

**AKAROA-WAIREWA COMMUNITY BOARD
AGENDA**

EXTRAORDINARY MEETING

WEDNESDAY 22 SEPTEMBER 2010

AT 9.30AM

**IN THE BOARD ROOM OF THE
LITTLE RIVER SERVICE CENTRE,
4238 CHRISTCHURCH-AKAROA ROAD, LITTLE RIVER**

Community Board: Stewart Miller (Chairman), Bryan Morgan (Deputy Chairman), Jane Chetwynd, Claudia Reid, Pam Richardson and Eric Ryder.

Community Board Adviser

Liz Carter
Phone: 941 5682 DDI
Email: liz.carter@ccc.govt.co.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 MEETING MINUTES – 11 AUGUST 2010 |
| PART B | 3. | DEPUTATIONS BY APPOINTMENT |
| | 3.1 | Akaroa Heritage Park Trust |
| PART B | 4. | PRESENTATION OF PETITIONS |
| PART B | 5. | NOTICES OF MOTION |
| PART B | 6. | CORRESPONDENCE |
| | 6.1 | Akaroa Heritage Park Trust |
| PART A | 7 | TEMPORARY LIQUOR BAN OKAINS BAY NEW YEARS EVE |
| PART C | 8. | CONSIDERATION OF APPLICATIONS FOR NEIGHBOURHOOD WEEK FUNDING |

22. 9. 2010

- | | | |
|---------------|------------|---|
| PART C | 9. | APPLICATION TO AKAROA/WAIREWA DISCRETIONARY RESPONSE FUND
– LITTLE AKALOA RESERVE MANAGEMENT COMMITTEE |
| PART C | 10. | NEW ZEALAND COMMUNITY BOARDS' BEST PRACTICE AWARDS 2011 |
| PART C | 11. | AKAROA SPORTS PAVILION – AKAROA RESOURCE COLLECTIVE
TRUST'S LEASE/LICENCE APPLICATION |
| PART B | 12. | BRIEFINGS |
| PART B | 13. | COMMUNITY BOARD ADVISER'S UPDATE |
| PART B | 14. | ELECTED MEMBERS INFORMATION EXCHANGE |
| PART B | 15. | QUESTIONS UNDER STANDING ORDERS |

22. 9. 2010

1. **APOLOGIES**

2. **CONFIRMATION OF MEETING MINUTES – 11 AUGUST 2010**

The minutes of the Board's ordinary meeting of Wednesday 11 August 2010 are **attached**.

STAFF RECOMMENDATION

That the minutes of the Board's ordinary meeting held on 11 August 2010 be confirmed.

3. DEPUTATIONS BY APPOINTMENT

4. PRESENTATION OF PETITIONS

5. NOTICES OF MOTION

6. CORRESPONDENCE

6.1 AKAROA HERITAGE PARK TRUST

A letter from the Akaroa Heritage Park Trust regarding the maintenance and the lease of the Park is **attached**.

STAFF RECOMMENDATION

It is recommended that the Board receive the correspondence.

7. TEMPORARY LIQUOR BAN OKAINS BAY NEW YEARS EVE

General Manager responsible:	General Manager Strategy and Planning, DDI 941-8281
Officer responsible:	Programme Manager Strong Communities
Author:	Terence Moody, Principal Advisor – Environmental Health

PURPOSE OF REPORT

1. To consider a proposal for a Temporary Alcohol Ban for the Okains Bay beach and reserve area.

EXECUTIVE SUMMARY

2. A request has been received from the Okains Bay Reserve Management Committee to introduce a liquor ban covering the Okains Bay beach and reserve for the period from 31 December 2010 to 1 January 2011 (New Years Eve). The Police through the officer in charge in Akaroa have indicated support for such a ban.
3. Both parties have provided information as to problems caused in the area during the New Year period of 2009/2010 (and previous years) and consider a temporary ban should be introduced this year in an attempt to preclude issues of disorder and alcohol-related harm occurring.
4. There are a number of considerations the Council has to make before applying a temporary alcohol ban. These are detailed in Clause 5(2) in the Christchurch City Council Alcohol Restrictions in Public Places Bylaw (and paragraph 11 of this report). In addition the Council needs to ensure it has met the consultation requirements under Sections 77 to 82 of the Local Government Act 2002 (the Act).
5. Specifically for the proposed temporary alcohol ban in Okains Bay the Council needs to give further consideration to the areas to be covered by the ban and the time/duration of the ban.
6. The Council could approve a recommendation from the Community Board to initiate the process to introduce the temporary alcohol ban at its 23 September 2010 meeting. Staff could then carry out the necessary work to satisfy these considerations and requirements in time for the new Council to decide on the matter at its first meeting in November or December 2010.

