. A bond of \$2,000 is to be paid by the Canterbury Rowing Association to the Council's Parks and Waterways Area Advocate before work commences on the site. The bond to cover any items not reinstated to the Council's satisfaction as a result of the construction of the new addition. The bond less any expenses incurred by the Council will be refunded to the payer upon the completion of the work.

CHAIRPERSON'S RECOMMENDATION

That the abovementioned recommendations be adopted.

BACKGROUND

8. The Canterbury Rowing Association has taken initiatives to foster and promote the sport of rowing in Canterbury. The Association has a programme to foster youth rowing and assist rowing amongst schools. Currently nine member clubs support 20 schools and two university clubs. The applicant has indicated participation levels from schools are increasing each year. In Christchurch, Kaiapoi, Ashburton and Timaru, rowing is a growth sport, and the applicant anticipated in April 2005 an increase of 200 rowers over that number competing for their respective schools in 2004.
9. Rowing New Zealand has a structured pathway and development programme for high performance athletes. The Canterbury Rowing Association supports this programme by creating educational opportunities through a Rowing Academy in conjunction with Aoraki Polytechnic, through coaching and the availability of plant and equipment. The Meridian Energy Rowing Centre at Kerrs Reach (in the Avon Rowing Club building) was created to further the Associations contribution to the sport.
10. In 1999 the CRA constructed the present boatshed at Kerrs Reach to house skiffs and equipment. A plan detailing the existing and intended boatshed dimensions is detailed under attachment one. The CRA presently owns 27 skiffs and a coaching boat which are stored in the boat shed. Thirty five boats from schools are also housed in the boat shed. A serious congestion problem now exists which often makes it difficult for rowers to access their particular boats. Some rowers have to resort to the use of specially made stools to gain access to boats in regular use which are stored on high racks. The applicant has consulted with neighbours and those residents immediately adjacent to the site in Locksley Avenue. Whilst there have been no objections to the proposal one resident has asked that the exterior wall of the existing and intended structure be painted in a plain pattern, instead of embodying the triangular patterns that currently exist.

OBJECTIVES

11. The objectives that will be achieved by the applicant extending the boatshed are:
 - More storage room created to enable an additional 34 boats to be stored.
 - The space gained in the existing part of the boatshed will enable the applicant to rearrange the existing boat racks which can be dedicated to the storage of mostly "fours" and "eights".
 - New storage space will be created to enable the storage of projected new boat purchases by the CRA and schools over the next five years.
 - The extended boatshed area will enable a new specialised boat, an "adaptive Rowing Project" in association with the Halberg Trust, to be stored.

THE OPTIONS

12. The CRA have indicated the Association is "looking to the long-term", and that any future development of a dedicated water sport facility in Christchurch will influence rowing locally and nationally. Until the facility is available, rowing, kayaking, and outrigger canoes will need to continue to base their activities on the lower reaches of the Avon River. The proposed extension to the boatshed will provide for boat fleet expansion for at least five years.

The options the CRA has considered are as follows:

- Extend the existing building to accommodate net and additional boats.
- Site two shipping containers on the boat apron adjacent to the Leander Building. These containers would have provided secure storage for single scull boats, coaching boats, and other plant items. The applicant indicates that this arrangement could not sustain required boat storage arrangements for the next five years.
- Do nothing and live with consequences of overcrowding, insufficient storage space, and health and safety issues.

PREFERRED OPTION

13. The preferred option is to extend the existing shed to enable existing boats to be rearranged and to accommodate additional boats.

ASSESSMENT OF OPTIONS

The Preferred Option

	Benefits (current and future)	Costs (current and future)
Social	Enhances social interaction by rowing participants.	Nil.
Cultural	Enables all cultures to interact.	Nil.
Environmental	Minimal impact on the environment through enlarged building footprint.	Minimal.
Economic	Enables a number of secondary school participants to use the site, instead of their schools having to build separate facilities.	Approximately \$60,000 projected cost.
<p>Extent to which community outcomes are achieved: As detailed under Social and Cultural Benefits.</p> <p>Impact on Council's capacity and responsibilities: Nil.</p> <p>Effects on Maori: Nil.</p> <p>Consistency with existing Council policies: Yes.</p> <p>Views and preferences of persons affected or likely to have an interest: The applicant has consulted with neighbours.</p> <p>Other relevant matters: Nil.</p>		

Maintain The Status Quo (If Not Preferred Option)

	Benefits (current and future)	Costs (current and future)
Social	Cramped boat storage area affecting social interaction.	Deprives some possible participants using facility because of overcrowding.
Cultural	Nil.	Nil.
Environmental	Nil.	Nil.
Economic	Nil.	Nil.
<p>Extent to which community outcomes are achieved: Will not enhance community outcomes.</p> <p>Impact on Council's capacity and responsibilities: Nil.</p> <p>Effects on Maori: Nil.</p> <p>Consistency with existing Council policies: Possible issues of health and safety with boat storage.</p> <p>Views and preferences of persons affected or likely to have an interest: Nil.</p> <p>Other relevant matters: Nil.</p>		

8. AN APPLICATION BY A AND T BURNSIDE, 1 YELLOWSTONE CRESCENT FOR THE COUNCIL TO SUPPORT THE LODGEMENT OF A SURVEY PLAN WITH LAND INFORMATION NEW ZEALAND BY A AND T BURNSIDE TO CREATE A SEWAGE EASEMENT OVER COUNCIL RESERVE THAT ADJOINS THEIR PROPERTY

General Manager responsible:	General Manager City Environment
Officer responsible:	Acting Greenspace Manager
Author:	Tony Hallams, Policy and Leasing Officer, DDI 941-8320

PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider an application by A and T Burnside for an easement in gross for the drainage of foul water over the adjacent Council recreation reserve being Lot 141 DP 36942, which is located on the corner of Lakewood Drive and Yellowstone Crescent. This easement is required to cover an existing sewer pipe laid through the reserve.

EXECUTIVE SUMMARY

2. A and T Burnside seek to subdivide their property at 1 Yellowstone Crescent, which has a legal description of Lot 104 DP 36942, which is 706m², contained in certificate of title CB 16F/467. The dominant tenement will be Lot 1 DP 349923 which is of 451m², contained in Certificate of Title 204266 and the servient tenement will be the adjacent recreation reserve, Lot 141 DP 36942 on Certificate of Title 16F/175. This easement affects the adjoining above mentioned recreation reserve owned by the Christchurch City Council, insofar that the existing drain which serves the existing tenement and proposed tenements marginally traverses a small area of Council reserve. The Council has no record under the Reserves and Domains Act 1953 or successive Acts, of approval being granted by the previous Council for the placement of this drain across the reserve.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The Board has the delegated authority from Council (8 November 2001) to make the decision on behalf of Council whether to grant the easement or not. This decision can be made by a subcommittee of Council in terms of the Reserves Act 1977 requirements.
4. The reserve described as Lot 141 DP 36942 is a recreational reserve held under the Reserves Act 1977. The area of land occupied by the existing drain on the reserve, which is relevant to the intended subdivision, is approximately 4m². It is considered that due to the small area of reserve land the easement is required over that the Council should not seek compensation.
5. Part 1 of Section 48 of the Reserves Act 1977 allows for the granting of rights of way and other easements across reserves. Part 2 of this section requires that before granting the easement that the Council publicly advertised its intention to grant the easement. Part 3 of this section allows these advertising provisions to be dispensed with, if the proposed easement is not likely to *"materially alter or permanently damage the reserve, and the rights of the public are not likely to be permanently affected"*. It is considered that both these tests will be satisfied, because no structures will be built above the ground or new works proposed in the reserve, and therefore the rights of the public will not be affected by the proposal. Public advertising and the consent of the Department of Conservation will not be required, as the applicant has indicated the small length of the drain has existed in the reserve for some 30 years.
6. There will be no cost to the Council if the application is supported.
7. The applicant is to pay all legal costs associated with the establishment of the easement, which will include legal and costs associated with lodging the survey plan with Land Information New Zealand.
8. Survey plans of the easement shall be provided by the applicant within three months of the granting of the easement. The applicants legal counsel will also register the easement with Land Information New Zealand as required by the Reserves Act 1977.
9. The approval of the Minister of Conservation will be required, this normally being sought by the Council on behalf of the applicant.

