



Christchurch City Council

HAGLEY/FERRYMEAD COMMUNITY BOARD AGENDA

23 NOVEMBER 2005

3.00 PM

IN THE BOARDROOM, LINWOOD SERVICE CENTRE
180 SMITH STREET

Community Board: Bob Todd (Chairperson), David Cox, Anna Crighton, John Freeman, Yani Johanson, Brenda Lowe-Johnson and Brendan Smith

Community Board Principal Adviser

Clare Sullivan

Telephone: 941-6601

Fax: 941-6604

Email: clare.sullivan@ccc.govt.nz

Community Secretary

Emma Davison

Telephone: 941-6615

Fax: 941-6604

Email: emma.davison@ccc.govt.nz

- PART A - MATTERS REQUIRING A COUNCIL DECISION
- PART B - REPORTS FOR INFORMATION
- PART C - DELEGATED DECISIONS

INDEX

- PART C 1. APOLOGIES
- PART C 2. CONFIRMATION OF REPORT
- PART B 3. CORRESPONDENCE
 - 3.1 Kidsfirst Kindergartens Bromley
- PART B 4. DEPUTATIONS BY APPOINTMENT
 - PART B 4.1 Sumner Salto
- PART A 5. ROAD LEGALISATION, ROAD STOPPING OF UNFORMED ROAD AND OCCUPATION OF ROAD AIRSPACE OUTSIDE 1 WHITEWASH HEAD ROAD
- PART A 6. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 57 CLIFTON TERRACE
- PART A 7. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 219 TAYLOR'S MISTAKE ROAD
- PART C 8. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 280 MAIN ROAD
- PART C 9. STRUCTURE ON STREET APPLICATION FOR 40 KINSEY TERRACE
- PART A 10. ANTIGUA BOATSHEDS
- PART C 11. OSBORNE STREET - GIVE WAY CONTROLS
- PART A 12. ASSIGNMENT OF LEASE GOOD TASTE CAFE TO J & K COMPANY LIMITED

We're on the Web!

www.ccc.govt.nz/Council/Agendas/

23. 11. 2005

- 2 -

- | | | |
|---------------|------------|--|
| PART C | 13. | HAGLEY/FERRYMEAD COMMUNITY BOARD PROPOSED SCHEDULE OF MEETINGS FOR 2006 |
| PART B | 14. | COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE |
| PART B | 15. | QUESTIONS FROM MEMBERS |

1. APOLOGIES

John Freeman.

2. CONFIRMATION OF REPORT

The report of the ordinary meeting held on Wednesday 9 November 2005 has been circulated to Board members.

CHAIRPERSON'S RECOMMENDATION

That the report of the ordinary meeting held on Wednesday 9 November 2005 be confirmed.

3. CORRESPONDENCE

3.1 KIDSFIRST KINDERGARTENS BROMLEY

The attached letter was received from Blanche Head, on behalf of Kidsfirst Kindergartens Bromley, thanking the Board for the allocation of \$2,008 of discretionary funding for the replacement of their drinking fountain. The group also returned unspent monies of \$36.12 which has been deposited into the Board's discretionary fund.

4. DEPUTATIONS BY APPOINTMENT

4.1 SUMNER SATO

Tim Guthrie, the owner of Sumner Sato in Sumner would like to address the Board regarding outside seating in front of the restaurant.

5. ROAD LEGALISATION, ROAD STOPPING OF UNFORMED ROAD AND OCCUPATION OF ROAD AIRSPACE OUTSIDE 1 WHITEWASH HEAD ROAD

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Weng Kei Chen, Asset Policy Engineer, DDI 941-8655

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council:
 - (a) To commence road stopping procedures in relation to approximately 59m² of unformed legal road outside 1 Whitewash Head Road as shown in the attached plan.
 - (b) To commence the formal process to dedicate the existing formed carriageway presently situated on land owned by the owners of 1 Whitewash Head Road as legal road. This process is consequential to the Court Order 6152280.
 - (c) To permit the owners of 1 Whitewash Head Road to occupy approximately 90m² of legal road as airspace.
 - (d) To require the owners of 1 Whitewash Head Road to enter into a Deed of Licence to permit their continued use of their existing garage situated on that part of their existing land intended to vest in the Council as legal road.

EXECUTIVE SUMMARY

2. The first 20m of Whitewash Head Road from the Scarborough Road intersection is in fact situated on private land owned by the owners of 1 Whitewash Head Road and is not legal road. It appears to have been formed in this way in the early 1900's by the old Sumner Borough Council.
3. Whitewash Head Road landowners and residents have access rights over part of the land secured by various right-of-way easements. However, the formed carriageway does not follow the course of the legal right of way easement and in fact it intrudes significantly into land owned by the owner of 1 Whitewash Head Road which is not the subject of any easement rights. In short, approximately half of the formed carriageway has been formed on land which is not legal road and which does not have the benefit a legal easement.
4. In addition, the easement rights that do exist do not include any rights of public access. The right-of-way easement merely creates rights of access for the private landowners and residents of Whitewash Head Road and does not extend to members of the public. This issue was raised in the recent High Court proceedings when Mr Brankin applied to the Court for access from Whitewash Head Lane to his property in Flowers Track.
5. The public accesses this part of the carriageway to Nicholson Park and similarly various public utilities have been installed in the carriageway without the benefit of formal easement rights. It is therefore essential that the Council formalise public ownership of this part of Whitewash Head Road.
6. The owners of 1 Whitewash Head Road have been in discussion with Council staff and have agreed to vest ownership of 202m² of their land in the Council as legal road and have requested:
 - (a) That Council enters into a Deed of Licence with them to allow their continued use of their existing single garage which is situated on that part of their land intended to be vested in the Council as legal road.
 - (b) That the 59m² portion of unformed Whitewash Head Road below the property at 1 Whitewash Head Road which they already partially occupy be formally stopped as road and transferred to them.
 - (c) That the Council permits the occupation of road airspace for the proposed new dwelling to be erected on the site.
 - (d) That the Council take the necessary steps to arrange for the surrender of the existing defective right-of-way easements over the land to vest in the Council's ownership as legal road.