FINANCIAL IMPLICATIONS

7. Financial provision will be required for public notices and display advertisements as well as appropriate signage. The costs of enforcement rest with the Police under powers in the Local Government Act 2002.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

8. There is no specific budgetary provision for introducing temporary alcohol bans. The costs of investigating the temporary ban can be absorbed in the Long Term Policy and Planning Activity. The costs of public notices and signage could be absorbed in the Enforcement and Inspection Activity as per page 95 of the 2009-19 LTCCP.

LEGAL CONSIDERATIONS

9. The Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 (the Bylaw) provides the power to put Temporary Alcohol Ban Areas in place, by resolution, to control anticipated or potential negative alcohol-related behaviour associated with specified events or specified dates. Section 151 of the Act and section 13 of the Bylaws Act 1910 make it clear that a bylaw may contain discretion. The Council must be careful to ensure that any discretion left to the Council is not so great that it might be considered unreasonable (which could make the bylaw, or part of it, invalid). To ensure this is not the case, clause 5 of the bylaw specifies a number of matters the Council must consider before it imposes a temporary ban.
10. The Act allows for such liquor bans in public places which are under the control of the Council as opposed to public places as defined in other legislation. It can include roads over which the Council has control but not private parking areas for example.

22. 9. 2010

11. Under clause 5(2) of the Bylaw the Council must consider, in the case of resolving to introduce any temporary alcohol ban, the following matters:
- the nature of the expected event
 - the number of people expected to attend;
 - the history of the event (if any); and
 - the area in which the event is to be held; and
 - the nature and history of alcohol-related problems usually associated with the area, together with any anticipated alcohol-related problems; and
 - whether the benefits to local residents and to the city outweigh the restrictions imposed on local residents and other people in the area covered by the resolution;
 - any information from the Police and other sources about the proposed dates, the event or the area to be covered by the resolution; and
 - whether the Police support the proposed Temporary Alcohol Ban Area.

Have you considered the legal implications of the issue under consideration?

12. Yes – as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. Introducing a temporary alcohol ban in Okains Bay could be considered to broadly align to the following LOS in the Strengthening Communities Activity Management Plan, 2.2.3.1. *Maintain Safe City Accreditation every 15 years.*

ALIGNMENT WITH STRATEGIES

14. The Safer Christchurch Strategy aims to see rates of injury and crime decline, for people to feel safe at times in Christchurch City and for Christchurch to have excellent safety networks, support people and services.

Do the recommendations align with the Council's strategies?

15. Yes – as above.

CONSULTATION FULFILMENT

16. The Okains Bay Reserve Committee advise that there is community support for the proposal. At this stage no consultation has been carried out by staff.

STAFF RECOMMENDATION

It is recommended that the Akaroa/Wairewa Community Board recommends to Council that it commence the process to introduce a Temporary Alcohol Ban in the Okains Bay beach and reserve area on 31 December 2010 to 1 January 2011.

BACKGROUND (THE ISSUES)

17. A request has been received from the Okains Bay Reserve Management Committee to introduce a liquor ban covering the Okains Bay beach and reserve on the 31 December 2010 and 1 January 2011 due to problems caused in the past with underage drinking, dangerous driving, and unacceptable behaviour, allegedly associated with excessive drinking in public places at the time of New Year celebrations.
18. The public place liquor ban is supported by Senior Constable Steve Ditmer who is officer in charge Akaroa. The police report advises that last New Years Eve there was considerable disorder caused by alcohol consumption by young people attracted to a publicised "Cave Rave" at a nearby cave on the beach. Activities of the Police concentrating on possession of alcohol at the cave area led to the young people congregating in the Okains Bay Camping Ground with the subsequent concern of families in the area. The Police are working with the Okains Bay Camp to detract underage youth from taking over the camp for this one night. Increased security and unaccompanied youth under 18 years will be addressed.
19. Under the Christchurch City Council Alcohol Restrictions in Public Places Bylaw 2009 the Council may declare a Temporary Alcohol Ban Area by resolution. Before doing so the Council must consider the nature and history of alcohol-related problems associated with the area together with any anticipated alcohol-related problems. Whether the benefits to local residents and to the city outweigh the restrictions placed on other persons; information from the Police about the proposed dates and times and whether they support the Temporary Alcohol Ban Area.
20. The letter from the Okains Bay Reserve Management Committee indicates that there is full support from the local community and the Police have provided information as to the reasons for the ban and expressed their support for it.