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STAFF RECOMMENDATIONS

It is recommended that the Board agree to the proposal that A and T Burnside are granted an easement in gross for the drainage of foul water in accordance with Section 48 (1) of the Reserves Act 1977 over approximately 4m² (the easement being approximately 2m wide by 2m long), of Lot 141 DP 36942 as shown in the attachments, subject to the following conditions:

1. That the applicant lodges a survey plan of the proposed easement with Land Information New Zealand within three months of the granting of the easement.
2. That the applicant registers the easement as required by the Reserves Act 1977.
3. That the Council is not responsible for the maintenance or replacement of the existing or intended drainage on adjoining residential lots that connects and run through Council reserve, being Lot 141 DP 36942.
4. That the applicant pays all the Council costs required in processing this application.
5. That the approval of the Minister of Conservation is obtained.

CHAIRPERSON'S RECOMMENDATION

That the abovementioned recommendations be adopted.

BACKGROUND

10. A and T Burnside who own 1 Yellowstone Crescent have made application to subdivide their property. They intend to dispose of the sewage from the new lot that will be created through the existing drain that marginally traverses the adjacent Council reserve land. This will require an easement in gross for the drainage of foul water from their land (dominant tenement) to be granted by Council in their favour across the reserve land (servient tenement), refer to attachments one and two.
11. The Council has no record of approval being granted to place the existing drain across the Council reserve.

OPTIONS

12. The applicants have two options:
 1. Utilising the existing drain to serve any new sewer line connection resulting from the subdivision.

This will require a new easement being created.

 2. Maintaining the status quo and installing a separate street sewage connection for the separate parcel of land being created through subdivision.

This will still require the present landowners to make application for the easement in gross for the drainage of foul water where the non-approved installation of the private drain on Council reserve has taken place.

PREFERRED OPTION

13. The applicants have indicated they would prefer to implement the first option because they have already enlisted a surveyor who has produced drawings. In any case an easement will need to be sought over the existing drain which crosses the Council reserve.

9. SOUTH BRIGHTON MOTOR CAMP- ASSIGNMENT OF LEASE

General Manager responsible:	General Manager Community Services
Officer responsible:	Community and Recreation Manager
Author:	Lewis Burn, Property Consultant, DDI 941-8522

PURPOSE OF REPORT

1. The purpose of this report is to request the Board's approval under delegated authority to assign the lease of the South Brighton Motor Camp.

EXECUTIVE SUMMARY

2. The lease of South Brighton Motor Camp which runs until 1 September 2011, including one final right of renewal in 2007, provides for a right of assignment the consent to which the Lessor shall not unreasonably withhold. The present lessee has conditionally sold the business with settlement set for 1 August 2005. The proposed purchaser is a company registered in Christchurch as Lyndom Holdings Limited. The current lessee has met the lease obligations and staff have carried out a check of the credibility/suitability of the proposed purchaser Company and its Directors/Shareholders and see no grounds on the information provided to withhold consent to the assignment.

FINANCIAL AND LEGAL CONSIDERATIONS

3. South Brighton Domain is held by Council as a recreation reserve, subject to the provisions of the Reserves Act 1977 with the lease issued under Section 54 (1)(a) of that Act. The Board has delegated authority as a local issue to approve the assignment, as the lease assignment clause provides that consent shall not unreasonably be withheld. There are no financial considerations for Council. The vendor and purchaser are to meet all the costs of the assignment.

STAFF RECOMMENDATIONS

It is recommended that the Board acting under delegated authority give the consent of Council to the assignment of the lease of the South Brighton Motor Camp from the estate of Gary Gaynor and June Barns to Lyndom Holdings Limited with effect from 1 August 2005 subject to:

- (a) A deed of Assignment being executed between the parties in normal customary manner.
- (b) The personal guarantee of the directors and shareholders, Dominic Brownin and Lynda Elizabeth Pilling being given to pay the rent and observe and perform the conditions of the lease.
- (c) The vendor and purchaser meeting all costs of the assignment of the lease as agreed between the parties.

CHAIRPERSON'S RECOMMENDATIONS

That the abovementioned recommendations be adopted.

BACKGROUND ON SOUTH BRIGHTON MOTOR CAMP –ASSIGNMENT OF LEASE

4. The present lessee Garry Gaynor (deceased) and June Barns acquired this lease by assignment on 30 August 1995 and have been the lessee and camp manager since that time. Mr Gaynor passed away in January this year after a long period of illness and the camp has been run by June Barns with the assistance of casual employees and family, with the camp business having been placed on the market over a sustained period. The business has now been conditionally sold and the Lessee's solicitor has made application to assign the lease from the estate of Garry Gaynor and June Barns to Dominic Brownin and Lynda Elizabeth Pilling who intend purchasing the business under their nominee company, Lyndom Holdings Limited having its registered office at Christchurch. Settlement is set down for 1 August 2005.

The camp lease commenced 1 September 1992 and is for a term of 19 years including all renewal rights to finally expire 1 September 2011.

5. **Particulars of Proposed Purchaser (Assignee)**

Dominic Brownin and Lynda Pilling are the sole directors and equal shareholders of the nominee purchasing Company, Lyndom Holdings Limited. The purchasers who are seeking a lifestyle change will reside on site and take on direct management with the assistance of casual staff. They have no children and will purchase the business for cash with no recourse to borrowing. It is understood they have spent a considerable amount of time in New Zealand visiting camping grounds and have thoroughly researched the South Brighton Camp business.

Dominic Brownin has a background and qualifications in mechanical and production engineering with business experience in the UK having operated his own IT business. Lynda Pilling holds a Bachelor of Science degree in Environmental Science from the UK and brings senior business experience in mobile management, business analysis, and the hotel industry in the UK. Both Dominic and Lynda have been approved by the New Zealand Immigration Service as a resident of New Zealand under the Skilled Migrant Category and evidence of this has been sighted. The applicant intends being present at the Board meeting.

6. **Inspection**

Council staff have made an inspection of the camp and have identified and agreed with the Lessee some painting and a few items of general maintenance to be attended to prior to settlement. Ownership of the Lessor and Lessee' improvements has also been verified.