7. The proposed road stopping of approximately 59m² of unformed legal road and the legalisation of the formed carriageway on 1 Whitewash Head Road have already been canvassed in detail with all the Whitewash Head Road landowners affected. Of the 24 landowners affected as at the date of this report 18 have responded positively to the proposals.
8. Accordingly, it is proposed to use the Public Works Act procedure for the road stopping as the road stopping proposal essentially is of the nature of an exchange of unformed road for a formed road with continuity of the present position. The public access along the frontage has not been compromised.
9. The owner is already occupying part of the road to be stopped. The existing dwelling's foundation entry porch, pond, gateway and fence are already encroaching on road land.
10. The owners of 1 Whitewash Head Road propose to build on the site a dwelling with four floors. At the ground floor level the ensuite and bedrooms will occupy the area identified as "road to be stopped" and the remaining three floors contain some elements of encroachment onto the unformed road airspace.
11. The details of the proposed encroachments onto the unformed legal road airspace along the northern frontage of the property are as follows:
 - (a) First floor - the area of encroachment is approximately 90m² consisting of portions of entry porch, balcony, dining/living and terrace space.
 - (b) Second floor - the area of encroachment is approximately 46m² consisting of portions of bathroom, balcony, sunroom and terrace space. Part of the proposed ramp to the garage will also occupy 21m² of the unformed legal road.
 - (c) Third floor - the area of encroachment is approximately 21m² consisting of portions of roof, terrace and chimney space.
12. It is unlikely a road will ever be constructed along the property's frontage and in any event the proposed airspace encroachments would have an insignificant effect on the road scene.
13. The proposed granting of permission to use of airspace above the unformed legal road will not compromise the access presently available to the general public along the existing pathway erected below 1 Whitewash Head Road due to the steep terrain. The existing formed pathway is 5.0m away from the proposed dwelling and 7.0m below.

FINANCIAL AND LEGAL CONSIDERATIONS

14. The initiation of the required road stopping procedures under the Public Works Act 1981 and the approval of the use of the unformed road airspace will require the Council's decision.
15. The cost for the road legalisation and road stopping is likely to be \$30,000 and funding is provided for.

OPTIONS

16. Leaving the status quo unchanged - this option will not resolve the important public access right issues up Whitewash Head Road nor correct the legal problem of the existing carriageway not following the path of the legal right-of-way easements.
17. Taking the private land upon which the first 20m of Whitewash Head Road is erected for a public work (ie legal road) under the Public Works Act - this would require the use of the Public Works Act procedures to compulsorily acquire the rights of the owner of 1 Whitewash Head Road and the holders of the rights-of-way easements. The negotiated outcomes achieved by Council staff and the affected parties as proposed and recommended by this report would avoid the need to embark on this type of lengthy, expensive and potentially acrimonious procedure.
18. Preferred option - the proposal as recommended by this report will achieve the outcomes identified by Council staff as being necessary and will allow the owner of 1 Whitewash Head to develop a new dwelling on what is a very difficult site. In addition the proposed stopping of part of the unformed legal road and disposal of that land will reduce costs to the Council and allow for a more efficient management of the surplus road land.

STAFF RECOMMENDATIONS

That the Board recommend to the Council:

- (a) To commence road stopping procedure under the Public Works Act 1981 for an area of approximately 59m² of unformed legal road below the property at 1 Whitewash Head Road as indicated on attached plan.
- (b) To commence and undertake the necessary road legalisation procedures to legalise the current position of the carriageway currently situated on private land at 1 Whitewash Head Road.
- (c) To permit the owners of 1 Whitewash Head Road to occupy approximately 35m² of unformed legal road airspace (excluding the unformed legal road area proposed to be stopped and transferred to the owners of 1 Whitewash Head Road).
- (d) To require the owner of 1 Whitewash Head Road to enter into the Deed of Licence to allow them to continue using their existing garage erected upon that part of their land intended to vest in the Council as legal road.
- (e) All existing built structures on unformed legal road be removed eg pond and fence.

CHAIRPERSON'S RECOMMENDATION

For discussion.

6. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 57 CLIFTON TERRACE

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Weng Kei Chen, Asset Policy Engineer, DDI 941-8655

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council for the construction of a double garage and storage area partially on legal road as shown on the attached plan, and to initiate road stopping procedure approximately 12.5m² of legal road outside 57 Clifton Terrace on completion of the foundation of the garage. This is the area where the garage encroaches onto legal road.

EXECUTIVE SUMMARY

2. The property at 57 Clifton Terrace is below the roadway and has no garage on site. Currently there is one car parking space along the edge of the private right of way which serves two properties.
3. The proposed structure will be well below the carriageway and with the existing vegetation on top of the bank the environmental impact to road users will be minimal.
4. Alternative garage sites entirely on the applicants site will present car manoeuvring difficulties to the applicant and to the neighbours sharing the driveway. It will also involve high platform structures if it is on the same side of the dwelling.
5. The road space below the carriageway is surplus to roading requirements and disposal of road land or permitting the proposed structure will have little effect to the road environment.
6. This proposal has the support of neighbours who have rights over the driveway.

FINANCIAL AND LEGAL CONSIDERATIONS

7. The Board has the power to approve garages, parking platforms and structures related to vehicular access wholly or partly on the road. However, this application is for a garage with storage space and hence approval requires the Board's recommendation to Council.
8. The intended life of a building is normally 50 years and it is not unreasonable to request the disposal of approximately 12.5m² of redundant road land enabling the proposal to proceed.
9. The disposal of this small parcel of road land is insignificant and will have no effect to road users and hence it is appropriate to commence the road stopping procedure pursuant to the Public Works Act 1987.
10. There will be a financial return to the Council for the disposal of Surplus road land.

OPTIONS

11. Decline the road encroachment for the garage to be built outside the current property.
Comment: This will present vehicle manoeuvring difficulties to the owners and neighbours.
12. (a) Approve the garage outside current property as an encroachment with storage space contrary to current policy and outside the Board's delegation and Council manage the use of road space by way of a Deed of Licence.
(b) Approve the garage only and Council manages the use of road space by way of Deed of Licence.
13. The area for which the garage encroaches on is surplus to road requirements and Council to initiate the road stopping procedure and dispose of the road land.
Comment: This process will take some time and will delay the construction.
14. Approve the garage on legal road and follow up with road stopping.
Comment: This will enable owner to construct garage without delay and work towards land disposal.

23. 11. 2005

- 8 -

STAFF RECOMMENDATIONS

That the Board recommend to the Council:

- (a) That it approve the construction of the proposed garage and storage area partially on legal road as shown on the attached plan.
- (b) That the Council declare this parcel or road land approximately 12.5m² as surplus to roading needs and commence road stopping pursuant to the Public Works Act 1987, on completion of the foundation of the garage.

CHAIRPERSON'S RECOMMENDATION

For discussion.

7. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 219 TAYLOR'S MISTAKE ROAD

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Weng Kei Chen, Asset Policy Engineer, DDI 941-8655

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval for the construction of a double garage partially on legal road. The area of encroachment is approximately 9.0m² as indicated on the attached plan.
2. To seek the Board's recommendation to the Council to commence road stopping procedures to the parcel of surplus land approximately 77m² which is a 3.0m wide strip along the property's frontage.