THE OBJECTIVES

21. To consider a proposal to introduce a Temporary Alcohol Ban Area in some of the public places under the control of the Council in the Okains Bay area.

THE OPTIONS

Option 1 – Do Nothing

22. Evidence from the Police indicates that a certain amount of disorder occurred during the New Year period in 2009/2010 and this is corroborated by the Okains Bay Reserve Management Committee. Both parties consider that while there is an option to do nothing this would not address the consumption of alcohol in public places nor avoid the congregation of young people at that time and in that area. To this end the "do nothing" option was rejected.

Option 2 – Permanent Alcohol Ban

23. Due to the timing of introducing a permanent ban in the area, which would require an amendment to the schedule of the bylaw, and undertaking a Special Consultative Procedure, this option was not preferred. There would be insufficient time for the Council to receive a report and undertake the required consultative procedure and establish the ban before the New Year.

THE PREFERRED OPTION

Option 3 – Introduce a Temporary Alcohol Ban

24. The Council may, by resolution, determine that a temporary alcohol ban can be applied on the evidence that a problem could exist during the period. This could come into effect by the due date.

8. CONSIDERATION OF APPLICATIONS FOR NEIGHBOURHOOD WEEK FUNDING

General Manager responsible:	General Manager Community Services, DDI 941-8607
Officer responsible:	Unit Manager, Community Support
Author:	Andrea Wild, Community Engagement Adviser – Banks Peninsula

PURPOSE OF REPORT

1. The purpose of this report is to consider applications for Neighbourhood Week funding and to set in place a process should any late applications need to be considered.

EXECUTIVE SUMMARY

2. Local community groups, including residents' associations and neighbourhood support groups have been sent information inviting them to apply for the Neighbourhood Week Funding that has been set aside by the Board.
3. Neighbourhood Week is a dedicated week in which individuals and groups are encouraged to get together and get to know one another locally. Neighbourhood Week 2010 is to be held from 30 October – 7 November 2010. Applications for funding close on 3 September 2010.
4. A matrix outlining the applications and staff recommendations will be **separately circulated** to Board members prior to the meeting.
5. Sometimes there is a need to consider late applications for this funding, usually in instances where the applicant has submitted to the wrong Community Board. As the Community Board does not meet again before the end of this term, it is proposed that a subcommittee be established, (with delegated authority), to consider any late applications.

FINANCIAL IMPLICATIONS

6. The Board has allocated \$2,000 from the Strengthening Communities Fund to assist individuals and groups to run events. It is not the intention of this funding to totally fund events. Those applying for funding are expected to partially resource events themselves either financially or through supply of materials.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

7. Page 170 off the LTCCP under Community support – Strengthening communities and page 176 of the LTCCP under Community support – Community grants.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

8. Under the Council's Standing Order 2.10 (Powers of Delegation), a subcommittee may be appointed and given the power to act.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

9. Page 170 off the LTCCP under Community support – Strengthening communities and page 176 of the LTCCP under Community support – Community grants.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

10. As above.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

11. Funding for Neighbourhood Week activities aligns with the Council's Strong Communities strategic outcomes.

22. 9. 2010

CONSULTATION FULFILMENT

12. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Akaroa/Wairewa Community Board:

- (a) Consider the applications as set out in the circulated matrix and allocate Neighbourhood Week funds accordingly.
- (b) Assign delegated authority to a subcommittee comprising the Board Chairman and Deputy Chairman to consider any additional applications and allocate funding, should any funds remain.

9. **APPLICATION TO AKAROA/WAIREWA DISCRETIONARY RESPONSE FUND – LITTLE AKALOA RESERVE MANAGEMENT COMMITTEE**

General Manager responsible:	General Manager, Community Services Group, DDI 941-8607
Officer responsible:	Unit Manager, Community Support
Author:	Sue Grimwood, Community Development Adviser

PURPOSE OF REPORT

1. The purpose of this report is for the Akaroa/Wairewa Community Board to consider an application for funding from the Little Akaloa Reserve Management Committee of \$1,000 to the 2010/11 Akaroa/Wairewa Community Board Discretionary Response Fund.
2. At the time of writing, there is \$12,799 remaining in the Fund.