OPTIONS

7. There are no options apart from the status quo (which means declining the application) and as there are no reasonable grounds staff have identified to not approve assignment, to do so is unreasonably withholding the Landlords consent, contradicting the Council's obligation under the lease assignment clause.

10. REQUEST FOR BOUNDARY CHANGE BETWEEN RESIDENT ASSOCIATIONS: DALLINGTON AND GOLF LINKS

General Manager responsible:	General Manager Community Services
Officer responsible:	Community and Recreation Manager
Author:	Karen Jury, Community Engagement Adviser, DDI 941-5309

PURPOSE OF REPORT

1. The purpose of this report is to inform the Board of the actions that have been taken to address a request that the Dallington and Golf Links Residents' Associations' boundary be altered.

EXECUTIVE SUMMARY

2. The Board has been asked to consider a boundary change between the Dallington and the Golf Links Residents' Associations. The request was made by one family who feel they are more geographically aligned with the Golf Links area than Dallington.
3. The opinions of the two Residents' Associations have been sought. The Chairpersons of the Residents' Associations provided comment that the matter has been discussed with their Residents' Association members, including a number who live in the area subject to change, and a majority consensus reached that the existing boundary be retained.
4. It is therefore recommended that no change to the Residents' Association boundaries be made.

FINANCIAL AND LEGAL CONSIDERATIONS

5. This matter does not involve any financial or legal considerations for the Council.

STAFF RECOMMENDATIONS

It is recommended that the Board:

- (a) Decline the request from Christine and Philip Haythornthwaite to alter the Dallington and Golf Links Residents' Associations' boundary.
- (b) Write to the Haythornthwaite's to inform them of the decision.

CHAIRPERSON'S RECOMMENDATION

That the abovementioned recommendations be adopted.

BACKGROUND

6. The Board received a letter from Christine and Philip Haythornthwaite's in March 2005 requesting a change to residents' association boundaries. The Haythornthwaites are seeking that an area of North Parade between New Brighton Road, Banks Avenue and Achilles Street be amalgamated into the Golf Links area instead of Dallington.
7. The Board wrote to the Haythornthwaites thanking them for their correspondence and explaining the subsequent process where the request would be passed to the Community Engagement Team to address the issue.
8. There has been a delay in addressing the matter further as the Community Engagement Adviser position for the Burwood/Pegasus area has only recently been filled. However, in May 2005 the spokespersons for both the Dallington and the Golf Links Residents' Associations were contacted for their perspective on the request.
9. The Chairman for the Dallington Residents' Association, Derek Dean, advised that his group were aware of the request and had discussed it. The consensus was that there was no need to alter the existing boundary between the associations. Two of the Dallington Residents' Association's active members live in the area the Haythornthwaite's proposed be amalgamated into the Golf Links Residents' Association and they did not want the change to be made. Mr Dean also advised that Richard Alderson would be taking over as Chairman of the Dallington Residents' Association.
10. When contacted Mr Alderson confirmed the view of Mr Dean. He noted that the Dallington Residents' Association represented approximately 1,700 residents and he knew of no other support for the boundary to be changed.
11. The Chairman for the Golf Links Residents' Association, Tony Mander, provided a similar response to the Dallington Residents's Association spokespeople. He believed there was no other support from residents to alter the existing boundary. Mr Mander extended an invitation to the Haythornthwaites to attend the Golf Link Residents' Association meetings, noting that he is happy for them to participate in both groups.
12. The Councils "Residents' Associations Formation and Recognition Policy" states that Community Boards shall decide boundaries for Residents' Associations taking their views into account when doing so. For this reason the views that have been gathered are being taken back to the Board for their consideration and final decision on the matter.

OPTIONS

13. (a) That the existing boundary between the Dallington and the Golf Links Residents' Associations be retained.
- (b) That the boundary between the Dallington and the Golf Links Residents' Associations be altered so that the area of North Parade between New Brighton Road, Banks Avenue and Achilles Street be amalgamated into the Golf Links area instead of Dallington.

PREFERRED OPTION

14. Having consulted with the chairpersons of the two Residents' Associations involved, it is recommended that option (a) be taken. That is, the boundary remain where it is. There does not appear to be enough reason to warrant a change being made, especially as the Golf Links Residents' Association has extended an invitation to the Haythornthwaites to attend their meetings. The proposal to alter the boundary is not supported by the majority of residents.

11. BOARD SUBMISSION ON THE QEII PARK CONCEPT PLAN

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Community Board Principal Adviser
Author:	Graham Sutherland, Community Secretary, DDI 941-6624

PURPOSE OF REPORT

1. The purpose of this report is for the Board to consider issues to raise for inclusion in its submission to Council on the QEII Park Concept Plan.

EXECUTIVE SUMMARY

2. The Board considered the original concept plan at its meeting on 4 May 2005. At that meeting the Board made the following resolutions:

"BOARD RECOMMENDATIONS

1. That, in acknowledging QEII Park as a metropolitan facility, the Council also acknowledges that it has a huge impact on the local community.
2. That submissions on the proposed concept plan be sought through the special consultative process, because of the significant changes proposed regarding the use of the park.
3. That the Council acknowledge the commitment and work that has been carried out in QEII Park by the community since 1973.
4. That Ascot Green be designated as a reserve under the Reserves Act 1977.
5. That the Council note that the Board proposes to make a submission requesting that provision be included in the LTCCP for an upgraded entranceway to QEII Park off Travis Road, with adequate traffic management considered as part of the entranceway.
6. That the Council note that the Board:
 - Does not support the provision of sports residential accommodation within QEII Park.
 - Supports the retention of the roadway between "O" and "P" as shown on the proposed concept plan.
 - Does not support the proposed new roadway from Ascot Avenue.
 - Supports the retention of the crèche in immediate proximity to the main stadium and facilities at QEII.
 - Requests that officers ensure the existing traffic management plan includes clean-up services for neighbouring streets after events at QEII Park.
 - Requests the provision of adequate on-site parking to meet the future growth anticipated by the concept plan."
3. The Council subsequently agreed to adopt a special consultative process for the concept plan and has called for submissions. Submission close on 8 July 2005.
4. The Board may wish to consider incorporating some of the above recommendations into its submission to Council. It may also wish to consider any feedback received from the public at the QEII Park Concept Plan public meeting held on 21 June 2005.
5. The Board consider this issue at a Board seminar meeting on 29 June 2005 and the attached draft submission reflects the discussion at that meeting.

FINANCIAL AND LEGAL CONSIDERATIONS

6. There are no financial or legal considerations with respect to the Board making a submission.

STAFF RECOMMENDATIONS

It is recommended that the Board approve the draft submission attached as its submission to Council on the QEII Park Concept Plan.

CHAIRPERSON'S RECOMMENDATION

That the abovementioned recommendation be adopted.