EXECUTIVE SUMMARY

3. The owner of the property at 219 Taylor's Mistake Road has requested the use of 9.0m² of road land enabling the construction of a double garage.
4. This is considered a reasonable request due to the topography of the site being steep and to locate the structure totally on site will incur substantially more earthwork.
5. The encroachment is minor and will not compromise road users movement along the frontage. In addition this section of roadway was only upgraded five years ago and any other upgrade is likely to be some time away.
6. The proposal for the garage has the support of the neighbours.
7. There is also an existing long single garage along the property frontage and it is entirely on legal road approximately 3.5m from the kerb. This land is surplus to road requirements.
8. The existing garage also acts as support to the bank and removal of this structure will incur building a new retaining wall.

FINANCIAL AND LEGAL CONSIDERATIONS

9. The Board has the delegated power to approve the building of this garage on road.
10. The disposal of this parcel of redundant land is insignificant and will have no effect to road users and hence it is appropriate to commence the road stopping procedures pursuant to the Public Works Act 1987.
11. There will be financial return to the Council following the disposal of surplus road land.

OPTIONS

12. Status Quo:

Comment - The disapproval of the structure will likely result in added pressure to the street parking facilities.

13. Approve the garage and enter into a Deed of Licence to occupy legal road.

Comment - Not a good long term solution because land is surplus to Council requirements.

14. Stop road and sell to owner.

Comment - This process will take some time and will delay the construction.

15. Approve the garage on legal road and follow up with road stopping.

Comment - Enables owner to construct garage without delay and works toward land disposal.

23. 11. 2005

- 10 -

STAFF RECOMMENDATIONS

- (a) That the Board approve a double garage partially on legal road outside 219 Taylor's Mistake Road as shown on the attached plan.
- (b) That the Board recommend to the Council that it commence road stopping procedures to the

8. PROPOSED GARAGE ENCROACHING ON LEGAL ROAD OUTSIDE 280 MAIN ROAD

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Weng Kei Chen, Asset Policy Engineer, DDI 941-8655

PURPOSE OF REPORT

1. This report is to seek the Board's approval for a single garage wholly on legal road and is outside 280 Main Road. The location of the structure is as indicated on the attached plan.

EXECUTIVE SUMMARY

2. Mr Guthrie of 278 Main Road applied to Council to construct a garage outside 280 Main Road.
3. The proposed garage is between two existing garages and is in front of a newly built vehicle ramp serving 280 Main Road. The gap between the two garages is 5.3m and is only capable of accommodating a single garage.
4. The owner on 280 Main Road has consented to this proposal.
5. The property at 278 Main Road is a lease-hold property jointly owned by two owners and is capable of accommodating two dwelling units.
6. There is already a double garage in front of this property serving an existing dwelling. In August 1993 the Board approved a double garage adjacent to the existing garage and is along the property frontage.
7. The approval in 1993 is subject to a proposed new dwelling and that the resource and building consents be obtained at the same time. This condition was to ensure that garaging on road space are managed consistently with City Plan requirement. This approval has lapsed.
8. In September 1994 the half undivided share of the property was transferred to Mr Ensor. Mr Guthrie also requested that the garage which he occupied be transferred to Mr Ensor and all subsequent payments of the licence fees were paid by him. Hence leaving the existing dwelling which is owned by Mr Guthrie without a garage.
9. Mr Ensor does not live in the area and further investigation is required to ascertain whether breach of licence agreement has occurred.
10. To date there is no indication to Council for the timing of an additional dwelling being built on site.
11. In June 2003 the Board approved the construction of a vehicle ramp to serve the property at 280 Main Road. This ramp occupied the space for the previously approved (but now lapsed) garage.

FINANCIAL AND LEGAL CONSIDERATIONS

12. The Board has the delegated power to approve the building of this garage on the road.
13. At present with only a dwelling on site the requirement for garaging has been satisfied and is consistent with the City Plan. But in reality the existing garage is serving a vacant building site.
14. The management of this garage will be by way of Deed of Licence with the occupier and will incur a document fee of \$150 and an annum current fee of \$100.

OPTIONS

15. Status Quo ie the disapproval of the structure will result in Mr Guthrie's vehicle continuing to be parked on the road side.

23. 11. 2005

- 12 -

16. Cancel the existing Deed of Licence of the existing garage occupied by Mr Ensor (the other owner of the half undivided share of the site). This action requires six months termination notice being served on Mr Ensor and then transfer the licence to Mr Guthrie. This may result in a long drawn legal process between the two owners. This option will result in Mr Ensor applying to Council for a garage site on road for his new dwelling.
17. Approving the application will satisfy Mr Guthrie's needs (note the owner of 280 Main Road has already consented to the proposal).

STAFF RECOMMENDATIONS

It is recommended that the Board:

- (a) Approve the application for a single garage wholly on legal road and the road land available is 4x6m².
- (b) That the final plan for the structure be approved by the Manager of Transport and City Streets Unit prior to Resource and Building consents being issued.

CHAIRPERSON'S RECOMMENDATION

For discussion.

9. STRUCTURE ON STREET APPLICATION FOR 40 KINSEY TERRACE

General Manager responsible:	General Manager City Environment.
Officer responsible:	Transport and City Streets Manager
Author:	Tony Lange, Asset Engineer, DDI 941-8469

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to erect a private structure partially on legal road.

EXECUTIVE SUMMARY

2. A Structure on Street application for a new double garage sited partially on legal road has been made by the owners of 40 Kinsey Terrace. Currently the owners have a dedicated single garage located entirely on legal road but would like to build an integrated structure that provides a covered link between the proposed structure and the existing house.
3. The Transport and City Streets Unit are about to reignite the street renewal project with a new round of consultation to begin later this year. Capital funds have been allocated with construction planned for completion in the 2006/07 year.
4. Staff have assessed the sighting of the proposed structure in relation to the upcoming street renewal project and have deemed this to be minimal.
5. Some residents in the area oppose the approval of this application.

FINANCIAL AND LEGAL CONSIDERATIONS

6. Community Boards have been delegated to approve Structure on Street applications for garages and parking platforms.
7. The application is subject to compliance with Council requirements such as resource and building consents.
8. A Deed of Licence fee for occupation of road space will accrue to the Council. This is valued at \$200 per annum for a double garage.

STAFF RECOMMENDATIONS

It is recommended that the Board:

1. Approve the application subject to the conditions listed in this report.
2. Revoke the current Deed of Licence for the single garage and call for the removal of the single garage within six months from the completion of the new double garage.

CHAIRPERSON'S RECOMMENDATION

That the matter be deferred for three months and the report be represented to the meeting of 22 March 2006 for a decision.