EXECUTIVE SUMMARY

3. In 2010/11, the total pool available for allocation for the Discretionary Response Fund is \$12,799. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
4. The purpose of the Fund is to assist community groups where the project and funding request falls outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
5. At the Council meeting of 22 April 2010, Council resolved to change the criteria and delegations around the local Discretionary Response Fund.
6. The change in criteria limited the items that the local Discretionary Response Fund does not cover to only:
 - (a) Legal challenges or Environment Court challenges against the Council, Council Controlled Organisations or Community Boards decisions;
 - (b) Projects or initiatives that change the scope of a Council project; and
 - (c) Projects or initiatives that will lead to ongoing operational costs to the Council.

Council also made a note that "Community Boards can recommend to the Council for consideration grants under 1(b)and 1(c)."
7. Information on the application from the Little Akaloa Reserve Management Committee is **attached**.

FINANCIAL IMPLICATIONS

8. There is currently \$12,799 remaining in the Board's 2010/11 Discretionary Response Fund.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

9. Yes, see page 184 of the LTCCP regarding community grants schemes including Board funding.

LEGAL CONSIDERATIONS

10. There are no legal considerations.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

22. 9. 2010

11. Yes, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding.

ALIGNMENT WITH STRATEGIES

12. This application aligns with Strengthening Communities Strategy and the following Akaroa/Wairewa Community Board objective:
- Recognising the need to retain and enhance core community services to Banks Peninsula communities.

CONSULTATION FULFILMENT

13. Not applicable.

STAFF RECOMMENDATION

It is recommended that:

The Akaroa/Wairewa Community Board declines the application from the Little Akaloa Reserve Management Committee.

10. NEW ZEALAND COMMUNITY BOARDS' BEST PRACTICE AWARDS 2011

General Manager responsible:	General Manager Regulation and Democracy Services, DDI 941-8462
Officer responsible:	Democracy Services Manager
Author:	Liz Carter, Community Board Adviser

PURPOSE OF REPORT

1. The purpose of this report is to seek the Akaroa/Wairewa Community Board's views as to whether it wishes to submit any entries to the New Zealand Community Board Conference Best Practice Awards 2011.

EXECUTIVE SUMMARY

2. The 8th biennial Community Board Conference is scheduled to take place in Rotorua from 5-7 May 2011. One of the highlights of the conference is the Community Boards' Best Practice Awards which acknowledge excellence in the implementation of projects in local government. Prizes will be presented to the winners of each category and the best overall project. The objectives of the Awards are to:
 - recognise significant contributions made by Community Boards to the achievement of excellence in local government
 - promote quality improvements in the functioning of Community Boards
 - foster the exchange of best practice and innovative ideas.

The categories are:

Consultation (eg how the Board has actively consulted with its community)	Significant Project (eg a major project led by the Board (jointly or singularly) that achieved a desired outcome)
Facilitation (eg identification of a situation/s where the Board has taken a facilitation role to overcome a community problem)	Partnership (eg a partnership with parent council / other Boards / community organisation/s to address an issue)
Heritage (eg a heritage project in your community in which your Board has played an active role)	Working with Maori (eg projects which feature your Board working with a local Maori organisation or in a Maori community)
Working with Children and Youth (eg projects in your community in which your Board has been involved with children and youth)	Harmonious Relations (eg projects in which your Board has promoted diversity and harmonious relations)
Safety (Sponsored by NZ Police) (eg projects in which your Board and the Police have achieved safety outcomes for your community)	
Leadership The Yvonne Palmer leadership trophy is given for outstanding leadership, for enhancing the work of Community Boards and the recipient will hold it for two years	For any elected member including a Community Board, a community Board member, a Councillor or Mayor or for a Council staff member

22. 9. 2010

3. It should be noted that the Young People and Harmonious Relations categories are sponsored respectively by UNICEF and the Human Rights Commission. Separate criteria may apply. These will be distributed once finalised and approved. In addition, from each of these categories an overall winner will be selected.
4. This Board has never submitted an entry to the Community Board Best Practice Awards.
5. The application form and supporting information which will outline the format of entries should take are expected shortly. In the meantime the Board is encouraged to reflect on what activities it has been involved in that are innovative, have made a real difference to the community and would be suitable as applications to the awards. All entries will be reviewed by the Conference Organising Committee's Judging Panel and must be submitted **by 4 February 2011**. Given this timing, most of the work to prepare the entry will need to occur prior to the Christmas break, hence the views of the Board on its entry or entries are now being sought. Depending on those views, staff will then report back on likely financial implications and any staff capacity required to be able to assist with preparing entries.
6. Some Community Boards in previous years have established a small working party of Board members or used their Recess Committee to consider the preparation of entries for these Awards.