12. PROPOSED POLICY FOR THE GRANTING OF LICENCES TO COMMERCIAL RECREATION PROVIDERS WISHING TO OPERATE UPON COUNCIL OWNED OR ADMINISTERED PARK AND RESERVE LAND

General Manager responsible:	General Manager City Environment
Officer responsible:	Acting Greenspace Manager
Author:	John Allen, Policy and Leasing Administrator, DDI 941-8699 Tony Hallams, Policy and Leasing Officer, DDI 941-8320

PURPOSE OF REPORT

1. The purpose of this report is to enable the Board to comment on the proposed attached policy, for the licensing of commercial recreation providers, who wish to operate regularly on Council owned or administered park and reserve land. These comments will be included in a final report which will be placed before Council to adopt the attached draft policy, as Council policy. This policy does not apply to the occasional one off events, which may be organised by a commercial recreation provider, these applications being processed by the Community and Recreation Unit. A commercial recreation provider as identified in this report is a person, company or organisation (including an educational institution), who provides a recreational opportunity for the public to partake of for which a specific payment is made to cover costs, including wages or profit. Organisations with paid instructors, who are instructing people in a recreational pursuit, as part of a formal program are included in this definition. This report is being placed before the City's Community Boards for comment, prior to being considered for adoption by Council.
2. The Council's objective behind the proposed policy is to ensure that the recreational resource is protected for future generations to enjoy, and that private individuals are still able to use the resource, while at the same time providing the maximum opportunity for commercial recreation providers to provide the recreation added value component to the park or reserve for the general public using the reserve, at no cost to the Council.

Benefits for Licensees

3. The benefits for commercial recreation providers who have a licence to operate their business on Council owned, or administered park or reserve land are as follows:
 - (a) They have a legal right to operate their business on Council controlled, or administered land.
 - (b) There is a formal relationship between the licence holder, and the Council, ensuring that both parties are aware of their individual responsibilities in the relationship.
 - (c) The licence holder will be supplied with a vehicle/logo sticker indicating that the licence holder has a licence to operate on Council owned or administered park and/or reserve land.

EXECUTIVE SUMMARY

4. The Council is legally able to licence commercial recreation providers wishing to operate upon Council owned or administered park and reserve land.
5. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation are in breach of occupation law, and may expose the Council to risk.
6. Recently there has been an increase in the number of commercial recreation providers using, or wishing to use, Council owned or administered park and reserve land.
7. There is also a need for the Council to put in place a policy, the adherence to which will ensure that:
 - (a) The resource will be protected for future generations to enjoy.
 - (b) That clients of the commercial recreation providers will receive a quality experience.
 - (c) That the Council is protected from any liability arising from the activities of the commercial recreation providers who operate on Council owned or administered land.

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- (d) Other park users or potential users are not adversely affected by the activity, and their access to the recreational resource is maintained.
 - (e) That the commercial activities are aligned to the vision, purpose, and management objectives for the park or reserve.
 - (f) That the commercial activities are aligned to the Council's goals and objectives, City Plan, bylaws, and other pertinent Acts of Parliament.
8. The proposed policy sets out the methods by which commercial recreation providers' activities on Council owned or administered land may be limited or controlled and managed to ensure that the objectives outlined above are achieved.
9. Based upon the premise that it is not the Council's responsibility to provide the public with the recreation added value component that takes place upon parks and reserves, officers are advocating that a cost recovery fee based charging system be used, in preference to a gross return percentage based fee system. Five different options for applying a formal licensing process have been considered:
- (a) Apply a formal licensing process with the fees set at a level to cover Council costs only (the preferred option).
 - (b) Maintain the status quo (no formal licensing process).
 - (c) Apply a formal licensing process with fees charged as a percentage of gross profit.
 - (d) Apply a formal licensing process with two levels of licence fees charged. Organisations who operate for profit are charged a percentage of gross profit, while organisations operating on a cost recovery basis only are charged at a level to cover Council costs only.
 - (e) Apply a formal licensing process with no fee or cost recovery.
10. Officers are recommending that the proposed "Policy for the Granting of Concessions to Operators Undertaking Commercial Activities on Council Owned or Administered Park and Reserve Land" as set out at the end of this report be adopted as Council Policy.
11. Officers are recommending that where the Acts of Parliament allow, Council delegates its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

FINANCIAL AND LEGAL CONSIDERATIONS

12. The Council is legally able, under Sections 54(1)(d), 56(1)(b), 58A(1), 59A and 61 of the Reserves Act 1977, and under the powers of general competency as provided for in Section of the Local Government Act 2002, to issue licences to commercial recreation providers. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation, are in breach of occupation law and may expose Council to risk. The conditions for granting a licence vary depending on the class of reserve involved.

(a) **Recreation Reserves as set out in Section 54 of the Reserves Act 1977**

A licence can be granted for the use of a recreation reserve by a business if the licence is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve. The Minister of Conservation (the Minister) must consent to the licence unless the reserve is vested in the Council to administer and the proposal is contained within the reserve's approved management plan.

Public notice as specified in section 119 of the Reserves Act 1977, must be given prior to the granting of the licence. However, this is not necessary where the proposal is contained in the approved management plan or where a resource consent has been obtained.

(b) **Scenic Reserves as set out in Section 56 of the Reserves Act 1977**

It is possible to grant a licence for the use of a scenic reserve by a business if the licence is necessary to enable the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve. The Minister must consent to the licence. Public notice must be given prior to the granting of the licence, this can be avoided where the proposal is contained within the approved management plan for the reserve, or if a resource consent has been obtained.

(c) **Historic Reserves as set out in Section 58A of the Reserves Act 1977**

It is possible to grant a licence for the use of a historic reserve by a business with the consent of the Minister. Public Notice must be given prior to granting the licence, this can be avoided where the proposal is contained in the approved management plan, or if a resource consent has been obtained.

(d) **Local Purpose Reserves as set out in Section 61 of the Reserves Act 1977**

The Council may grant a licence for the use of a local purpose reserve by a business if this is necessary or desirable for the proper and beneficial management, control and use of the reserve for the purpose specified in its classification. No public notice, or the Ministers consent is required, prior to granting a licence under this section of the Act.

The Act makes no provision for licensing a business to use a nature or scientific reserve. The Council however owns or manages very few of these types of reserve.

Under Section 59A of the Reserves Act 1977 the Minister is granted powers to grant a concession for the use of a reserve.

Section 94 of the Reserves Act 1977 provides that it is an offence to carry on within any reserve vested in an administering body any trade, business, or occupation without authorisation obtained from the Minister of Conservation or the administering body, as the case may require.

13. There are currently a number of commercial operators who use Council owned or administered land without formal agreements in place. Their activities include mountain bike rides, parapentes, paragliders, rock climbs, horse treks and other recreational pursuits. Officers are aware of only four such organisations that do have the required agreements in place. The only other legalised commercial recreation activity occurring on parks are the single one-off events, which are required to be booked through the Call Centre, or the Major Events Co-ordinator. A fee is charged for this type of event.
14. Some commercial recreation providers may require resource consent to operate their businesses in certain areas of the city, as defined in the City Plan. Officers are of the view that Council consent for business activities on Council controlled land should be obtained, prior to the applicant applying for Resource Consent, if required by the City Plan.
15. Some coastal land and some of the Port Hill Reserves (including the Summit Road Scenic Reserves) are not vested in the Council. In these cases a concession may be issued by the Department of Conservation (usually done in consultation with the Council). The processing fees are paid directly to the Department of Conservation. Where the Council has a management role under the Reserves Act (ie where the Council is appointed to control and manage such land), then subsequent licence payments will be paid to the Council.
16. In the case of the foreshore, the Council will need to take into account the requirements of The Coastal Regional Plan that is governed by Environment Canterbury. The foreshore below mean high water springs is within the coastal marine area, covered by the plan.
17. It is also necessary for all applications to be assessed against the requirements of the Reserves Act 1977, the management plan for the park or reserve if there is one, City Plan requirements, other pertinent bylaws, and Acts of Parliament where appropriate eg Summit Road Protection Act. Where no management plan exists, the application needs to be assessed for alignment to the vision, purpose, and management objectives for the park or reserve. The recreational experience should also be aligned with the Council's goals and objectives.