BACKGROUND

9. The Board will be aware that Kinsey Terrace has been the subject of much debate over the last few years with the old Environmental Planning and Policy and City Streets Units embarking on a renewal project for Kinsey Terrace in 2000. To date the issues raised by the residents have not been addressed as agreement on a final plan had not been reached. The Transport and City Streets Unit are about to reignite the renewal project with a new round of consultation to begin later this year. Capital funds have been allocated with construction planned for completion in the 2006/07 year.
10. In the meantime the owners of 40 Kinsey Terrace have approached the Council with plans for an extensive addition to their current dwelling. This involves the construction of a double garage sited partial on legal road (3.0 metres over the boundary). This work is subject to 'Structure on Street' approval which can only be granted by the Board (see attached plan A).
11. Currently the owners have a dedicated single garage located entirely on legal road but would like to build an integrated structure that provides a covered link between the proposed structure and the existing house. The existing Deed of License for the single garage would be terminated and a condition made for the current single garage to be removed from the road space. However, the loss of this structure may deny neighbours an opportunity to have covered parking and not impact on vehicle turning movements of large vehicles. The problem herein is that this structure is privately owned and the Council has no rights to its ongoing management.
12. Council policy does not prohibit the owner from more than one structure on street within the frontage of the property. However, in this situation it may be prudent for the Council to order the owner to remove the existing structure, within a period to be specified, following the completion of the new structure. This is a fair and reasonable request given the constrained nature of the road at the west end of Kinsey Terrace and the apparent monopoly the owners have in this location where on street parking is at a premium and for other residents who have no off street parking.
13. The City Plan allows for two vehicle entrances for properties with a road frontage between 16 metres and 60 metres. However, in the City Plan there is a minimum distance between vehicle crossings within the same frontage and it is 7.5 metres. The reason for this is that the distance between crossings provides an opportunity for on street parking which does not exist in this case as the distance between the two structures is approximately 5 metres.
14. The building of a garage partially on the applicant's land will incur extensive remodelling of the existing dwelling and this request is consistent with the Council's policy for approving garages on legal road. Any new garage on legal road would be subject to a new Deed of License arrangement.
15. While the proposed structure is partially located on legal road, along the applicant's road frontage, the structure itself will be adjacent to the formed road and will comprise a short bridge span of 0.5 metres from the edge of road/ top of bank to the front of the structure. Analysis of vehicle path movements indicates that the position of the structure will not affect turning vehicles. Indeed it will assist turning vehicles when compared to the current situation (see attached plans B and C).
16. However, current on street parking arrangements are likely to be compromised by the addition of this structure. A defined parking area capable of accommodating four vehicles will be removed if the Structure on Street application is approved as vehicles are restricted from parking in front of a garage on legal road. This is an issue that can be addressed through the renewal project as there are other options available for on street parking. It will however be important that residents are aware that conflict does arise while trying to maximise on street parking and accommodate turning vehicles, particularly emergency vehicles and service vehicles which are larger than family sized vehicles, in this constrained area.



17. In normal circumstances a loss of parking can occur. An application to provide a new vehicle entrance will result in the loss of parking in that location whether the structure is located on legal road or within the private property.

CONSULTATION

18. The Environmental Services Unit have assessed the resource consent for the proposed garage as being a 'limited notified application'. This means that copies of the application are sent to the affected neighbours. In this case three neighbours have been considered as affected and are therefore allowed to make a submission on the application.
19. Other residents in the street have become aware of the application and have contacted the Council with concerns as follows.
20. The CCC Authorising Officer for the resource consent, received an email from the chair of the Clifton Neighbourhood Committee (CNC), dated 18 July. This noted the conflict that arises at the western end of Kinsey Terrace between turning vehicles and parked vehicles. In the email it is noted that an "increasing number of trucks, unable to turn (in the now inadequate turnaround area) are having to back up the narrow road".
21. In an attachment to the email, dated 15 July, the CNC suggests that the "proposed garage, if built, would seriously compromise the options available for resolving or at least mitigating, the traffic difficulties" in this part of Kinsey Terrace.
22. The CNC conclude the following:
 - "The proposed garage will further degrade an already difficult situation in regard to vehicle parking and manoeuvring.
 - This being so the Consent notification process should be extended to include all those parties who will be affected in that regard.
 - An extensive process of "Our Street" discussion and debate has been undertaken; much of this will have to be revisited if the proposal is approved, and this could include research and design work already carried out or planned for by the Council."

OPTIONS

Option A - Decline the application

23. The Council could decline the application due any potential conflict with the impending street renewal project. This would appease the concerns from the wider residential catchment. However, the construction of the garage at 40 Kinsey Terrace would be delayed when there is no guarantee that the renewal project outcome will affect this proposal.

Option B - Approve the application

24. The affect of the garage siting has been technically assessed as follows.
25. Computer modelling of vehicle paths for medium sized trucks, typical of current vehicles, has been carried out to assess the risk of the proposed structure prohibiting turning movements at the western end of Kinsey Terrace. The results indicate that the proposed structure will not compromise any option to improve vehicle manoeuvres (see attached plans).
26. However, the proposed structure will impact on the number of on street parking spaces currently available to visitors and residents as four spaces are located along the road frontage of 40 Kinsey Terrace, the applicants address. At least two of these will be lost with the garage development until such time as this issue can be resolved as part of the renewal project. Opportunities do exist to provide on street parking at current numbers, albeit in a different location, and improve vehicle turning. Although these issues are outside the objective of this report they need to be included in the renewal project.

23. 11. 2005

- 16 -

27. At the time of writing this report not all affected neighbours have consented to the proposal and accordingly it is recommended approval be given subject to:

- Deed of licence being entered into with the Council.
- Resource and building consents being obtained.
- The owner being entirely responsible for the stability, safety and future maintenance of the bank, driveway and formation work associated with the structure.
- The site being kept in a tidy condition at all times during the course of construction.
- Maintaining clear access to the properties downstream.

PREFERRED OPTION

28. Option B

ASSESSMENT OF OPTIONS**Maintain The Status Quo (If Not Preferred Option)**

Option A - Decline the application

	Benefits (current and future)	Costs (current and future)
Social		
Cultural		
Environmental		
Economic		
<p>Extent to which community outcomes are achieved:</p> <p>Impact on Council's capacity and responsibilities: Nil.</p> <p>Effects on Maori: Nil.</p> <p>Consistency with existing Council policies: Consistent.</p> <p>Views and preferences of persons affected or likely to have an interest: Community group is against the application.</p> <p>Other relevant matters: Nil.</p>		

The Preferred Option

Option B - Approve the Application

	Benefits (current and future)	Costs (current and future)
Social		
Cultural		
Environmental	Will provide an opportunity for vehicles to manoeuvre.	Loss of parking until such time as the renewal project is completed.