FINANCIAL IMPLICATIONS

Do the recommendations of this report align with 2009-19 LTCCP budgets?

7. There are no costs associated with lodging an entry for a Best Practice Award. As indicated in paragraph 6 above, staff will assess any financial implications relevant to any entry that the Board wishes to submit, and report back to the Board.

LEGAL CONSIDERATIONS

Have you considered the legal implications of the issue under consideration?

8. There are no legal considerations.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

Do the recommendations of this report support a level of service or project in the 2009/19 LTCCP?

9. Not applicable.

ALIGNMENT WITH STRATEGIES

Do the recommendations align with the Council's strategies?

10. Not applicable.

CONSULTATION FULFILMENT

11. Not required.

STAFF RECOMMENDATION

It is recommended that the Board give consideration as to whether it wishes to submit any entry to the New Zealand Community Boards Best Practice Awards 2011.

11. AKAROA SPORTS PAVILION – AKAROA RESOURCE COLLECTIVE TRUST’S LEASE/LICENCE APPLICATION

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Asset and Network Planning
Author:	Lorraine Correia, Consultation Leader Greenspace

PURPOSE OF REPORT

1. The purpose of this report is to enable the Akaroa/Wairewa Community Board to consider, under delegated authority from the Council, an application, as referred to in letters dated 6 April 2009 (**Attachment 1**) and 8 March 2010 (**Attachment 2**), from the Akaroa Resource Collective Trust (ARCT), to lease an area of the Akaroa Sports Pavilion formerly occupied by the Akaroa Tennis Club, and to licence the adjacent netball court, to them.

EXECUTIVE SUMMARY

2. The ARCT have applied to obtain a lease/licence over the following areas of the Akaroa Recreation Ground:
 - (a) lease the part of the existing pavilion formerly leased to the Akaroa Tennis/Netball Club, being approximately 72 square metres in area, (refer **Attachment 3**);
 - (b) a licence over the netball court which has a basketball hoop beside it and is directly adjacent to the pavilion, being approximately 650 square metres in area.
3. The Akaroa Tennis/Netball Club have not used this part of the pavilion and are no longer an incorporated society. Games for both tennis and netball are no longer played on these courts, the former tennis club members having moved to the Little Akaloa Club which has recently upgraded its courts, and the netball club to the recently constructed school gymnasium for their activities. The other part of the pavilion is leased by the Akaroa Croquet Club.
4. The ARCT has a contract with the Ministry of Social Development (MSD) to provide Heartland services to the residents of Akaroa, this forming part of the work that they undertake in the community. However, the ARCT’s main involvement in the community outside of the MSD contract is in providing youth programmes, social, welfare, activities and mentoring opportunities to the wider community, most of these activities are funded from the Christchurch City Council grants, local fundraising and other organisations. The ARCT achieve this through working in collaboration with the Akaroa Youth Trust (AYT) which was established to meet the needs of young people aged between 9 – 19 years of age.
5. The ARCT and the AYT have been casually hiring this part of the pavilion for approximately 18 months up to now from which they have been providing various programmes for all young people, it being their intention and hope to continue these services to the community. It is the groups “passion to keep the youth motivated, interested and educated”. There are currently approximately 20 – 30 youth that are engaged in the ARCT’s and AYT’s youth programmes.
6. The ARCT are happy to work in with any club or organisation that may be interested in using the pavilion, provided that this does not compromise their own activities. The Trust is also looking at introducing twilight tennis this coming summer and is working together with a professional tennis player who is keen on being involved in ARCT’s projects.
7. Feedback from the community shows a lot of support and appreciation to the ARCT and AYT for all the various opportunities offered to the young people. This proposal provides an excellent opportunity for young people in Akaroa to have a base close to the facilities they use ie skate park, basketball, BMX track and recreation ground.