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18. Officers require all businesses operating on Council owned or controlled land to have a minimum of \$1,000,000 public liability insurance to protect themselves against claims from a third party in relation to damage to the third party's property, caused by the businesses' activities on Council land. The Council also requires businesses operating on Council owned or controlled land to indemnify the Council against any actions and suits that may be taken against the Council because of the businesses' activities on the land.
19. A number of commercial recreation providers' activities take place in rural fire districts, which are prone to being high fire risk areas in the summer, for example Bottle Lake Forest Park and

BACKGROUND ON PROPOSED POLICY FOR THE GRANTING OF LICENCES TO COMMERCIAL RECREATION PROVIDERS WISHING TO OPERATE UPON COUNCIL OWNED OR ADMINISTERED PARK AND RESERVE LAND

22. The Council's past approach, when dealing with a commercial recreation provider's request or application, was to take into account the benefits to the general public, while trying to balance the effects of the proposed activity on the environment, and other park users. In the past a number of commercial recreation providers operated under informal arrangements discussed with Council officers. Although these discussions and arrangements took place while the business was gradually evolving, a formal arrangement should have been put in place once the business became viable and established. On the other hand, there were some instances where Council officers have not been consulted at all by a commercial recreation provider who has been operating on Council owned or controlled land. If the land is held under the Reserves Act 1977, these unknown Commercial Recreation Providers are committing an offence under Section 94 of the Reserves Act 1977.
23. The Council has in the past allowed commercial recreation providers to operate for a trial period on Council owned or administered park and reserve land, for the following reasons:
 - (a) Where the impact of the proposed activities on the park and/or reserve are difficult to assess. The terms of the temporary licence granted to the commercial recreation provider will allow the Council to place conditions on the activity during the trial period as the impacts of the activity become better understood, and the necessary mitigation requirements are identified.
 - (b) Where the returns from a new business venture that requires a significant capital investment are difficult to assess.
24. The trial period allows for a detailed evaluation and assessment of the operation to be undertaken at the end of the period, enabling further conditions to be placed upon the operation to mitigate any adverse effects of the operation upon the environment, and to assess the future viability of the operation, before committing to a full licence.
25. During the last few years, the use of Council parks and reserves by commercial recreation providers has increased, partly because many ventures that were previously run as amateur non-profit making activities have evolved into commercial businesses as individuals have sought to make a livelihood out of their interest. A number of the areas used, such as Bottle Lake Forest Park (mountain bike activities), and the Port Hills (paragliding, parapenting, hang gliding, rock climbing), are under pressure from competing commercial operators. Officers are of the view that this competition at certain sites has reached a stage where ordinary public use is sometimes being jeopardised. Officers are therefore recommending that the Council adopt the draft policy as set out later in this report as Council Policy thereby ensuring:
 - (a) That the recreation experience, which is derived from the activity, is what the participants should reasonably expect.
 - (b) That there is the ability to manage activities to minimise conflict with other users and access to the area is protected for members of the general public who wish to use these areas at the same time.
 - (c) That the natural resource that the recreation is taking place upon is protected for future generations to enjoy.
 - (d) That the commercial recreation experience being promoted is aligned to the vision, purpose, and management objectives for the park, or reserve, and Council.
 - (e) To ensure that health, safety, and other legislative requirements have been properly addressed by the commercial recreation provider, before the recreation experience is delivered.

Present Situation

26. The main areas being used for commercial recreational activities are Regional Parks, more specifically Bottle Lake Forest Park, The Groynes, and the Port Hill Reserves, although there are some commercial recreation providers operating in urban parks, for example South Brighton Domain, Hagley Park, and on the Foreshore.

27. Examples of some of the issues, which have given rise to the necessity for such a licensing policy, are outlined below:
- (a) The Council has recently received complaints about the activities of wind powered vehicles (land yachts) using the South New Brighton foreshore. The complaints focus on the danger that the use of these land yachts, which speed along the beach, pose to other beach users. This activity raises issues of public safety, which need to be addressed.
 - (b) A number of bolts have been fixed in the past into the rock faces in the same area of particular climbs on the rocky outcrops on the Port Hills. If this practice is left unchecked it will result in the degradation of the rock faces. The problem has arisen from the fact that it is a cardinal rule that climbers should not use someone else's bolt, unless they are sure that it is safe, hence the possible proliferation of bolts in the same area. No bolting or removal of existing bolts should be undertaken without the permission of the Port Hills Area Head Ranger first being obtained.
 - (c) Recently, three commercial mountain bike operators applied to hold night races on the same night in Bottle Lake Forest Park. Officers viewed this with concern because, in their opinion, only one such race should be held at one time during the night, for safety reasons.
 - (d) During recent investigations, it was found the one unlicensed parapenting operator had no public liability insurance. All commercial recreation providers need to have adequate public liability insurance. In this particular case, the issue has been addressed.
 - (e) Recently a temporary sign, measuring 6x1 metres in size, was placed near the top of Evans Pass Road, advertising that the owner, a parapenting operator, was operating about 1km down Godley Head Road. This sign did not comply with City Plan requirements.
 - (f) Some of the areas where commercial recreation activities take place are also home to rare indigenous plants, for example on the rocky outcrops of the Port Hills. These sites need to be assessed by the Council Botanist to ensure that any significant indigenous plant groupings are protected, before any licences are issued for activities in these areas.
 - (g) Enquires have been received in the past to operate a motorised skateboard concession and an off road cross-country vehicle in Bottle Lake Plantation and on the Port Hills. As a general policy, these types of motorised activities should be limited to areas specially set aside for this purpose, for example Ruapuna Park, and Maryland's Reserve. The reason for this requirement is because of the effect of the noise on other park users, the increased maintenance requirement to maintain the parks infrastructure, and the increased fire danger associated with these types of vehicles. ECan also have endowment and vested land, some of which may be more suitable for this type of activity.
28. Council officers are strongly of the view that it is necessary for Council to take a pro-active stance when dealing with existing and intending concessionaires, to ensure that the recreation resources are protected for future generations to enjoy. Recently, officers of the Greenspace Unit wrote to all known commercial operators informing them that they will be required to enter into licences with the Council to undertake their activities on Council owned and controlled land. It was also indicated to them that they would need to have adequate public liability insurance and a health and safety plan in place for their activities.
29. The Council may need in some cases to reduce the intensity of use or control activities of a number of commercial providers using a particular park or reserve, to ensure that those licensed commercial recreation providers are able to provide a quality experience to the community, while at the same time ensuring that the right of the general public to recreate upon these areas is maintained, and that the recreational resource is protected. This can be achieved by the Council limiting commercial operations upon a particular site, by tendering out, balloting, or extending the period of existing licences for permitted commercial activities on identified parks or reserves that are subject to a high intensity of use. Areas of high use can be identified by perusal of the Community and Recreation, and Greenspace Customer Service Centre booking records, Park Ranger Service surveys, and other monitoring strategies.

