

9. HEATHCOTE DOMAIN – PROPOSED LEASE AND LICENCE TO HEATHCOTE CRICKET CLUB

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Asset and Network Planning Manager
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PURPOSE OF REPORT

1. The purpose of this report is to seek the Hagley/Ferrymead Community Board's approval under delegated authority from Council of an application received from the Heathcote Cricket Club Inc. for a lease and a licence over part of Heathcote Domain.

EXECUTIVE SUMMARY

2. The Heathcote Cricket Club Inc. (the Club) has made an application to Council for a lease and licence over part of Heathcote Domain. The lease and licence will formalise the Club's long-standing occupation of the Domain, and facilitate the repair and re-building of their clubrooms, roller shed, soil bin and practice nets following extensive damage caused by the 22 February 2011 earthquake.
3. The Club has been located on Heathcote Domain for most of the period since it was formed in 1928. The Club had the use of facilities within the Heathcote Community Centre when this was built in 1978, but growth of the Club led to the construction of their own clubrooms which opened in 1984. Since then there have been further extensions to the clubrooms, including securing part of the former scout group area for a kitchen, and the addition of outdoor patio terracing.
4. The existing building is jointly owned by the Heathcote Cricket Club and the Christchurch City Council. The Club owns its clubroom and changing facilities, leasing the reserve land from the Council. The Council owns an additional changing room inside the building, along with the adjoining community centre and public toilets (refer to the **attached** plan Heathcote Domain Proposed Ground Lease & Licence for Heathcote Cricket Club).
5. The Club maintains their grassed playing surface at Heathcote Domain having a motorised roller and other equipment for this purpose. Prior to the earthquake of 22 February 2011, the Club also maintained two artificial practice wickets (nets) adjacent to their clubrooms which were available for public use. The Club facilities have been extensively used by the Club itself, the wider community, and for football during winter.
6. The Club facilities; clubrooms, outdoor patio and surrounds, practice nets and roller shed, sustained extensive damage during the earthquake of 22 February 2011. The clubrooms have subsequently undergone partial demolition for safety reasons, with removal of all services to the building, and the area has been fenced off. The retaining walls around the practice nets have also been demolished. Repairs are currently underway to the part of the building that is able to be repaired.
7. The Heathcote Cricket Club propose to locate the part of their facilities requiring to be rebuilt in the same position on the Domain as the part which had to be demolished. The Club may rebuild to an "as was" state, or may investigate the option of adding a second storey to their clubrooms. This second option would not alter the area of the proposed ground lease. The rebuilding of these facilities will have no effect on the existing trees, landscaping and other recreational facilities, or the layout of sports fields within the park.
8. Staff are recommending that the Board approve the lease and licence subject to a number of conditions as described in the Staff Recommendation section of this report.

FINANCIAL IMPLICATIONS

9. There are no financial implications for the Council with the proposed lease and licence, it being the responsibility of the Heathcote Cricket Club Inc. to repair and rebuild their facilities at their expense. The only costs will be in staff time spent preparing this report to gain the Board's approval or otherwise of the Club's application, putting the new lease and licence in place, and monitoring the developments as they occur on site, these costs being already allowed for within existing operational budgets.

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

10. The recommendations will have no impact on the 2009-19 LTCCP budgets.

LEGAL CONSIDERATIONS

11. Heathcote Domain is a large recreation reserve made up of three parcels of land totalling 3.6688 hectares in area, as detailed below:
 - (a) Rural Section 41625 (S.O. Plan 1587), a recreation reserve of 2.4320 hectares, vested in the Christchurch City Council pursuant to the Reserves Act 1977, New Zealand Gazette notice 1985 p.2166.
 - (b) RS41631 Crown Land, New Zealand Gazette notice 1981 p.1511, of 0.2977 hectares leased from the Crown.
 - (c) Reserve 4946 (S.O. Plan 9043), a recreation reserve of 0.9391 hectares, title CB42D/167, New Zealand Gazette notice 1985 p.2166

The lease and licence will be granted over part of one of these parcels – RS 41625 (S.O. Plan 1587).

12. A formal unregistered lease and licence for the occupation of the site by the Club is to be put in place to formalise their occupation of the reserve. The lease will be granted pursuant to section 54(1)(c) of the Reserves Act 1977, which necessitates advertising under section 54(2) of the Act.
13. Christchurch City Council is proposing to grant a lease and licence to the Club pursuant to the requirements of section 54(1)(c) of the Reserves Act over the land on Heathcote Domain which the Club has its' built infrastructure on to formalise the Club's longstanding occupation of the land, as follows (refer to attached plan):
 - (a) A ground lease will be granted over approximately 316 square metres of the reserve, this area comprised of:
 - (i) An area of approximately 277 square metres for the Club-owned section of the building.
 - (ii) An area of approximately 39 square metres for a roller shed and covered soil bin adjacent to the clubrooms.

The land leased would be for the exclusive use of the Club.