10. ANTIGUA BOATSHEDS

General Manager responsible:	General Manager City Environment
Officer responsible:	Greenspace Manager
Author:	Lewis Burn, Property Consultant DDI 941-8522

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to authorise the Corporate Support Manager to negotiate and conclude a new lease of the Antigua Boatsheds site when the existing lease expires on 31 March 2006.

EXECUTIVE SUMMARY

2. This report seeks approval to issue a further lease to the long established existing operator. This is necessary to give sufficient security of tenure to finance further expenditure in the reinstatement and repair of a building that has significant value as an historic Christchurch landmark which has provided for over 100 years the base for popular aquatic activities on the Avon River to both local inhabitants and visitors to the city. It is not considered necessary to put this lease out to public tender when the current operator is of proven performance and is committed as well as passionate about continuing with the family business with the best outcome for the building in mind.
3. Considering the Council's current asset sales policy and a leasing policy under development there needs to be express consideration and resolution of Council to unilaterally negotiate with the existing lessees. It is considered there is a case given the family's long association with the Boatsheds, their ownership of the building and the desire to make a commitment to reinstate and continue with the business for recommending a new lease be granted in the name of Mr and Mrs Jones on expiry of the existing lease 31 March 2006. This recommendation is provided that, remedial, restoration and maintenance work identified in the Conservation Plan that is finally agreed be implemented in a staged manner. This is accepted by the applicant.

FINANCIAL AND LEGAL CONSIDERATIONS

4. Notwithstanding the reversion of improvement ownership clause in the lease, the Council's financial interest in the Boatsheds is the site. The continuation of the business from this site will maintain a commercial rental revenue stream. For the long term however this is dependent on significant remedial work as it is apparent that without this work being done the building probably has a very limited life. There may be a cost to Council through the heritage fund towards this work but detail on this has yet to be worked through and considered following finality of the Conservation Plan. No other cost to Council of any significance (there is some processing costs) is envisaged.
5. The present lease was issued as a lease of recreation reserve under Section 54(1)(d) of the Reserves Act 1977 with the consent of the Minister of Conservation. On expiry the lease provisions provide for several scenarios.
 - (a) The building and all other improvements reverts to the ownership of Council with Council under no obligation to pay compensation.
 - (b) The Council could require the lessee to remove some or all the improvements.
 - (c) The Council could pay the lessee the value of the improvements as determined by the Minister of Conservation.
 - (d) The Council could lease to another tenant with the incoming lessee to pay the outgoing lessee the value of the improvements as determined by the Minister of Conservation.
6. The site of the Boatsheds is a public riverbank reserve under Section 7(1) Christchurch City (Reserves) Empowering Act 1971. This Act provides for the reserve to be administered under the provisions Reserves Act 1977.
7. The Minister of Conservation has granted delegated authority to administering bodies to exercise his consent to grant leases of public reserves in cases where the activity is an existing use and the effects of the use will be the same or similar in character ,intensity and scale.

8. Public notification under the Reserves Act will be required before a grant of a new lease is implemented.
9. The Community Board does not have delegated authority to authorise the leasing of metropolitan assets. The site along with the operation of the Boatsheds is an important historical icon and asset to the city as a tourist destination and consequently this is a project which impacts on users across the city which is the responsibility of Council.

POLICY

10. **Assets - Sale of** - Current policy provides for disposal of Council property by way of public tender unless there is good reason for doing otherwise. Although this policy is written with sale specifically in mind the practice has been to apply the principle of not dealing unilaterally with long term leases offering commercial opportunity. Under a leasing policy currently being developed it is proposed that as a general principle existing lessees will not have preferential rights to new leases beyond the current lease expiry.
11. The exceptions to this principle being suggested could include the following criteria:
 - The tenant has proved to be a good operator and lessee.
 - The extension/new lease is required to provide for recovery of additional capital injected into the business and taking into consideration the extent and when.
 - The tenant has or is creating significant capital invested in non-transferable assets.
 - The renegotiation of new lease terms and conditions to facilitate business sale is not appropriate.

HERITAGE CONSERVATION POLICY

12. The proposal to continue leasing the Boatsheds site to the present operator aligns with Council's Heritage Conservation policy (adopted in September 1998) in the following ways:

Conservation plans

Policy 4.1 "To promote the preparation of conservation plans for all other listed heritage buildings, places and objects".

Heritage Protection

Objective "The Council prefers to achieve heritage protection by working with owners and Developers".

HERITAGE VALUES, VISION AND MISSION STATEMENTS

13. Under these statements endorsed by Council 22 April 2004 is:

Best Practice Management

"We envision a city committed to best-practice cultural heritage management and planning that advocates continuing use and compatible new uses that generate sustainable management and development outcomes."

STAFF RECOMMENDATIONS

That the Board recommend to the Council:

1. That the Corporate Support Unit Manager be delegated authority to negotiate and conclude a new lease to Michael James Jones and Sally Jones of the Antigua Boat Sheds site, comprising approximately 628m² as shown on SM1305-01, under Section 54 1 (d) of the Reserves Act 1977 for a term not exceeding 30 years to commence contemporaneously from the expiry of the existing lease on 31 March 2006 subject to:
 - (a) The adoption of the Conservation Plan (prepared by Anthfield Architects Ltd) in its final form by the Planning Strategy Manager.

- (b) An agreement to lease prepared by the Council's Legal Services Unit being entered into between the Council and Mr and Mrs Jones conditional on:
- 1 (a) above.
 - A programme being agreed that provides for staging of the remedial work identified in the Conservation Plan and Structural report by Holmes Consultancy Group.
 - Funding arrangements being made satisfactory to both Council (Heritage Fund) and the Lessee.
 - Consultation as appropriate being undertaken with Iwi, New Zealand Historic Places trust in accordance with the Conservation Plan.
 - All Statutory Consents necessary being obtained by the applicant under the Resource Management Act 1991 and the Building Act 2004.
 - The Public Notification of the new lease in accordance with the Reserves Act 1977 and no sustainable objections being received and upheld.
 - Each party meeting their own legal cost in putting the agreement to lease and subsequent Deed of Lease in place. The lessee to meet all other disbursement and consent costs.
2. Subject to 1, the Council resolves to exercise its power under delegation to grant the Minister of Conservation's consent to the lease.
3. The Corporate Support Manager being authorised to conclude the agreement to lease and approve/administer the terms of the subsequent lease on behalf of Council as lessor.

CHAIRPERSON'S RECOMMENDATION

That the recommendation be adopted.

