

**REPORT BY THE CHAIRPERSON OF THE
RICCARTON/WIGRAM COMMUNITY BOARD**



PART A – MATTERS REQUIRING A COUNCIL DECISION

1. JOHN MCKENZIE MEMORIAL LIBRARY- CONSIDERATION OF FUTURE USE

General Manager responsible:	General Manager Community Services
Officer responsible:	Lesley Symington/Carolyn Robertson, Unit Managers
Author:	Felix Dawson, Property Projects Consultant, DDI 941-8477

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's consideration of the future use options for the Council property at 393 Riccarton Road (the property), and to resolve to pursue one of the options.

EXECUTIVE SUMMARY

2. The John McKenzie Memorial Library was established in 1958 with the assistance of Riccarton Rotary as a memorial to Sir John McKenzie (a local philanthropist). It was the new home of the Upper Riccarton Children's Library which began life in 1954. The property is no longer required for its previous use as a community library because these services are to be provided from a new library being established jointly with Riccarton High School.
3. A need has been identified from the Riccarton Community research conducted by the Community Development Team (Community and Recreation Unit), for a toy library in this area. The Addington Toy Library (ATL), which currently operates from a Council property in the Spreydon/Heathcote ward, has been identified as a potential user of the site. This proposal has been endorsed by Riccarton Rotary and the family of Sir John McKenzie. This report recommends that the Addington Toy Library be invited to lease the property.

FINANCIAL AND LEGAL CONSIDERATIONS

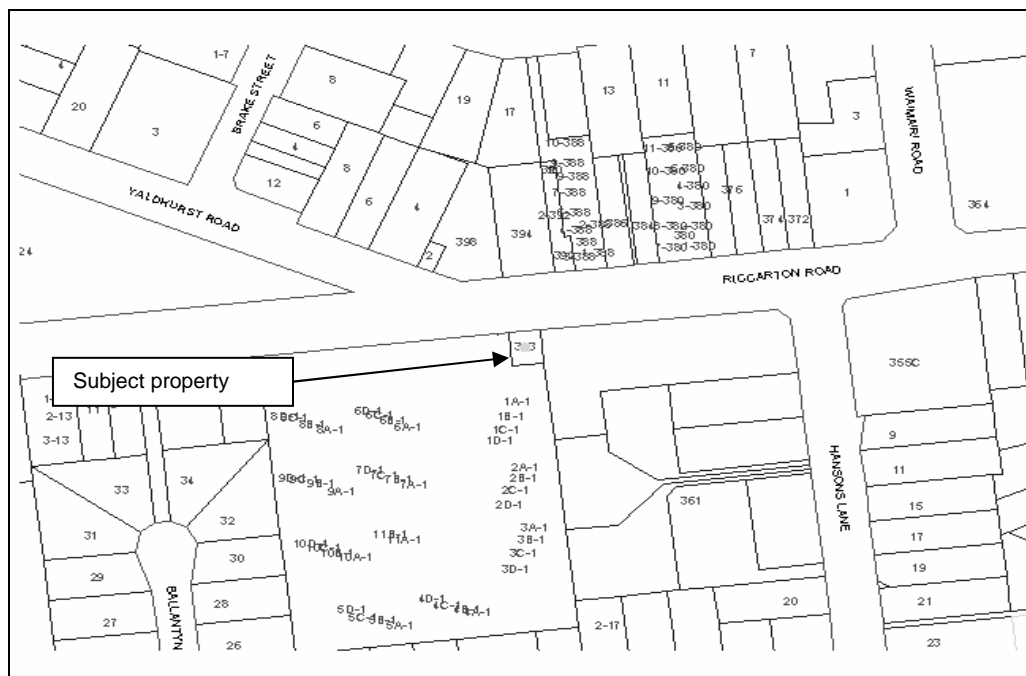
4. The property is currently held as a Local Purpose (Memorial Library Site in Trust) pursuant to the Reserves Act 1977. Any change of use from that as a library would require public notification and consideration of objections pursuant to s24 of the Reserves Act 1977. Any sale of the property will require revocation of the reserve classification pursuant to the statutory process. The property was acquired from the Crown and any proceeds in the event of sale will revert to the Crown.
5. Given the likely public opposition and the fact that there is no significant financial benefit to be gained by a sale, the sale option is not recommended. There is limited financial gain from changing the use for some other purpose, which would be likely to meet with public objections, and as there is an alternative library use available the toy library option is recommended.
6. The current annual operating cost is \$1,600. The Addington Toy Library will pay a rental which will offset a significant proportion of the operating costs. The balance will be met by the Council through existing budgets. The Council currently funds the ATL through the Spreydon/Heathcote Board by way of \$3,000 towards salary costs from the Community Development Scheme.
7. The Community Board does not have delegated authority to authorise the preferred leasing option; such a decision needs to be made by the full Council. The Board has, however, recommendatory powers to the Council.