- (b) A licence will be granted over approximately 166 square metres of land comprised of:
 - (i) An area of approximately 76 square metres on which is built two artificial practice wickets (nets) and artificial run up strips and associated infrastructure.
 - (ii) An area of approximately 90 square metres for outdoor patio terracing adjoining the clubroom building.

The new practice wickets and outdoor patio terracing will be accessible to the public.

14. It will be necessary because of the joint ownership of the building to put in place a joint agreement between the two parties for the maintenance of the building.
15. Current Council practice has been to grant leases/licences of undeveloped park and reserve land for a period of up to 33 years, to clubs on which to build their infrastructure, this period being broken into three periods of 11 years. The Club in question has the right to renew the lease/licence at the end of the first two terms if the Council is satisfied that the terms and conditions of the lease/licence have been complied with, and that in the public interest some other sport, game or recreational activity should not have priority.
16. The Community Board has delegated authority from the Council to consider this application and to decide whether or not to approve the lease and licence.
17. A resource consent will be required (if any) and a building consent before on-site construction commences.
18. Council policy dictates that before the Club and their contractors commence work on the site, a bond is to be paid to the Christchurch City Council, and a temporary access licence signed. The bond less any expenses incurred by the Council will be refunded to the payee upon completion of the work.

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

19. Yes, as above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

20. The proposal aligns with the following:

Parks, open spaces and waterways

Recreation: By offering a range of recreational opportunities in parks, open spaces and waterways.

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

21. Yes, as above.

ALIGNMENT WITH STRATEGIES

22. The proposal aligns with the following:

- (a) Physical Recreation and Sport Strategy.
- (b) Recreation and sport organisations – rating, ground charges and lease costs.

Do the recommendations align with the Council's strategies?

23. Yes, as above.

CONSULTATION FULFILMENT

24. Section 54 of the Reserves Act 1977 requires that the proposal is publicly advertised (section 54(2) in accordance with section 119 of the Act), full consideration given to any submissions or objections received (section 120 of the Act), and obtain the prior consent of the Minister of Conservation (delegated to Canterbury office staff) prior to putting a lease in place.

25. The proposed lease and licence were publicly advertised in the public notices column of the Press Newspaper on Saturday 28 September 2011 for one calendar month closing 5pm Monday 31 October 2011. No enquiries or submissions were received.
26. A letter of support from the Heathcote Valley Community Association was received by the Heathcote Cricket Club Inc. and was included with their application. The Club have had a long-standing occupation of the reserve, and the proposed lease/licence is to formalise this and enable the repair and re-building of existing facilities.

STAFF RECOMMENDATION

It is recommended that the Hagley/Ferrymead Community Board under delegated authority from the Council:

- (a) Grant a lease to Heathcote Cricket Club Inc. pursuant to the requirements of section 54(1)(c) of the Act over approximately 316 square metres of the land RS41625 a recreation reserve of 2.4320 hectares vested in the Christchurch City Council pursuant to the Reserves Act 1977, as shown on the attached plan labelled TG120001, for a period of up to 33 years broken into three terms of 11 years each, on which to re-construct/repair their clubrooms, a roller shed and covered soil bin.
- (b) Grant a licence to Heathcote Cricket Club Inc. pursuant to the requirements of section 54(1)(c) of the Act over approximately 166 square metres of the land RS41625 a recreation reserve of 2.4320 hectares vested in the Christchurch City Council pursuant to the Reserves Act 1977, as shown on the attached plan labelled TG120001, for a period of up to 33 years broken into three terms of 11 years each, on which to construct two practice cricket wickets and an outdoor patio.

Both subject to the following conditions:

- (i) That the Heathcote Cricket Club inc. have the right to ask for a renewal of its lease and licence 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 and licence have been met, and that there is sufficient need for the facilities and amenities, and that some other use should not have priority in the public interest.
- (ii) That the Heathcote Cricket Club Inc. is to obtain all necessary resource and building consents before any development commences on the site.
- (iii) That the lease terms be negotiated by the Corporate Support Manager in consultation with the Policy and Leasing Administrator, City Environment Group.
- (iv) That the lease and licence area be maintained by the Heathcote Cricket Club Inc. in a safe and tidy condition at all times.
- (v) That all costs associated with the issuing of the lease and licence, development and subsequent maintenance of all structures are to be the responsibility of the Heathcote Cricket Club Inc.
- (vi) That the lease and licence agreements are to 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 Heathcote Cricket Club's activities on site.
- (vii) That should the lease agreement be revoked or relinquished then the licence agreement is to be automatically terminated.
- (viii) That a joint agreement is negotiated between the Club and the Council for the maintenance of the building.

- (ix) That before the Club and their contractors commence work on the site, a bond is to be paid to the Christchurch City Council via the Transport and Greenspace Unit Area Contract Manager (Eastern) at Linwood Service Centre, and a temporary access licence be signed. The bond less any expenses incurred by the Council will be refunded to the payee upon completion of the work.
- (c) That the final plans and elevations for rebuilding the building are to be approved by the Transport and Greenspace Manager, before an application is made for resource and building consent.

CHAIRPERSON'S RECOMMENDATION

That the staff recommendation be adopted.