

11. 9. 2008

LYTTELTON/MT HERBERT COMMUNITY BOARD
15 JULY 2008

A meeting of the Lyttelton/Mt Herbert Community Board
was held on Tuesday 15 July 2008 at 9.30am

PRESENT: Paula Smith (Chairperson), Jeremy Agar, Doug Couch, Ann Jolliffe,
Dawn Kottier and Claudia Reid.

APOLOGIES: An apology was received and accepted from Claudia Reid who left the
meeting at 12.55pm and was absent for Clauses 7, 8 and 14.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION

1. **PROPOSED LEASE OF THE FORMER RESERVES BUILDING AND NURSERY –
OXFORD STREET, LYTTELTON**



General Manager responsible:	General Manager Community Services Group, DDI 941- 8534
Officer responsible:	Southern Area Recreation Manager (Acting)
Author:	Kathy Jarden Property & Leasing Advisor

The Community Board Adviser explained that this report needed to be considered in two parts:

Part A Recommendation to the Council regarding the classification of the reserve.

Part C Delegated decision from the Board on the granting of a lease for the reserve.

PURPOSE OF REPORT

1. The purpose of this report is to seek approval from the Council for Reserve 4150 to be re-classified as local purpose (community buildings) reserve.

EXECUTIVE SUMMARY

2. Reserve 4150 was vested in the Council for the purpose of a site for public swimming baths (NZ Gazette 1962 p 76).
3. Project Lyttelton Incorporated currently leases part of Reserve 4150 comprising approximately 1150 m² which is located at 54 Oxford Street, Lyttelton, for the purpose of community gardens and a resource centre promoting environmental and leisure activities. The total reserve area, as shown in the **attached** plan is 2531m² with the balance of land used for the swimming pool development. The lease comprises use of the former BPDC Reserves Department workshop and adjoining garden nursery. The current lease expires on 31 August 2008 with no further rights of renewal. The annual rent is \$1 per annum.
4. Project Lyttelton Incorporated would like to secure a longer lease of the building. Their activities are deemed by staff to be the best use of the facilities.
5. The Community Board has the delegated authority to approve leases over reserve land. However, it does not have the authority to classify reserves, such a recommendation is made by the Council to the Crown.

1 Cont'd

FINANCIAL IMPLICATIONS

6. The Council has a policy of nil rentals for community gardens. The rental of the workshop building would be negotiated with the Group in accordance with the Council's current practice.
7. Funds have not been allocated in the current financial year for maintenance to the building. A structural inspection is being completed and officers must be satisfied that the Council will not be subject to any major repairs prior to entering into a lease for the workshop building. It is expected to have this report completed in August 2008.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

8. Not applicable.

LEGAL CONSIDERATIONS

9. The current lease did not follow the correct procedures as required by the Reserves Act 1977 and approval should have been granted by the Department of Conservation (DOC) to enter into a lease over the land. When the reserve is classified it will allow the Council to formally grant leases without DOC approval. The Council has numerous reserves vested that need to be classified as a requirement of the Reserves Act 1977 and as resources permit the classifications are undertaken. The classification of the reserve will require public notification and would be carried out by DOC, if they consent to the process and is pursuant to Section 16 of the Reserves Act 1977.
10. On classification as a local purpose reserve, the Council has the authority to grant a lease under section 61 of the Reserves Act 1977. The Council's standard terms and conditions for these types of leases will apply.

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

11. Yes. All necessary consultation under the Reserves Act will be completed prior to issuing a new lease under that Act.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

12. The continuation of Project Lyttelton Incorporated in the former Reserves Building complex contributes towards meeting the Council's outcomes for "Recreation and Leisure" contained in "Our Community Plan" of the 2006-2016 LTCCP. It satisfies the Community Outcomes with regards to "Recreation" "Health" and "Community".

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

13. Yes. In addition to the LTCCP requirements it satisfies Annual Plan provisions for Recreation and Leisure by increasing participation in leisure activities and or other physical activities with friends or as an individual.