BACKGROUND ON 393 RICCARTON ROAD- CONSIDERATION OF FUTURE USE

8. The property is a 185m² site located on Riccarton Road at the Church Road corner and is completely covered by an existing building. The property was transferred from the Crown to the Paparua County Council around 1959, after the Crown decided that it was not required for housing purposes. The exact circumstances surrounding the transfer are not entirely clear but the site was set apart as Reserve in 1959 for a Memorial Library in 'trust for that purpose'. The building was constructed by Riccarton Rotary who contributed to it with the intention of

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establishing a memorial library to Sir John McKenzie who had been a generous benefactor to various causes in the area. The property has been used as a volunteer children's library since that time. In 1985 the site was gazetted under the Reserves Act 1977 as a Local Purpose (Library) site.



9. In December 2004 several members of the original Library Committee initiated a change to the reserve classification to that of 'Local Purpose Library Site in Trust'. This was done in the knowledge that the library services were to be provided from a new location at Riccarton High School and the intention in initiating that change of classification was to preserve the site as much as possible for library use and to ensure that it remained as a memorial to Sir John. The Council agreed to the revised classification "in the interests of assuring the original founders of the Council's good faith concerning the land and buildings".
10. In July 2005 the availability of property was made known throughout the Council in accordance with the property decision making flow chart. Only two possible users were identified: Canterbury Home Educators (CHE) and Addington Toy Library (ATL). The CHE provides resources and a venue for educational activities to parents undertaking home education. The ATL provides hire of safe and educational play equipment to low income households in lower socio economic areas. The Community and Recreation Unit assessed both potential users, applying a set of criteria developed for community group use of Council facilities. The possible uses were also assessed by the Property Consultancy Team in terms of the criteria established for registrations of interest to retain a property. These criteria include: the service provided, hours of use, community need, link with Council Policy/Outcomes and ability to run the service proposed.
11. After consideration of both possible uses, officers advise that ATL are best placed to utilise the property for provision of a community service. A detailed needs assessment was undertaken including preparation of "The Riccarton Community Needs and Facilities Profile" by Dr Lesley MacGibbon.
12. Community and Recreation Unit staff advise that a need for a Toy Library in the area has been identified. They have expressed a preference that the property be retained by the Council and that the ATL be invited to transfer their operation from the current site at Manuka Cottage (Spreydon/Heathcote ward) which is insufficient for their purpose.
13. The current annual operating cost is \$1,600. The ATL will pay a rental which will offset a significant proportion of the operating costs. The balance will be met by the Council through existing budgets. The Council is currently funding the ATL through the Spreydon/Heathcote Community Board by way of \$3,000 towards salary costs from the Community Development Scheme.

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14. The proposal to invite the ATL to operate from the site has been endorsed by Riccarton Rotary and the family of Sir John McKenzie. Riccarton Rotary has requested that the name 'Sir John McKenzie Memorial Library' be retained and shown on the placard at the front of the building.

Property Issues

15. The property is classified under the Reserves Act 1977 as a Local Purpose Library Site in Trust.

Change of Use

16. A statutory change of use is required if the site is to be used for anything other than a library site. This involves public notification and consideration of all objections. If the use is for anything other than a community use (eg commercial use), then resource consent will also be required. A valuer has considered the site and advised that because of the inherent limitations, achieving a viable commercial use is questionable.