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- (a) Where a tendering process is used, the successful tenderer will be chosen using the following criteria using the weighted attribute system of selection:
 - (i) The tenderer's experience in the activity being offering to the customer.
 - (ii) The quality of the service that the tenderer is prepared to provide to the customer.
 - (iii) Measures the tenderer is prepared to take to minimise the activity's effect on the environment
 - (iv) That the commercial recreation experience being promoted, is aligned to the vision, purpose, and management objectives for the park, or reserve.
 - (v) The tenderer's monetary offer made to the Council to undertake the activity upon Council owned or controlled land.

- (b) It is envisioned that the successful tenderer would be issued with a licence for a finite period after pre-payment of a processing fee and annual licensing fee. Officers consider a licence term of between three and five years would be appropriate, this being dependent upon the site applied for and the amount of capital investment required by the applicant to set up their particular business.

Delegation

- 30. The philosophy behind the proposed policy, is to ensure that the recreational resource is protected for future generations to enjoy, while providing the maximum opportunity for commercial recreation providers to provide the recreation added value component to the general public using the reserve, at no cost to the Council. A licence does not confer an exclusive right to the land, as a lease does. Where the Acts of Parliament allow, officers are recommending that Council delegate its responsibilities for administering the proposed policy once adopted by Council to the Greenspace Manager.

Consultation Procedure

- 31. The public, (using advertisements placed in the public notices column of the newspapers), existing known commercial recreation providers, all lessees who lease Council owned or administered park and reserve land, Canterbury Chamber of Commerce, Summit Road Society, and Summit Road Protection Authority, have been invited to comment on the draft policy for the granting of licences to commercial recreation providers, who wish to operate on Council owned or administered park and/or reserve land, during the month of October last year. Thirty six submissions were received to this process, 12 from Council staff, six from commercial recreation providers, 11 from sports clubs, three from professional organisations, and four from the general public. Where appropriate, the proposed policy has been altered to take into account their suggestions. The main suggestions not included in the proposed policy are elaborated upon below:

- (a) It was suggested by two submitters that a bond be required from commercial recreation providers, to cover the cost of rectifying any adverse effects that the commercial recreation activity may have on the environment, which were not envisaged when the activity was approved, or resulting from the commercial recreation provider not complying with the conditions of their licence.

Officers did consider this issue, believing it better to include a trial licence period where the effects upon the environment of the proposed activity are not easily ascertained. During this trial period alterations to the licence will be able to be made at any time by the Council to mitigate the activities' effects upon the environment. It is also proposed in the policy to delegate to the Greenspace Manager the right to limit, or shift a commercial activity from one site to another site, if in their opinion the activity is causing damage to the environment, infrastructure of the park or reserve, or affecting the general public's rights to use an area. Where a commercial recreation provider has breached the conditions of their licence, the Council will have the right to withdraw the licence, should it decide to do so.

- (b) Four submitters, some of whom operate under a charitable trust deed, argue that they make little or no profit from their activities and therefore should not have to pay a licence fee.

This situation however, does not provide commercial equity with another entity that is trying to run a business providing the same or similar activities because this entity will be at a cost disadvantage. The reality of the situation is that the Council is legally able under the Reserves Act 1977, and under the powers of general competency of the Local Government Act 2002, to licence commercial operators where the service that is being provided is being paid for by the client. Commercial recreation providers undertaking their business activities on Council owned or administered land, without authorisation are in breach of occupation law and may expose Council to risk. In fact Section 94 of the Reserves Act 1977 expressly provides that it is an offence to carry on within any reserve vested in an administering body any trade, business, or occupation without authorisation first being obtained from the Minister of Conservation or the administering body, as the case may require.

There is a need for the Council to satisfy itself that all commercial recreation providers, operating on Council owned or managed land, where the clients are paying a fee for the service provided, have the appropriate insurances, health and safety plans in place, and that they have the appropriate experience and qualifications to ensure that their customers receive a good value experience. There is also the need for the Council to adequately balance the use of the resource by commercial recreation providers, which includes profit, and non profit motivated organisations, and educational institutions, with the rights of the general public to use the resource. There is also an equity situation that the non-profit organisation should not have a cost advantage over a profit motivated organisation who provide a similar service to the general public. It should be noted that officers are recommending that a Council cost recovery licensed based fee system be put in place, not a profit based system.

This reworked report was re-submitted to submitters, one indicating that they were still not happy with the definition of whom is included in the commercial recreation providers definition, requesting to be heard on the matter. This hearing will be set up shortly.

OPTIONS

General

32. Officers have examined the methods used by the Department of Conservation and the Auckland Regional Council to charge for commercial concessions on land under their control. In many cases, concessionaires are charged a percentage of their gross profits, accrued from their activity on the land, which in the case of the Department of Conservation is approximately 7%.
33. The costs of putting the licence in place for the benefit of the commercial recreation provider would be paid by the applicant in accordance with Council's policies relating to charging/quotations for the compilation of leases, licences, and easements as confirmed at the Council meeting of 28 June 2001. These costs would include the application processing costs (report preparation and meeting attendance), public advertising fee, hearing preparation and attendance costs if required, Minister of Conservation approval fee, Council legal and valuation fees if required.

Apply a formal licensing process with the fees set at a level to cover Council costs only (the preferred option).

34. Using this system will enable the commercial recreation provider to offer their activities to the general public at a lower price, this being of benefit to the public. The advantage to the licensee is that they will retain the maximum benefits of their endeavours. The licence fee will still need to be reviewed annually, to ensure that costs involved in administering the licence are properly covered in the fee, and that any additional costs incurred by Council for maintaining the Council owned asset for the direct benefit of the licensee are recovered. There are two exceptions to this being:
 - (a) Where there are more applicants wishing to operate upon a particular site than the site can accommodate, in which case a tender or ballot process will be used, the price offered for a licence over the site being taken into account together with all the other requirements.
 - (b) Where there are commercial recreation providers providing a similar service on private land in the vicinity of Council managed or controlled park and reserve land, there will be a need to charge a similar fee.

35. Officers are of the view that while Council has the responsibility to maintain reserves for the purpose for which they are held, that as a general guide it is not the Council's responsibility to provide the added value recreational component, which may expose the Council to a greater financial risk. This area of activity is seen as the domain of the private recreational provider, who is willing to take on the financial risks that such a venture entails. Sports Clubs also provide this service, but of course are not included in the definition of Commercial Recreation Provider. Consequently, officers are of the view that in the majority of cases, the costs associated with private enterprise providing this extra value, and accepting the financial risks involved should be minimal, covering the costs of Council, with a small percentage of this cost for profit, to ensure that no burden is placed upon the ratepayer. These costs should include, where possible, the additional expense incurred by Council to maintain the public facility, where this additional expense can be directly attributed to the licensee's activities, for example, mountain bike track maintenance.
36. The only exceptions to this rule should be when the provision of this added value by a commercial recreation provider is in direct competition with private recreation providers supplying the same recreation service on private land, where higher rentals are often paid, or where there are competing interests for a particular site. In these situations a fair rental for the use of the resource should be arrived at, using independent valuation methods, or tendering the opportunity to use the site.
37. Such a Council policy would be seen as business friendly by the business community.