ALIGNMENT WITH STRATEGIES

14. Yes.

Do the recommendations align with the Council's strategies?

15. A lease of this nature to such a community organisation aligns with the Council's Recreation and Leisure activity strategies contained in the LTCCP.

1 Cont'd

CONSULTATION FULFILMENT

16. Public Notification under the Reserves Act 1977 of the proposal to classify Reserve 4150 pursuant to Section 16 of the Reserves Act 1977 will occur in accordance with requirements set out by the Department of Conservation.

STAFF RECOMMENDATION

That the Lyttelton/Mt Herbert Community Board recommend to the Council that a request be made to the Minister of Conservation to classify as local purpose (community buildings) reserve under Section 16 of the Reserves Act 1977, Reserve 4150 described in Certificate of Title 1D/236, SO Plan 7220 containing 0.2532ha.

BOARD CONSIDERATION

17. The Board considered a report under Part C of this meeting seeking approval to grant Project Lyttelton Incorporated a lease over the former Reserves Building in Oxford Street Lyttelton for an initial period of five years commencing on the 1 September 2008 through to 31 August 2013 on those terms and conditions as detailed in this report.
18. The Board resolved to approve the lease subject to the classification being implemented and Council officer's satisfaction with the structural report underway.
19. The Board also sought and attained clarification that the lease for the reserve did not need to be publicly tendered as Council staff were satisfied that this was the best use for the property at this time, and there were no other community groups requiring such a facility.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND

20. Reserve 4150 was vested in the Lyttelton Borough Council in 1962 for the purposes of public swimming baths.
21. In 1976 a concrete workshop depot was built for the Council's Reserves Department staff to operate from and the land adjacent was turned into a nursery for propagating plants for the former Council's reserves and formal gardens. Irrigation system controls for the neighbouring Rose Gardens are located in this building and accessed by the Council's contractors.
22. In 1994 the Reserves Department staff was taken over by Serco and the building was no longer required as a depot. The building was then leased out to a furniture maker and the nursery land was leased out to various individuals to operate a commercial nursery. (Both these uses contravened the Reserves Act legislation.)
23. In 2005 plans were underway for the redevelopment of the swimming pool which resulted in relocation of the community gardens. The workshop tenant retired and the Council felt that the activities that Project Lyttelton Incorporated undertook would be a good fit for the building and land. It provided a new location for the community gardens and the workshop could be used as a meeting place and office for Project Lyttelton Incorporated organisers and community gardeners.

1 Cont'd

24. The work of Project Lyttelton Incorporated is extensive and provides many leisure and recreational opportunities for the community. To name a few:
 - Winter and Summer Street Festivals
 - Lyttelton Farmers Market
 - Community Gardens
 - Lyttelton Time Bank
 - Waste Minimisation
 - Promoting Community Well-being
 - Community Sustainability.
25. Project Lyttelton Incorporated wishes to establish a more permanent base within the district as their current lease expires 31 August 2008.
26. The suggested lease term is of a sufficient length to allow Project Lyttelton Incorporated to establish and consolidate within a complex that has for them potential to offer additional passive recreational and leisure activities. By granting Project Lyttelton Incorporated a lease over this land and building it shows a continuing commitment by Council to recreation and leisure activities.
27. The premises can fairly be described as 'tired' especially the interior and Project Lyttelton Incorporated has carried out work over the last three years to bring the building up to an improved standard compared to when it was used as a workshop for Council and the previous tenant. The group is desirous to carry out further upgrades to the building and would like to apply for funding to carry out these improvements. It cannot do this without some security of their tenure.
28. The Maintenance Services Manager for Recreation and Sports is carrying out a structural inspection to ensure that there are no hidden costs to Council prior to committing to a further lease. The asset owner requires a favourable report before they are in a position to lease the building to the public. Project Lyttelton Incorporated has previously worked in conjunction with the Council's asset owner, Recreation and Sports, to carry out improvements to the building and any fixed improvements would revert to Council ownership at the expiry of the lease.
29. Council officers are satisfied that the current occupation of the facilities is the best use.
30. A new lease agreement would protect the interests of the Council should it be deemed the land or building were required for other Council purposes.