Sale of the Property

17. We have been advised by the Legal Services Unit that the site was originally acquired from the Crown, and as such if the Council was to sell the property the following statutory process would need to be followed:
- Council decision to publicly notify the change of use proposal
 - Public notification
 - Hearings panel in the event of objections
 - Consideration of objections by the Department of Conservation
 - Ministerial approval of change following consideration of the above.
18. All sale proceeds would go to the Crown, and therefore the only financial benefit to the Council would be the saving of ongoing operating costs which are \$1,600.
19. It is likely that there will be opposition from Riccarton Rotary and members of the original library committee to both a change of use of the building to something other than a library, and sale of the property. Formal consultation of the wider public in regard to these options has not been undertaken but it is possible that there will be opposition within the wider public at least to sale of the site.
20. Use for a Toy Library will fall within the existing reserve classification and will not require completion of any statutory process. It is also a complying use within the City Plan Zone.

OPTIONS

21. The following options have been considered:
- (a) Use the property for a purpose other than a library
 - (b) Sell the property
 - (c) Retain the property and lease to the Addington Toy Library.

PREFERRED OPTION

22. There has been no interest expressed by Council Units for any use other than for a library purpose. A valuer has advised that the site presents limitations in terms of commercial use. There is no significant financial benefit to the Council through sale of the property. Both options require public notification involving consideration of objections which are almost certain to be received. Options (a) and (b) are therefore not favoured.
23. The recommended use fits with the existing Reserve classification and also has the approval of Riccarton Rotary and founding committee members of the original library. It is anticipated that this use will meet with the approval of the wider community, and option (c) is therefore recommended.

1 Cont'd**STAFF RECOMMENDATIONS**

- (a) That the Addington Toy Library be invited to lease the John McKenzie Memorial Library site at 393 Riccarton Road.
- (b) That the Corporate Support Manager and Community and Recreation Manager be delegated authority to negotiate a lease with the Addington Toy Library on similar terms and conditions to comparable community group leases.
- (c) That the building retain the name 'Sir John McKenzie Memorial Library'.

BOARD RECOMMENDATION

That the staff recommendations be adopted.

2. PENTONVILLE ROAD LEGALISATION

General Manager responsible:	General Manager City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Deborah Harris, Property Consultant, DDI 941-8940

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to authorise existing road reserve (Lot 12 DP 54677) to be dedicated as road pursuant to Section 111 of the Reserves Act 1977.

EXECUTIVE SUMMARY

2. The Worsley Farm Limited Subdivision at Westmoreland is currently being undertaken in stages and the work on stage 1 is substantially completed. A copy of the subdivision plan is attached for information.
3. The subdivision includes the extension of Pentonville Close and the construction of a road on road reserve Lot 12 DP 54677. This lot was created in the previous subdivision for roading purposes, and is owned by the Council.
4. The road construction has now been completed on the road reserve (Lot 12 DP 54677), and the dedication of this road reserve as road is required.
5. This dedication is needed prior to the Stage 1 subdivision plan being deposited with Land Information New Zealand to enable titles to issue.
6. The Council has the ability to dedicate the road reserve as road under Section 111 of the Reserves Act 1977.
7. Any costs associated with the dedication process will be met by Worsley Farm Limited.

FINANCIAL AND LEGAL CONSIDERATIONS

8. All costs associated with the dedication process are to be met by Worsley Farm Limited.
9. Section 111 Reserves Act 1977 – Road reserve may be dedicated as a road:

This Section says that, where any land is vested in any local authority for the purposes of a road reserve and the land is required for the purposes of a road, the land may be dedicated as a road by resolution of the local authority.

10. The Community Board does not have authority to resolve in respect of "existing road reserve" to "road" dedication; such decisions need to be made by the full Council. The Board does however have recommendatory powers.