BACKGROUND ON ANTIGUA BOATSHEDS

INTRODUCTION

14. Discussions have been held with Mr Jones, and his Solicitor over the future of the Boatsheds and Mr Jones is anxious to endeavour to keep the building operating and to bring it up to a proper and permanent state of repair. The Jones wish to do this not just for commercial reasons but because of the family's long association with the Boatsheds and its status as a genuine Christchurch icon/landmark. To do this a new lease that would give security of tenure to encourage the expenditure required on the building is needed. The work will need to be staged to make the cost viable and he would be happy to enter into any new lease which provided for the work to be carried out over stages. This commitment to reinstate and continue has been demonstrated by the Jones given the expenditure already made on reports and investigation.

CURRENT LEASE (GROUND LEASE)

15. The lease commenced 1 April 1985 and is in the name of Antigua Boat Sheds (W.S. Dini) Limited. W.S. Dini and his wife owned and managed the boatsheds for 30 years since 1948. The lease term was initially for seven years intended to take effect as a lease of recreation reserve under Section 54(1)(d) of the Reserves Act 1977. Two rights of renewal have been exercised and documented for terms of seven years each to take the lease to its final expiry date of 31 March 2006. Rent is subject to three yearly reviews. A commercial rent review was carried out and settled for the three year period from 1 April 2003. Rent and rates payments are up to date.
16. The lease was varied in 1996 to extend the use clause to provide for the hiring of punts and the range of food stuffs sold from the premises. The lessee is responsible for all maintenance and payment of insurance, rates, taxes and utilities. The situation with ownership of improvements is detailed under Financial and Legal Considerations.

OPERATION

17. The current lease Lessee company is now wholly owned by Mrs Diane Phipps. This company was owned by Mrs Phipps and her late husband until his death in 1997. Since the death of Mr Phipps, Michael and Sally Jones (son-in-law and daughter of Mrs Phipps) have in effect operated the business. Michael and Sally have been involved with the Boatsheds since December 1986 when they purchased what was at the time "Antigua Milk Bar".
18. The café is sublet from the company to Michael and Sally Jones. Effectively the Jones currently operate and manage all business actively from the premises. The Boatsheds are open every day except Christmas day.

PROPERTY HISTORY AND SITE DESCRIPTION

19. The Antigua Boatsheds occupy a very unique position on the southern side of Cambridge Terrace, nestled on the northern embankment of the Avon River. The Building is a significant landmark of Christchurch in relation to the Botanic Gardens and the Avon River.
20. The Boatsheds, built in 1882 are of considerable social architectural and historical value and are a listed building under the New Zealand Historic Places Act 1993 as a Category II place. The building is also listed in Appendix 10 of the Christchurch City Plan as a Group 2 protected heritage item.
21. The Boatsheds originally consisted of six bays of single storey gabled/timber-framed construction with corrugated iron roofing and timber railed ramping down to the edge of the river. In 1907 fire destroyed the eastern end of the Boatsheds. Soon after the two eastern bays were rebuilt in a two storey configuration as they exist to the present day.
22. Alterations and additions were carried out in 1993 (café fit-out of shop and deck extension) and in 1997 for disabled toilet facilities.
23. The boatsheds carry significant "existing use rights" permitted by the Council for a long period of time as the current provisions of the RMA and Buildings Act would not allow construction of buildings close to the banks of the river in this position. This position significantly suits the current business operation, requiring the adjoining boat ramp for the launching of canoes and punts onto the Avon River. The business viability is supported with the cafeteria use.

Structural Repair and Waterproofing Works

24. Generally the Antigua Boatsheds building which is wholly owned by the company is in quite a poor state of repair requiring extensive reconstruction, restoration and maintenance work. Mr Jones has commissioned reports from Athfield Architects and Holmes Consultancy on remedial structural and restoration work and in addition a conservation plan is being developed by the Athfields (second draft completed) to assist with conservation, restoration, stabilisation and maintenance of the building. To date some \$15,000 has been spent by the Jones on reports on condition and what needs to be done to the building.
25. Sketch design details have been provided by Holmes Consulting Group for the installation of new foundations and suspended timber floor, new timber cross bracing to walls and roofs and additional connections to existing framing junctions for bays 3-6 of the Antigua Boatsheds. The cost estimate for this work (given September 2004) is \$155,000 excluding GST. In addition to this cost is a further \$35,000 excluding GST for re-cladding the walls to the entire building. These cost assessments do not take into account additional requirements imposed by the assessment of the cultural/heritage values. The works will require Resource Consent and Building Consent to proceed.

NEW LEASE (PRINCIPAL TERMS)

26. An agreement subject to Council consent has been entered into between the Company and Mr and Mrs Jones to purchase the business in their own names. This agreement is also conditional upon a new lease being granted (on expiry of the current lease) by the Council on terms and conditions acceptable to the purchasers. Change of ownership has been deferred pending satisfactory arrangements regarding future tenure and upgrading work. Despite being an inter family transaction, Mr Jones is understandably reluctant to commit funds to purchase without knowing whether or not a new lease will be granted
27. The ground lease proposed would take in an area of approximately 628 square meters (shown as A on SM 1305-01). The site takes in the decking as redeveloped and the paved out door planters and seating area outside the main entrance to the Café. (Redeveloped by the Council in 2001).

Lessee:	M J and SI Jones as a partnership. The Jones have signed a sale and purchase agreement with the current owner Mrs Phipps (mother/mother in law) subject to a new lease in their names being granted. The new lease to issue contemporaneously with expiry of the current lease which will remove the need for an assignment.
Term:	Maximum term of 30 years including renewals to commence 1 April 2006.
Rental:	Commercial rental as assessed by valuation based on the traditional ground rental percentage approach.
Review:	Provision for rent review at five yearly intervals. Rent holiday raised by applicant to enable (and conditional upon) carrying out of repair and remedial works on the building. Yet to be discussed in detail and agreed.
Assignment:	Right of assignment only at Council's discretion until repair and remedial work completed.
Outgoings:	All outgoings including rates associated with occupation and use of premises.
Maintenance:	All maintenance responsibility.
Improvements:	Reversion of ownership to Council at end of lease or sooner termination.
Use Clause:	For the business of hiring boats, canoes and punts to the public and operating a Café in support maintaining a viable business. Note the applicant has mentioned the possibility of a change of use and /or hiring other products (eg bikes, skates) from the sheds should natural events occur that would make the boating operation difficult or impossible. Any change of use or extension of the business use should not be dismissed but considered on its merits at the appropriate time.