Maintain the status quo (no formal licensing process).

38. With this option there is no control over the commercial recreation providers activities on Council owned, or managed park and reserve land. Congestion at some sites may mean that the general public are not able to use the resource at times, dangerous congestion situations may occur, eg on rock climbing resources etc.
39. The recreational resource may be damaged through over-use, or unique habitat damaged because of its presence in the area not being known, or understood.
40. Council maintenance costs may be increased by commercial recreation providers use of the resource, without the Council being able to recoup these additional costs from the commercial operators.
41. Council not being aware of commercial recreation providers use of sites which may be culturally sensitive to Maori.

Apply a formal licensing process with fees charged as a percentage of gross profit.

42. Officers are of the view that percentage-based payments are more difficult to police. It is acknowledged that while the Council may miss out on some revenue using a cost recovery rent system, the system will afford the licensee the maximum opportunity to establish their business, at no cost to the Council. This option will not be seen as business friendly as the recommended option.

Apply a formal licensing process with two levels of licence fees charged. Organisations who operate for profit are charged a percentage of gross profit, while organisations operating on a cost recovery basis only are charged at a level to cover Council costs only.

43. The Commercial Recreation Provider who is offering their services for profit will be at a cost disadvantage to other providers because they will need to charge customers more to cover costs.
44. This option does not provide for commercial equity between operators operating for profit, and those that operate to cover costs only.
45. Because of how different applicants' organisations are constituted, it is likely to be difficult to ascertain which category some of these organisations should fit into.
46. This option will not be seen as business friendly as the recommended option.

Apply a formal licensing process with no fee or cost recovery.

47. This option was not considered for the following reasons:
- (a) These applicants are commercial recreation providers, and therefore these costs are a legitimate cost the applicants should expect to pay when setting up their businesses that should not be subsidised by the ratepayer.
 - (b) Council has approved a policy based on a processing quotation/estimate being given to the applicant for the recovery of Council costs for processing commercial type applications to use Council owned or managed park and reserve land (28 June 2001).

PREFERRED OPTION

48. Apply a formal licensing process where the fees are set at a level to cover Council costs only.

ASSESSMENT OF OPTIONS**The Preferred Option**

49. The fees for the Licence that is put in place for commercial recreation provider, being set at a level to cover Council costs only. The exceptions to this are when the provision of this added value by a commercial recreation provider is in direct competition with private recreation providers supplying the same recreation service on private land, when there will be a need to charge a similar fee, or where there are more applicants wishing to operate upon a particular site than the site can accommodate, in which case a tender or ballot process will be used, the price offered for a licence over the site being taken into account together with all the other requirements.

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> • Control over quality of service offered to the public. • Enables potential congestion problems at popular sites that may cause antagonism between commercial operators and/or public to be removed. • Ensures possible congestion which may lead to dangerous situations occurring between parties using the same resource (rock outcrops) does not occur. • Minimises the fee the commercial recreation provider needs to charge to cover their costs, thereby enabling the public to participate in the activity at minimal expense. • Ensures that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Councils goals and objectives. 	
Cultural	Enables the Council to exercise control over use of sites which may be sensitive to Maori, eg, the Port Hills.	
Environmental	Control is able to be exercised over activities at particular sites which may be ecologically sensitive, eg, plants and rock outcrops on the Port Hills, to ensure the resource is protected.	
Economic	<ul style="list-style-type: none"> • The increased maintenance costs to Council because of commercial recreation providers activities taking place on park and reserve land are able to be reimbursed from the commercial recreation providers. • Allows commercial recreation providers to add value to the park and reserve by providing the recreational component of the park and reserve at minimal cost to themselves and no cost to the Council. 	Council will forgo some revenue that could be gained using a percentage of gross profits gained by commercial recreation providers based system.

Extent to which community outcomes are achieved:

Because they are known, the applicants' proposals can be adjusted to ensure that community outcomes are maximised.

Impact on Council's capacity and responsibilities:

- If there are increased maintenance costs to Council, as a result of a commercial recreation providers activities, they are able to be recouped from that provider.
- The Council is able to put in place formal protection measures, or evaluation procedures to assess the impact of the commercial recreation activities on the environment, or culturally sensitive sites.

Effects on Maori:

Formal protection measures and evaluation procedures are able to be put in place to assess the impact, and gain Maori approval to allow commercial recreation providers to operate in culturally sensitive sites.

Consistency with existing Council policies:

- There is consistency when assessing the proposed commercial recreation activity against Reserves Act 1977 requirements, management plan for the park or reserve, City Plan, bylaws, and other Acts of Parliament where appropriate.
- There is consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists.
- There is consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives.
- There is consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party.

Views and preferences of persons affected or likely to have an interest:

Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. By having the umbrella policy in place it will enable the Council to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity.

Other relevant matters:

Maintain The Status Quo

50. No Licences put in place for commercial recreation providers, and consequently no fees charged.

	Benefits (current and future)	Costs (current and future)
Social		<ul style="list-style-type: none"> • No control over quality of service offered to the public. • Congestion at popular sites that may cause antagonism between commercial operators and/or public. • Congestion may lead to dangerous situations occurring between parties using the same resource (rock outcrops). • No way of ensuring that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Councils goals and objectives. • No method for assessing, minimising, and protecting the commercial recreation provider, Council, an client against the risks inherent in the activity.
Cultural		No control over use of sites which may be sensitive to Maori, eg the Port Hills.
Environmental		No control is able to be exercised over activities at particular sites which may be ecologically sensitive, eg, plants and rock outcrops on the Port Hills.
Economic		The increased maintenance costs to Council because of commercial recreation providers activities taking place on park and reserve land not able to be charged to commercial recreation providers.
<p>Extent to which community outcomes are achieved: Because they are not known it is haphazard.</p> <p>Impact on Council's capacity and responsibilities:</p> <ul style="list-style-type: none"> • There are increased maintenance costs to Council that are not able to be recouped from the commercial recreation providers. • There are no formal protection measures, or evaluation procedures to assess the impact of the commercial recreation activities on the environment, or culturally sensitive sites. <p>Effects on Maori: No formal protection measures or evaluation procedures to access the impact, or gain Maori approval to allow commercial recreation providers to operate in culturally sensitive sites.</p> <p>Consistency with existing Council policies:</p> <ul style="list-style-type: none"> • There is no consistency when assessing the proposed Commercial Recreation Activity against Reserves Act 1977 requirements, management plan for the park or reserve, City Plan, bylaws, and other Acts of Parliament where appropriate. • There is no consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists. • There is no consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives. • There is no consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party. 		

Views and preferences of persons affected or likely to have an interest:

- Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. There is no umbrella policy in place by which Council is able to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity.
- There is no umbrella policy in place by which the Council is able to minimise the affects on other parks users, caused by the activities of a commercial recreation providers activities.