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Clause 1 – Attachment 1



2. LEASE ISSUES – DIAMOND HARBOUR AND DISTRICT HEALTH SUPPORT GROUP



General Manager responsible:	General Manager Community Services, DDI 941-8534
Officer responsible:	Community Facilities Manager
Author:	Kathy Jarden, Property & Leasing Advisor

PURPOSE OF REPORT

1. The purpose of the report is for:
 - a) the Council to consider a recommendation from the Community Board to grant a variation to the term of the ground lease to Diamond Harbour and Districts Health Support Group Incorporated (the Group)
 - b) the Council to consider a recommendation from the Community Board regarding the annual rent and review process outlined in the lease Document.

EXECUTIVE SUMMARY

2. The report sets out a proposal to extend the term of the ground lease to Diamond Harbour and Districts Health Support Group Incorporated through to 2032 for a property located at 2C Waipapa Avenue and set out the rental for the initial review period at a peppercorn amount. The recommendations are based on history, significant benefits and services to the community, financial viability and practicalities in terms of ownership.

FINANCIAL IMPLICATIONS

3. The current lease allows for a three-yearly rent review. To date, the rental charged for this land has remained at \$1 per annum as the former Banks Peninsula District Council acknowledged the difficulty in attracting medical practitioners to the community. Rent reviews were not carried out as provided for in the lease agreement.

The Council's practice is to obtain a fair market rental valuation and to set the rent accordingly. The valuation returned a recommendation of \$3,500 per annum plus GST and outgoings.

There is no current policy with regard to not-for-profit groups leasing Council land or buildings. However, there is a sports body leasing policy for non-profit groups occupying "reserve" land. Based on the calculations under that policy, the ground rent for the land in Diamond Harbour would be approximately \$227 per annum.

4. The Group's financial records have been reviewed by Council's Finance Manager. The variable item in the Group's accounts is the rental they receive from the Doctors that are currently running the practice. An increase in the rental charged to the Doctors would be the only way the Group could cover any rental increase. It would seem unlikely that the Group would be able to pass on the proposed increase to the Doctors given the difficulties the Group has experienced in attracting medical practitioners to the community. This is a community benefit versus financial benefit.

Do the Recommendations of this Report Align with 2006-16 LTCCP budgets?

5. Yes. There is no rental income budgeted in the Annual Plan for this parcel of land and the Group pays all outgoings including rates (\$203.36 for 2007/2008). There is no cost to the Council to hold this parcel other than the costs in managing the lease.

LEGAL CONSIDERATIONS

6. The land contained in Certificate of Title 38C/63 is not subject to restrictions such as those contained in the Reserves Act 1977. However, the Council will still need to comply with the decision making procedures set out in Sections 76-81 of the Local Government Act 2002.

2 Cont'd

7. The Community Board does not have delegated authority to issue leases for the carrying on of any trade, business or occupation on land for terms exceeding five years; however, it does have the authority to make recommendations to the Council.
8. The resolution made by the Banks Peninsula District Council on 17 November 2004 with regard to a longer lease term is still valid; however it is felt that a more specific resolution should be adopted.

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

9. Yes. A Deed of Variation to the lease will be prepared and executed by both parties.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. In 2005 residents of Banks Peninsula were consulted regarding projects and initiatives for inclusion in the 2006-16 LTCCP. These projects and initiatives were included in Appendix 6 of the Memorandum of Understanding with Christchurch City Council and Banks Peninsula District Council.

Do the recommendations of this report support a level of service or project in the 2006-16 LTCCP?