2 Cont'd**STAFF RECOMMENDATION**

That pursuant to Section 111 of the Reserves Act 1977, the Christchurch City Council resolves to dedicate the existing road reserve more particularly described as Lot 12 DP 54677, as a road.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

3. PROPOSED ROAD STOPPING – 365 CASHMERE ROAD (HAPPY HOME ROAD BOUNDARY)

General Manager responsible:	General Manager, City Environment
Officer responsible:	Transport and City Streets Manager
Author:	Deborah Harris, Property Consultant, DDI 941-8940

PURPOSE OF REPORT

1. The purpose of this report is to seek the Council's approval to authorise commencement of the road stopping procedure as set out in the Public Works Act 1981, for the stopping of a portion of Happy Home Road adjoining the property at 365 Cashmere Road, more particularly shown as Section 1 on Scheme Plan SM1547-05.

EXECUTIVE SUMMARY

2. The subject road, shown as Section 1 on Scheme Plan SM1547-05 (attached), comprises an area of 109 square metres, and is situated along the southern boundary of an existing property known as 365 Cashmere Road.
3. The owners of 365 Cashmere Road have applied to the Council to purchase Section 1 for amalgamation with their adjoining property, and they have agreed to pay the market value of the area of road as well as the road stopping costs.
4. The Transport and City Streets Unit is satisfied that the area of road involved will not be required by the Council for road widening purposes at any point in the future, and therefore it supports the road stopping proposal.
5. It is proposed to facilitate the stopping pursuant to the Public Works Act 1981, and amalgamate that part with the property at 365 Cashmere Road.
6. A final report will be submitted to the Council seeking its formal consent to stop the road once all survey requirements have been met, and an Agreement for Sale and Purchase with the applicants has been finalised.

FINANCIAL AND LEGAL CONSIDERATIONS**Financial**

7. The applicants were advised from the outset that they would be under obligation to pay:
 - (a) the market value of the 109m² area as assessed by an independent registered valuer; and
 - (b) the costs associated with the road stopping including, but not limited to, survey fees, LINZ and gazettal disbursements and the Council's reasonable legal fees. These costs could be anywhere between \$3,000 and \$7,000.
8. This was accepted by the applicants.
9. Simes Limited assessed a current market value of \$7,000 including GST.
10. In conclusion the proposed road stopping and disposal would result in a net gain for the Council of \$7,000 inclusive of GST.

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Legal

11. The Community Board does not have authority to resolve to commence a road stopping, nor to declare road stopped - such decisions need to be made by the full Council. The Board does however have recommendatory powers.
12. The Council has the ability to stop roads pursuant to the Public Works Act 1981 and the Local Government Act 1974. The latter Act requires the Council to publicly notify the proposed road stopping and to call for objections or submissions. Conversely, the Public Works Act process does not require public submission. However, the Council and adjoining landowner(s) must consent in writing to the proposal.
13. If the proposed road stopping is potentially contentious then the Council should process the road stopping application pursuant to the Local Government Act. If not, the Public Works Act process can be followed.
14. It is proposed to process this application pursuant to the Public Works Act 1981 because:
 - (a) the Transport and City Streets Unit is confident that the subject area of road will not be required by the Council in the future for road purposes; and
 - (b) as the adjoining landowner, the owners of 365 Cashmere Road are the only logical purchasers of the subject area.
15. Section 116 Public Works Act 1981 – Stopping Roads:

This Section says that, subject to the consent of the territorial authority and the owner(s) of the land adjoining the road in writing to the stopping, then the road can be declared formally stopped by notice in the Gazette.
16. Section 345(1)(i)(a) Local Government Act 1974 – Disposal of land not required for road:

In relation to stopped road that is no longer required by the local authority, this Section says that the Council may sell that part of the stopped road to the owner(s) of any adjoining land.

This Section goes on further to say that the price for the stopped road can be fixed by a competent valuer appointed by the Council to value that part or if the owner(s) is not prepared to pay the fixed price, the Council may sell the land by public auction or private tender.
17. Section 345(2) – Amalgamation of stopped road with adjoining land:

This Section enables the Council to require the amalgamation of stopped road with adjoining land.

STAFF RECOMMENDATION

That, pursuant to the Public Works Act 1981, the Council commence the road stopping procedure in respect of the area of road marked Section 1 on Scheme Plan SM1547-05 comprising the Happy Home Road boundary of the property at 365 Cashmere Road.

BOARD RECOMMENDATION

That the staff recommendation be adopted.