PAST WORK (MAINTENANCE/CAPITAL) BY M J AND SI JONES

28. 1992 commenced Dairy conversion to a café creating outside seating overlooking the river. Fletcher Construction reinforced foundations under the two storey end of the building and a concrete pad was poured.
29. September 1993 work carried out by Belvue Development Co Ltd .Included in the extension and remodelling of the Café was an outside toilet - cost \$100,000. There was no public toilet until this stage but unfortunately this toilet was constantly vandalised.
30. 1995 roof replaced over café.
31. 1997 outside public toilets relocated to inside facilities with separate conveniences for male and female and provision for disabled-cost \$15,000.
32. 2000 on - general maintenance and upkeep including:
 - Replacement of cladding of southern outer wall of building.
 - New rain heads and downpipes.
 - Repair and replacement of the bottom deck.

Cost \$3,500

Total cost \$121,000

STAGING OF WORK

33. The staging of work will be dictated by the availability of funding and when this can be drawn down. Over year 1 consents and permits necessary would be sought. If sufficient funds are available for the most immediate work to arrest settling (installation of timber piles and bearers) this could be carried out in that year. The remainder of the work identified in the conservation plan and structural report would follow years 2-3 with all remedial and reinstatement work estimated to be completed by the end of year 4. Understandably the Jones are reluctant to commit further capital expenditure on the building until a new lease in their names is confirmed

FUNDING

34. Application is hoped to be made for assistance towards reinstatement to both the Historical Places Trust and the Council's Heritage Fund once a final conservation plan is in place. As the building is in private ownership and accommodates a commercial business funding sources outside traditional borrowing are limited.

CONSERVATION PLAN - ATHFIELD ARCHITECTS LIMITED (SECOND DRAFT OCTOBER 2005)

35. Plan prepared for Mike Jones to assist with conservation, restoration, stabilisation and maintenance of the boatsheds. The plan evaluates the historical, social, architectural, technological and townscape/landmark significance of the boatsheds. The significance of each of these components assists with the establishment of a conservation policy. The plan also reports on the cultural significance of the building and its current condition and status. Within the plan is a chronological summary of events from 1862 (when the Christchurch Public Hospital was built) through to 2001. The plan draws the conclusion that the overall assessed heritage value of the boatsheds can be valued as being of considerable value.
36. This assessment under the plan determines the extent to which changes are allowed. For the boatsheds this means the conservation, restoration and reconstruction of the fabric should be carefully carried out to ensure the heritage value is kept intact and to allow compatible new uses.
37. The report summarises the current condition of the building and makes detailed recommendations on future work and use of the building with actions listed in order of highest priority, the installation of timber piles and removal of rotting wall studs/installing new studs on a timber bearer on piles topping the list of actions. At detailed exterior and interior photographic record has also been taken in addition to historical photographs.

OPTIONS

38. Option 1

Do nothing. Let lease expire with improvements ownership reverting to Council.

39. Option 2

Put the lease out for public tender on expiry.

40. Option 3

Negotiate a new lease with the current operator (Michael and Sally Jones) to commence from expiry of the existing lease.

PREFERRED OPTION

41. Option 3 is put forward as the recommendation.

Advantages

- Maintains continuity of service and operation of a Christchurch icon to locals and visitors.
- Sets a path for reinstatement work to the Boatsheds to arrest further deterioration.
- Minimises processing costs to Council.
- Produces on going revenue to Council.
- Performance and commitment of existing operator known.
- Does not undermine existing reports and investigations undertaken into upgrading work.
- Is fair and reasonable given the applicants long family association with the building and capital investment.
- Gives security of tenure sufficient to encourage the expenditure required on the building.

42. **Disadvantages**

- Slight risk of controversy over dealing unilaterally with an incumbent tenant.
- Market conditions/ideas not tested.

43. **Other options**

The do nothing option 1 is not considered in the best financial and practical interests of Council in maintaining the ongoing function of the boatsheds as a Christchurch landmark and tourist destination. Option 2 while consistent with Council practice for disposal of Council assets would slow the impetus in measures that have been taken towards the reinstatement of the boatsheds to a proper and permanent state of repair without any guarantee of securing another good operator as committed to the building as the applicant and likely push the full costs and responsibility for this work onto the Council.

11. OSBORNE STREET - GIVE WAY CONTROLS

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Transport Manager
Author:	Lorraine Wilmshurst, Roading Projects Project Manager, DDI 941-8667

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval for the installation of four way "Give Way" controls on Osborne Street at the Laurence Street and Charles Street intersections.

EXECUTIVE SUMMARY

2. The Charleston Neighbourhood Plan was published in September 2001 and since that time the focus has been putting it into action. Osborne Street is a local road within the Charleston area and due to the age and condition of the kerbs, channels and footpaths it is scheduled for renewal in the 2005/06 financial year.
3. A concept plan was prepared in November 2004 and distributed for consultation in January 2005 with a public meeting on 2 February 2005. The project team considered the feedback from the community and a number of amendments were made to the concept plan. The amended concept plan and the parking (no stopping) restrictions were presented to the Board in July 2005. The concept plan and parking restrictions as presented were approved by the Board for design, tender and construction in July 2005.
4. For the concept plan to be fully implemented, it is recommended that the four way "Give Way" controls at the intersections of Osborne Street and Laurence Street, and Osborne Street and Charles Street, be approved for installation.

FINANCIAL AND LEGAL CONSIDERATIONS

5. The estimated total costs for decision required by this report is nil. The overall kerb and channel project is expected to cost \$971,000 inclusive of all consultation, design and project management. Approval for the kerb and channel project has already been received.
6. Without the approval of the resolutions for give way traffic controls, the traffic controls at the intersections will not be enforceable upon implementation.

STAFF RECOMMENDATIONS

That the Board approve the installation of the following "Give Way" controls:

- (a) That the "stop" traffic control against both the east and west approaches of Laurence Street at Osborne Street be revoked.
- (b) That the "Stop" traffic control against both the east and west approaches of Charles Street at Osborne Street be revoked.
- (c) That a "Give Way" traffic control be installed on all four approaches to the Laurence Street/Osborne street intersection.
- (d) That a "Give Way" traffic control be installed on all four approaches to the Charles Street/Osborne Street intersection.

CHAIRPERSON'S RECOMMENDATION

That the recommendation be adopted.

BACKGROUND

7. Following consultation with the community on the overall Charleston project, and Osborne Street in particular, the concept plan was amended to reflect the issues that the community had raised. It should be noted that both the original, and the amended concept both included the four way "Give Way" controls at the intersection of Osborne Street and Laurence Street, and Osborne Street and Charles Street.
8. At present the traffic from the industrial area south of the intersection has the right of way. The community, during consultation, were given an understanding that the priority could be altered at the intersection, to change the movement patterns of heavy vehicles in particular. The proposal was four way "Give Ways" and the local community agreed to it. Direction was sought from LTNZ as to whether the four way "Give Way" was an appropriate intersection treatment for traffic calming in a residential area and advised that it is an acceptable treatment.
9. Other intersections throughout the Charleston area, in particular Charles/Barbour and Charles/Grafton have had the four "Give Way" controls installed. Anecdotal evidence from the community (gathered during this project's consultation phase) indicated that the intersection layouts are working well.