11. Yes – Appendix 6, Schedule D of the Memorandum of Understanding between Banks Peninsula District Council and Christchurch City Council developed prior to the amalgamation of the two councils

Issues Requiring Advocacy by Council:

Initiative	Advocate for the retention of Diamond Harbour Health Centre as nearest facility to Port Levy.
Community Outcome	(1) Unique, welcoming and safe communities that sustain a people of diverse income and age (2) An educated and healthy community
Sub-Outcome	(1) Provide or support the provision of amenities and services and services for older people closer to home. (2) Advocate for the health care needs of Banks Peninsula people to include the retention of local hospitals/medical facilities
Area	Port Levy and Diamond Harbour residents

ALIGNMENT WITH STRATEGIES

12. The Community Board, in setting its objectives, has recognised the need to retain and enhance core community services to Banks Peninsula communities. The Board will achieve this objective by continuing to support the retention of rural health services.

Do the recommendations align with the Council's strategies?

13. Strategy: Strong Communities
Outcomes: Christchurch – A healthy City; Banks Peninsula – an educated and healthy community.

CONSULTATION FULFILMENT

14. Not applicable.

2 Cont'd

STAFF RECOMMENDATION

It is recommended to the Council:

- (a) That the Corporate Support Unit Manager be given delegated authority to negotiate a variation to the lease terms and conditions of a ground lease between Council and the Diamond Harbour and District Health Support Group for the land described as Lot 1 DP 64100 contained in Certificate of Title 38C/63 and referred to as 2C Waipapa Avenue, Diamond Harbour, with a final expiry date of 30 November 2032, with no further right of renewal.
- (b) That the annual rent charged to the Diamond Harbour and District Health Support Group remain at \$1 per annum plus the goods and services tax including all outgoings until 30 November 2016 after which time such rent will be reviewed three-yearly in accordance with the lease terms and conditions and assessed by an independent valuer or set in accordance with Council policies that may be in place at such time with regard to setting rental levels for community groups and non-profit organisations leasing Council owned land.

BOARD RECOMMENDATION

That the staff recommendation be adopted.

BACKGROUND (THE ISSUES)

15. The Group currently leases from Council the land described as Lot 1 DP 64100 contained in Certificate of Title 38C/63, referred to as 2C Waipapa Avenue, Diamond Harbour comprising approximately 1,627m² (plan attached). The land is held in fee simple and zoned as open space in the district plan. The value as open space is less than that of a commercial property. The current government land valuation is \$153,000.
16. All buildings and improvements are owned by the Group (photograph attached). The local community built the existing facilities in 1990 with funds raised by the community and Banks Peninsula District Council loaned the balance of the funds required (\$30,000) to complete the building at a favourable interest rate. The loan is for a term of 25 years, with final payment due in 2016; repayment of the loan has continued to be made to the Christchurch City Council.
17. The land was leased to the Diamond Harbour and Districts Health Support Group Incorporated commencing 1 June 1992 for 24 years and 183 days with no further right of renewal. The purpose of the lease was to provide for the Group to set up medical facilities to the community at Diamond Harbour and surrounding Mt Herbert area.
18. The lease provided for an annual rent of \$1 per annum for the first five years and thereafter subject to review in accordance with clause 2 of the lease which stipulates:

"The annual rent for the time being payable under this lease may be reviewed by the Lessor on the rent review dates specified in the First Schedule (each date being herein called a "rent review date"). The annual rent for the ensuing rent period as specified in the First Schedule shall be determined in the following manner:
 - a) *The lessor shall commence a review by not earlier than three (3) months prior to a rent review date or at any time up to the next following rent review date giving written notice to the Lessee specifying the annual rent considered by the Lessor to be the current market rent as at that review date.*
19. The Group pays the rates for the land and improvements as well as the cost of ground maintenance.