22. 9. 2010

8. ARCT has a youth worker who, with rostered parents, provides a Friday evening youth group. The parents hold regular meetings to discuss issues that may arise and help with planning ideas for the youth worker to take back for discussion with the youth. The local Police are also involved in these meetings and statistically over the past two years there has been zero youth offending incidents in the area. Youth are now motivated and focused and “are quickly gaining the respect of the entire community” (stated by Senior Constable Ditmer).
9. The group envisage that a youth based facility would enable them to express their artistic abilities, encourage their musical talents, teach them responsibility and bring the community together through mentoring and provide a base for a Big Brother/Big Sister programme.
10. The internal space requires some maintenance and refurbishment to bring it up to an acceptable standard, as this part of the building has not been leased for some time. The Area Parks Contract Manager has agreed to undertake this work to the extent that existing budgets allow. The future maintenance, (inside and out), of this part of the building will be the responsibility of the ARCT to undertake, this being stated in the lease agreement that will be put in place between them and the Council.
11. Staff are recommending that a lease be granted pursuant to section 12 of the Local Government Act 2002, over approximately 72 square metres of the pavilion, and a licence over the netball court which has a basket ball hoop located beside it, the area of which is approximately 650 square metres being directly adjacent to the Akaroa Sports Pavilion. Both the lease and licence will be made subject to a number of conditions.

FINANCIAL IMPLICATIONS

12. The funding for the proposed maintenance and repairs to bring the building up to an acceptable standard, before handing this responsibility over to ARCT, will be from existing maintenance budgets. Because funding is from existing maintenance budgets this work may need to be undertaken over a period of time, requiring the responsibility for the buildings maintenance to be progressively passed to ARTC. The costs for staff time spent preparing this report to gain Council approval or otherwise of the Trust’s application and putting the lease in place, are allowed for within existing staff budgets.
13. The public advertising, and legal fees necessary as part of the process required to put the lease in place are on-charged to the applicant.

Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

14. Yes, as above.

LEGAL CONSIDERATIONS

15. Subject to Council approval, the proposal will be publicly advertised as required by section 138 of the Local Government Act 2002, and any submissions received worked through hopefully to a successful conclusion prior to putting a lease in place.
16. The Community Board has delegated authority from Council, (April 2008), to consider this application and to decide whether or not to grant it, the Board are therefore acting as the Council.
17. An unregistered lease can be offered under the Resource Management Act 1992 and its amendments for a period of up to 35 years.
18. Current Council practice has been to grant unregistered leases for periods of up to 33 years, broken into three periods of 11 years as required by the Reserves Act, the lessee in question having the right to renew the lease at the end of the first two terms, subject to the Council being satisfied that the conditions of the lease have been met, and that there is sufficient need for the facilities and amenities, and that some other recreational use should not have priority in the public interest.

22. 9. 2010

19. The reserve is made up of Lot 2 DP 2868, Lot 1 DP 79110, and Section 2 Survey Office Plan 18642 contained in Certificate of Title CB45A/1127 being vested in the Council for reclamation and public recreation under the Akaroa Borough Council Reserves and Reclamation Act 1887.

Have you considered the legal implications of the issue under consideration?

20. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

21. LTCCP 2009-19.

Parks, Opens Spaces and Waterways:

- (a) Community – By providing spaces for communities to gather and interact.
- (b) Recreation – By offering a range of recreational opportunities in parks, open spaces and waterways.

22. Parks and Open Spaces Activity Management Plan.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

23. Yes, Pages 117-138 of the 2009-19 LTCCP.

ALIGNMENT WITH STRATEGIES

24. The approval of this application is in alignment with the Council's Youth Policy. To reflect responsiveness to local needs, to provide advocacy for the total community and an expression of local identity and to enhance the local environment.
25. The approval of this application is in alignment with the Council's Recreation and Sport Policy. To make a significant contribution to the health, wellbeing and quality of life of the people of Christchurch.
26. The approval of this application is in alignment with the Council's Physical Recreation and Sport Strategy. To help those organisations involved in physical recreation and sport to move in a common direction.
27. The approval of this application is in alignment with the Council's Strategic Direction to support Strong Communities. It encourages residents to enjoy living in the city and to have fun, thereby supporting Christchurch as being a good place to live.

Do the recommendations align with the Council's strategies?

28. Yes, see above.

CONSULTATION FULFILMENT

29. Public consultation will be required in accordance with the requirements of the Local Government Act 2002 as set out in Clause 15 above.
30. Limited consultation has been undertaken within various Council Departments which have no objection to ARCT's request to lease this area.