Other relevant matters:

Option 3

51. License put in place for commercial recreation providers, the fees being charged as a percentage of gross profit.

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> • Control over quality of service offered to the public. • Enables potential congestion problems at popular sites that may cause antagonism between commercial operators and or public to be removed. • Ensures congestion which may lead to dangerous situations occurring between parties using the same resource (rock outcrops) does not occur. • Ensures that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Councils goals and objectives. 	<ul style="list-style-type: none"> • The Commercial Recreation Provider will need to charge customers a higher price than under the preferred option to cover costs. • Higher cost may make it less affordable for some prospective users to participate in the activity
Cultural	Enables the Council to exercise control over use of sites which may be sensitive to Maori, eg, the Port Hills.	
Environmental	Control is able to be exercised over activities at particular sites which may be ecologically sensitive, eg, plants and rock outcrops on the Port Hills, to ensure the resource is protected.	
Economic	<ul style="list-style-type: none"> • Allows the commercial recreation provider to provide the added value recreation component to Council owned and managed Parks. • The Council will gain revenue to use elsewhere to assist it to run the city. 	<ul style="list-style-type: none"> • Will add to the costs of the commercial recreation provider to provide the added value recreational component to Council owned and managed Parks and Reserves. This may discourage some potential commercial recreation providers.

Extent to which community outcomes are achieved:

Because they are known, the applicants' proposals can be adjusted to ensure that community outcomes are maximised.

Impact on Council's capacity and responsibilities:

- There are increased maintenance costs to Council that are able to be recouped from the commercial recreation providers.
- The Council is able to put in place formal protection measures, or evaluation procedures to assess the impact of the commercial recreation activities on the environment, or culturally sensitive sites.

Effects on Maori:

Formal protection measures and evaluation procedures are able to be put in place to assess the impact, and gain Maori approval to allow commercial recreation providers to operate in culturally sensitive sites are able to be put in place.

Consistency with existing Council policies:

- There is consistency when assessing the proposed commercial recreation activity against Reserves Act 1977 requirements, Management Plan for the park or reserve City Plan, bylaws, and other Acts of Parliament where appropriate.
- There is consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists.
- There is consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives.

- There is consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party.

Views and preferences of persons affected or likely to have an interest:

Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. By having the umbrella policy in place it will enable the Council to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity.

Other relevant matters:

This policy will not be seen to be as business friendly as the recommended policy.

Option 4

52. Licences being put in place for which two levels of license fees are charged. For commercial recreation providers, that provide their services for profit, they pay a percentage of gross profit. For commercial recreation providers, that provide their services at cost, they pay a licence fee to cover Council costs only

	Benefits (current and future)	Costs (current and future)
Social	<ul style="list-style-type: none"> • Control over quality of service offered to the public. • Enables potential congestion problems at popular sites that may cause antagonism between commercial operators and or public to be removed. • Ensures congestion which may lead to dangerous situations occurring between parties using the same resource (rock outcrops) does not occur. • Ensures that the activity proposed is aligned to the management objectives for the park or reserve, complies with the relevant Acts of Parliament, and is aligned with the Councils goals and objectives. • Recognises social outcomes of non-profit organisations. 	<ul style="list-style-type: none"> • The commercial recreation provider who is providing their services for profit will need to charge customers a higher price than under the preferred option to cover costs. • This option does not provide commercial equity between commercial operators who operate for profit, and those that provide a similar service who operate to cover costs only. • Because of how different applicants organisations are constituted, it may be difficult to ascertain which category some of these organisations should fit into.
Cultural	Enables the Council to exercise control over use of sites which may be sensitive to Maori, eg, the Port Hills.	
Environmental	Control is able to be exercised over activities at particular sites which may be ecologically sensitive, eg, plants and rock outcrops on the Port Hills, to ensure the resource is protected.	
Economic	<ul style="list-style-type: none"> • Allows the commercial recreation provider to provide the added value recreation component to Council owned and managed Parks. • The Council will gain revenue to use elsewhere to assist it to run the city. 	Will add to the costs of the commercial recreation provider who operates for profit to provide the added value recreational component to Council owned and managed Parks and Reserves. This may discourage and thereby exclude some potential commercial recreation providers who operate for profit, because similar non-profit organisations have a cost advantage over profit motivated organisations.

Extent to which community outcomes are achieved:

Because they are known, the applicants' proposals can be adjusted to ensure that community outcomes are maximised.

Impact on Council's capacity and responsibilities:

- There are increased maintenance costs to Council that are able to be recouped from the Commercial Recreation Providers.
- The Council is able to put in place formal protection measures, or evaluation procedures to assess the impact of the commercial recreation activities on the environment, or culturally sensitive sites.

Effects on Maori:

Formal protection measures and evaluation procedures are able to be put in place to assess the impact, and gain Maori approval to allow commercial recreation providers to operate in culturally sensitive sites are able to be put in place.

Consistency with existing Council policies:

- There is consistency when assessing the proposed Commercial Recreation Activity against Reserves Act 1977 requirements, Management Plan for the park or reserve City Plan, bylaws, and other Acts of Parliament where appropriate.
- There is consistency in assessing the application for alignment to the vision, purpose and management objectives for the park or reserve where no management plan exists.
- There is consistency in assessing if the commercial proposal is aligned with the Council's goals and objectives.
- There is consistency with Council's policy of charging for undertaking the necessary processing work to put such licences in place for the benefit of a third party.

Views and preferences of persons affected or likely to have an interest:

Most of the views expressed by the submitters to the consultation process as elaborated upon above have been taken into account. The two issues made by submitters not included in the proposed policy for the reasons explained above are, the requirement that commercial recreation providers pay a bond to council before being allowed to operate on Council land, and types of organisations that are included in the definition of 'Commercial Recreation Provider'. By having the umbrella policy in place it will enable the Council to minimise the affects of the proposed activity on other parks users, and gauge the views and preferences of persons affected or likely to have an interest in a particular activity wide.

Other relevant matters:

This option will in all probability be seen to be unfair by profit motivated organisations wishing to use council owned or managed park and reserve land to provide a commercial recreational opportunity to the public. This policy will not be seen to be as business friendly as the recommended policy.

13. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE

13.1 For members' information a list of all Board Committees, Subcommittees and Working Parties is attached.

13.2 NOTICE OF UPCOMING BOARD REPORTS

Bexley Walkway - July 2005

13.3 CLARIFICATION OF 30 MARCH 2005 PROJECT FUNDING RESOLUTION

At a recent seminar meeting, Board members questioned the intent of a funding decision made by the Board at its Project and Discretionary Funding meeting on 30 March 2005. Below are the relevant extracts from the minutes of the meeting on 30 March 2005. The Board is asked to consider if this decision, which was confirmed by the Board on 20 April 2005, accurately reflects its decision on this matter.

"The Board **resolved**:

1. That the following allocations be made:

Community Recreation Adviser – Seeding grant for beach education and health and safety programmes for young people in the Burwood/Pegasus area.	\$15,000
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2. That the following items be actioned as outlined:

North Wai Boardriders Club – The Board declined the application. The Board however, expressed a desire to see beach-based programmes and health and safety programmes provided for young people in the area. The Board agreed to provide a \$15,000 seeding grant for the Community Recreation Adviser to allocate to such programmes, upon application from programme providers like the North Wai Boardriders Club."