2 Cont'd

20. In 2004 the Group wrote to the previous Banks Peninsula District Council to consider the sale of the freehold interest in the land. At its 17 November 2004 meeting, the Council resolved that
- “Council is not in favour of selling the freehold land, but is however, very supportive of the service that is currently being provided and supports the need for future security of tenure. It was further resolved that the Council instruct the Property Manager to negotiate a lease that protects the tenure of the Diamond Harbour and Districts Health Support Group incorporated and allows for the possibility of future development.”*
21. In July 2007, the Group was notified of a Rent Review for the period 1 June 2006 to 30 June 2009. An independent market rental assessment was completed and the Group was informed that the new rent would take effect 1 October 2007 and be set at Three Thousand Five Hundred Dollars (\$3,500) per annum plus the Goods and Services Tax and outgoings.
22. The Group opposed the rent increase indicating that it was not viable for a rural community to sustain a rent increase of this proportion.
23. The Group approached Council officers on 2 July 2007 (**letter attached**) to formally request that an extension or new lease be negotiated for a period of up to 25 years so that they may offer a viable tenure to the medical practitioners currently operating the medical practice out of these purpose built facilities. The rent has not increased and a new lease would be subject to Council's current practice of charging market rentals to community organisations.
24. Council's normal practice is to publicly tender leases upon final expiry unless the circumstances were not practical and the granting of a further extension would go against the established practice. However, it is considered that the circumstances are not practical as there is a significant community benefit in continuing with the current lessee. In addition, significant improvements are owned by the lessees.
25. The Group has leased the building to Diamond Harbour Medical Limited of Governors Bay. The directors of that company are Drs Davies and McGeoch. The lease arrangement has not been finalised as the Group is waiting for Council to vary the ground lease. The facilities are also used by Plunket, the district health nurse and a local counsellor who all pay a below market rent to the Group.
26. A meeting was held on 11th April 2008 with representatives of the Group, Richard Robertson (Treasurer) and Mahony May (Chairperson) as well as the Community Board's appointed representative on the Group, Paula Smith.
27. The Group has reiterated the difficulty in attracting medical practitioners to Diamond Harbour, this is evidenced in their correspondence dated 18 August 2007 and 5 December 2007, **copies attached**. The Group also indicated any surplus funds that they have built up are now needed for redecoration and maintenance of the medical practice rooms.

THE OPTIONS

Rental Assessments and Reviews

28. Implement the rent increase as assessed and provided for in the lease agreement.
- The Group opposes this rent increase and if implemented would jeopardise the relationship with the new Doctors as all indications are that the practice is only viable on a part time basis.
 - The loss of medical/health facilities in the Mt Herbert area would not only jeopardise the health and wellbeing of the residents it would put financial pressures on the local families with increased travel costs to Lyttelton, Lincoln or the city.

2 Cont'd

- The lack of rent reviews by Banks Peninsula District Council could be perceived as support to maintain the \$1 per annum rent level.
29. Maintain the annual rent at \$1 per annum for the duration of the current term (2016) with regular rent reviews based on current market rental assessed for the extended term (ending 2032).
- At the end of 2016 the loan to Council would be repaid freeing up the Group's cash flow so that a market rental could then be afforded with the rent charged to the Doctors. Future rent reviews would be on a three yearly basis as provided in the lease agreement.
30. Increase the rent to \$1000 per annum as offered by the Group, which would be \$2,500 less than the current market valuation.
- In discussions with the Group in April, this offer would no longer be feasible and would put undue pressure on the Group membership to seek funds from outside agencies.
31. Gradually implement the rent increase so that a market rental was obtained at the end of a set period of time, perhaps over a six year period.
- This would put pressure on the Group to on-charge the Doctors and may jeopardise their commitment to establishing and maintaining a practice in the community.
32. Charge market rental and seek other government or Council funding to assist with operating costs.
- This would put pressure on the Group to on-charge the Doctors and may jeopardise their commitment to establishing and maintaining a practice in the community.
 - The Council can offer no guarantees that the Group would be eligible for funding.
33. Assess the rent in accordance with the sports ground rental policy.
- This option could be a fair compromise. Other groups in Christchurch that lease Council land are required to pay a fair rental for use of public land and facilities.
 - The Doctors are operating a commercial enterprise on publicly owned land at below commercial market rent.