OPTIONS

10. Two options were considered in the overall project development process. These are outlined as follows:

Option A - Status Quo

At present there is a "stop" traffic control on both approaches of Laurence Street at Osborne Street and also on both approaches of Charles Street at Osborne Street. This gives the right of way to traffic travelling the length of Osborne Street from the railway end to Ferry Road. Part of the Neighbourhood Improvement Plan for Charleston was to traffic calm the residential streets.

To leave the traffic controls at the intersections of Osborne and Laurence Streets and Osborne and Charles Streets as they are at present would not traffic calm the residential area as has been proposed.

Option B

To revoke the "stop" traffic controls and replace with a four way "Give Way" control at the Osborne Street and Laurence Street and the Osborne Street and Charles Street intersections.

The revoking of the "stop" traffic control removes the priority for the Osborne Street traffic and gives equal status to all the local road. Give way to the right rule now applies and, experience has shown in the area, that the effects are positive and contribute to changed vehicle behaviours.

PREFERRED OPTION

11. Option B is the preferred option as it provides for a better traffic calmed environment, and a consistency for traffic throughout the Charleston area. All the intersections throughout the length of Osborne Street from the railway end to the Ferry Road have a paved surface the same as in Charles Street. To keep the local road status for all the streets and consistency throughout the Charleston area, there is a need to install four way "Give Way" traffic controls.

12. ASSIGNMENT OF LEASE GOOD TASTE CAFE TO J & K COMPANY LIMITED

General Manager responsible:	General Manager Corporate Services
Officer responsible:	Corporate Support Manager
Author:	Bill Binns, Property and Leasing Adviser, DDI 941-8504

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's recommendation to the Council to approve the assignment of "Good Taste Café".

EXECUTIVE SUMMARY

2. The Council is obliged to consent to the assignment as both parties have fulfilled their obligations under Clause 35.1 of the Deed of Lease as set out in the background of this report.

FINANCIAL AND LEGAL CONSIDERATIONS

3. The Board does not have delegated authority to authorise the leasing of land - such a decision needs to be made by full Council. The Board however does have recommendatory powers to the Council.

STAFF RECOMMENDATIONS

That the Board recommend to the Council:

- (a) That it approve the assignment of the Deed of Lease for the café situated at 196 Tuam Street from Good Taste Cafe to J & K Company Limited.
- (b) That the Vendor and Purchaser of the assignment of the Lease meet all the costs of the assignment as agreed between the parties.

CHAIRPERSON'S RECOMMENDATION

That the recommendation be adopted.

BACKGROUND A

GOOD TASTE CAFE

4. On 28 February 2004 the Council "the landlord" entered into a Deed of Lease with Good Taste Cafe "the tenant" for the premises at 196 Tuam Street. The initial term of the lease was for two and half years commencing on 28 February 2004 with one right of renewal of two and half years with the final expiry to be 27 February 2009 a total of five years.
5. The tenant has requested the landlord consent to the assignment of the lease to J & K Company Limited.
6. The assignment provisions of this lease are follow the standard Christchurch City Council terms as set out in the Auckland District Law Society lease document.
 - (a) The proposed assignee is respectable, responsible and has the financial resources to meet the tenant's commitments under the lease.
 - (b) All rent has been paid and there are no other breaches of the tenant's covenants under the lease at the date of assignment.
 - (c) The assignee enters into a Deed of Covenant in a form acceptable to the Council.
 - (d) Where the assignee is a company, the company's obligations are guaranteed by the principal shareholder of that company, and if required by the Council, the Directors of the company.
 - (e) The assignee pays the Councils costs and disbursements in respect of the preparation and stamping of any Deed of Covenant of guarantee.
7. The Assignor has fulfilled it obligation under the Lease and Agreement to Lease to satisfy the assignment conditions above.

IN SUMMARY

8. The assignee J & K Company Limited still has to be registered with the Company's office. This is being carried out by the company's accountants. Its shareholders are Ms Janice Thornton and Keith Alderson.
9. The capital for the project is being raised in the following way; Mortgage 100%.
10. Ms Thornton has relevant skills with a good business background and some specific catering experience.
11. For the past eight years Janice has been the Food and Beverage Manager at the Russley Golf Club.
12. Prior to this she has held various positions in the Catering Business.

OPTIONS

13. N/A

PREFERRED OPTIONS

14. N/A

13. HAGLEY/FERRYMEAD COMMUNITY BOARD PROPOSED SCHEDULE OF MEETINGS FOR 2006

General Manager responsible:	General Manager Regulation and Democracy Services
Officer responsible:	Secretariat Manager
Author:	Emma Davison, Community Secretary DDI 941-6615

PURPOSE OF REPORT

1. The purpose of this report is to submit a proposed schedule of ordinary meetings in 2006 for the Board's approval. The proposed schedule is attached below.

EXECUTIVE SUMMARY

2. Each Community Board sets a schedule of ordinary meetings for the year ahead. The proposed schedule of meetings is based on the existing meeting schedule agreed to for 2005. The meetings are scheduled to occur in the alternate week to the meetings of the Burwood/Pegasus Community Board to ensure optimum co-ordination of shared resources. Any extraordinary meetings or board seminars will be set throughout the year as required and according to statutory requirements for notification.
3. It is proposed that Board meetings will occur on the second and fourth Wednesday of each month as detailed below with the starting time remaining at 3.00 pm. The Burwood/Pegasus Community Board will be requested to approve a meeting schedule based on the first and third Wednesday of each month. Meetings for consideration and allocation of the Project and Discretionary Funding will be set once the timeline for the funding process is confirmed.

Wednesday	8 and 22 February
Wednesday	8 and 22 March
Wednesday	12 and 26 April
Wednesday	10 and 24 May
Wednesday	14 and 28 June
Wednesday	12 and 26 July
Wednesday	9 and 23 August
Wednesday	13 and 27 September
Wednesday	11 and 25 October
Wednesday	8 and 22 November
Wednesday	13 December

FINANCIAL AND LEGAL CONSIDERATIONS

4. There are no financial considerations.

STAFF RECOMMENDATION

That the schedule of meeting dates for 2006 be adopted.

CHAIRPERSON'S RECOMMENDATION

That the recommendation be adopted.

14. COMMUNITY BOARD PRINCIPAL ADVISER'S UPDATE**15. QUESTIONS FROM MEMBERS**