STAFF RECOMMENDATION

It is recommended that the Akaroa/Wairewa Community Board acting under delegated authority of the Council grant under section 12 of the Local Government Act 2002:

22. 9. 2010

- (a) A lease over the section of the Akaroa Sports Pavilion, formerly leased to the Akaroa Tennis/Netball Club, which is of approximately 72 square metres this being part of Lot 2, DP 2868, Lot 1 DP 79110, and Section 2 Survey Office Plan 18642 contained in CT CB45A/1127 being vested in the Council for reclamation and public recreation, and
- (b) A licence over the adjacent netball court with the basketball hoop located beside it, this area being approximately 650 square metres in area;

The granting of the lease licence being for a period of up to 33 years, broken into three periods of 11 years each subject to the following conditions:

- (i) The proposed lease being publicly advertised as required under section 138 of the Local Government Act 2002.
- (ii) That there is a satisfactory outcome to the public consultation process.
- (iii) That the Akaroa Resource Collective Trust have the right to ask for a renewal of its lease for a further term at the end of each of the first two terms, subject to the Council being satisfied that the conditions of the lease have been met, and that there is sufficient need for the facilities and amenities provided, and that some other use should not have priority in the public interest.
- (iv) That the lease/licence terms be negotiated by the Corporate Support Manager in consultation with the Policy and Leasing Administrator, City Environment Group. This to include the rental charged, the level of which is to take into account the level of service provided to the community by the Trust's activities, and the requirement that the Trust will be responsible for all maintenance of the building during the lease term.
- (v) The lease area is maintained by the Akaroa Resource Collective Trust in a safe and tidy condition at all times.
- (vi) That the Akaroa Resource Collective Trust does not erect any other structures, or change the inside partitioning of the building within the lease/licence area without the prior approval of the Transport and Greenspace Manager, and if necessary the Council, before making application for any resource and building consents required.
- (vii) That all costs associated with the issuing of the lease, any development within the leased area, and subsequent maintenance of the internal and external fabric of the building during the lease period be the responsibility of the Akaroa Resource Collective Trust.
- (viii) That the lease agreement include a clause which indemnifies the Council and its servants from all claims or demands of any kind, and all liability in respect to any damage or injury occurring to any person or property as a result of the Akaroa Resource Collective Trust activities on the site.
- (ix) That the Akaroa Resource Collective Trust show proof to the Policy and Leasing Administrator that it has a minimum \$1,000,000 public liability insurance policy in place for the lease/licenced area. This policy must be maintained in place for the duration of the lease period.
- (x) At the end of the lease period, or upon surrender or termination of the lease the building and the Akaroa Resource Collective Trust's fixed improvements to the building are to be returned to the ownership of the Council at no cost to the Council.
- (xi) If the lease is surrendered or terminated for any reason, then the licence agreement will be automatically surrendered or terminated at the same time.
- (xii) If during the period of this lease a new tennis or netball club becomes established in Akaroa, and the club wishes to have access to the courts and the associated pavilion for their activities the Trust is to work with the Council to provide access to the pavilion for the Club, in a way that it does not compromise the Akaroa Resource Collective Trust's activities, or the security of the building.

BACKGROUND

31. The pavilion is a Council asset being built on the park for the use of sports clubs using the park to base their activities from. The part of the building that it is proposed to lease to the ARCT was originally used by the Akaroa Netball/Tennis Club, this club is no longer a legal entity therefore the lease agreement has lapsed and therefore there is no requirement for Council to terminate this agreement.
32. It is important that if the lease to ARCT is surrendered or terminated for any reason that the facility plus any fixed improvements made by the incoming lessee that are not able to be removed without damaging the fabric of the building are returned to the Council without any cost being imposed upon the Council, (see clause 30 (c) (x) above).
33. It is important that the reason why the building was built originally is maintained, that being for the use of sports clubs using the park to base their activities from. Therefore a clause has been placed in the conditions that the lease licence is granted under, (clause 30 (c) (xii) above) that has the effect of requiring the incoming lessee to provide access to the building for a new legally constituted sports club who's activities require the use of the adjacent courts to recreate on, subject to the access not compromising the Akaroa Resource Collective Trust's activities, or the security of the building.

22. 9. 2010

12. BRIEFINGS
13. COMMUNITY BOARD ADVISERS UPDATE
14. ELECTED MEMBERS INFORMATION EXCHANGE
15. QUESTIONS UNDER STANDING ORDERS