Lease Term

34. Vary the term of the lease to allow for a final expiry of 30 November 2032.
- The former Banks Peninsula District Council recommended that security of tenure be negotiated with the Group.
 - A final expiry of 30 November 2032 would provide for a total lease term of 40 years less six months.
 - The Group has requested an extension to 2032 and this could be achieved by offering two five-year rights of renewal and two three-year rights of renewal with the first renewal effective 1 December 2016.
35. Status Quo – final expiry of lease 30 November 2016.
- Council practice is to publicly tender leases upon final expiry ensuring that all transactions are open and transparent.
 - This would jeopardise the arrangement made between the Group and the Doctors, causing uncertainty with the continued provision of medical services in the community.

2 Cont'd

THE PREFERRED OPTIONS

36. Maintain the annual rent at \$1 per annum for the duration of the current term (2016) with regular rent reviews based on current market rental assessed for the extended term ending 2032.
- At the end of 2016 the loan to Council would be repaid freeing up the Group's cash flow so that a market rental could then be afforded with the rent charged to the Doctors. Future rent reviews would be undertaken on a three-yearly basis as provided in the lease agreement.
37. Vary the term of the lease to allow for a final expiry of 30 November 2032.
- Technically, this contravenes Council's commercial leasing practice; however there are good supporting circumstances to do so in this instance.

PART B - REPORTS FOR INFORMATION



3. DEPUTATIONS BY APPOINTMENT

3.1 Vilma Loader – Lyttelton Timebank

Ms Loader, along with Timebank Co-ordinators, Jules Lee and Jacinta Gilligan, addressed the Board regarding the request for funds for the Timebank which was included in the Project Lyttelton application to the Strengthening Communities Fund.

They explained how the Timebank worked and its benefit to the community, particularly for elderly residents and some of the more vulnerable members of the community. They reported that some of the Timebank personnel were paid, but there were also numerous volunteer hours contributed to its successful operation. They considered the Timebank to be a "values based" project that unquestionably strengthens the community and they therefore asked the Board to support the application for funds for the continuation of the Timebank and the associated research project.

It was also reported that the Timebank was a valuable resource to have in the community because of the large pool of local information it had obtained; for example a database of people with four wheel drive vehicles which could be accessed in a civil defence emergency.

The Board noted that it would like to receive a copy of any report developed as a result of the research part of the Timebank project.

3.2 Belinda Barrett-Walker (Junior Neighbourhood Support) and Pat Creasy (Canterbury Neighbourhood Support)

Ms Barrett-Walker and Mr Creasy addressed the Board and tabled a number of Documents for members information.

It was reported that there was mixed support for the Neighbourhood Support Programme in the Lyttelton Harbour with Lyttelton having 11 active groups, Diamond Harbour having 49 and other areas having a small number.

Ms Barrett-Walker and Mr Creasy explained some of the benefits of Neighbourhood Support, including people getting to know their neighbours and the potential to use the programme in the event of a civil defence or pandemic incident. Basically it establishes a framework that can be used and adapted to best suit peoples needs.

3 Cont'd

The purpose and focus of the Junior Neighbourhood Support Programme was also explained to members. The programme operates through schools and was already successfully functioning in three Community Board areas in Christchurch. It was noted that an application had been made to the Metropolitan Strengthening Communities Fund for a grant to extend this programme into the remaining Board areas. However, Ms Barrett-Walker was unsure as to whether this included the Banks Peninsula Ward. She undertook to make enquiries and report back to the Board on this.

3.3 Rod Lawrence – Banks Peninsula Signage Project

Mr Lawrence spoke to the Board in his role as co-ordinator for the Banks Peninsula Signage Project. He reported that he worked for Project Lyttelton which had secured funding to undertake this project. The project had \$165,000 funding for signage on Banks Peninsula and had been an initiative from the former authority, which had an expectation that the funding could be used to establish information kiosks in Lyttelton, Diamond Harbour, Little River and Akaroa. The scope of the project had been widened to include an analysis of the signage required for the whole of Banks Peninsula, along with an inventory of the current signage.

Mr Lawrence explained that he was currently carrying out background work and collecting information for the project before reporting back to the Board with a detailed list of applications for signage and then a further report seeking a recommendation on what signage should be funded.

Mr Lawrence also reported that he was investigating common design themes which could provide a style for Banks Peninsula information signs. It was noted that the project could include the provision of dual language (English and Maori) signs.

3.4 Mr Barry Stratton – Transit NZ

Mr Stratton and Mr Tony Spowart from Transit attended the Board meeting to discuss issues relating to State Highway 74. They reported that the highway was compliant with current warrants, although budget had recently been approved to upgrade the streetlighting from the Lyttelton Tunnel to Cashin Quay.

Mr Stratton and Mr Spowart agreed that there were safety issues with this piece of road, mainly related to pedestrians and truck movements. Solutions to the pedestrian issue had been investigated with Banks Peninsula District Council, however nothing had been resolved as agreement could not be reached on where a pedestrian refuge or crossing could be sited. The former authority had also been reluctant to lose any carparking spaces which would be the case if a crossing was installed.

Mr Spowart explained that the most likely solution was to install a pedestrian crossing mid-block which would result in a loss of parking. He said this project would be costly and he sought an indication of support from the Board for such an option.

Board members questioned why there could not be direct access to the port for trucks and large vehicles, as happened in other towns in New Zealand where bypass routes were provided. Parking could actually be increased in such a scenario. Mr Spowart agreed that this would be preferable, however that could not occur straight away and in the meantime they as staff needed to enhance the safety of pedestrians on this state highway.

The Board noted that the change in location of the ferry terminal could seriously affect the pedestrian movements on the road and it was agreed it would be wise to wait until that issue was resolved. The Board indicated that it considered pedestrian safety issues to be paramount and acknowledged that there may be some resultant tradeoffs (eg loss of parking).

3 Cont'd

3.5 Mr Lachie Griffin

Mr Griffin, a resident of Governors Bay, addressed the Board on two issues:

Legal Road, Governors Bay to Allandale – Mr Griffin requested that consideration be given to locking the barriers on the beach road that runs from the Governors Bay jetty to Allandale. He said the road was very popular with walkers and cyclists and he felt there were safety concerns arising from allowing vehicles to use the road as well.

Mr Griffin indicated that the Governors Bay Community Association supported this request. He suggested emergency services could have a key to gain access through the barriers if necessary.

The Board **decided** to ask staff for a report on this matter, including the ramifications of stopping vehicular traffic on the road.

Governors Bay Road – Mr Griffin pointed out that there was a lot of confusion over the naming of Governors Bay Road, which ran from Cass Bay to Governors Bay, before becoming Main Road, which runs through Governors Bay. Main Road then became Governors Bay-Teddington Road which runs through to Gebbies Valley. This made it difficult for people trying to locate properties on Governors Bay Road, which they expected to be located in Governors Bay.

Mr Griffin suggested that the portion of road from Lyttelton to Governors Bay be renamed Tamatea Drive. He noted that for most people the postal address of their property would not change and their actual road number (based on the Rapid system) would remain unchanged. He indicated there was widespread support in the community for this suggestion, including from the rural mail contractor.

The Board **decided** to ask staff to comment on this suggestion.

4. CORRESPONDENCE

4.1 New Zealand Community Boards Executive Committee

A memorandum had been received from the Chairman of the Community Boards Executive Committee, regarding the 2009 Conference and inviting Community Boards to enter the Best Practice Awards.

The Board **decided** to hold this item over for consideration at the next month's meeting.

5. LYTTELTON/MT HERBERT STRENGTHENING COMMUNITIES FUNDING 2008/09

The Board considered a staff report regarding the final allocations for the Lyttelton/Mt Herbert Strengthening Communities Funding for 2008/09.

The report and accompanying recommendations from the Board were submitted to the Council meeting on 14 August 2008 as a report from the Chairperson.

6. BRIEFINGS

6.1 Local Rooding Projects Update

David McNaughton (Asset Engineer) updated the Board on local rooding issues.

6 Cont'd

6.2 **Civil Defence**

Ian Kington, the Civil Defence Management Officer for Banks Peninsula and Wayne Rissman, the Emergency Management Adviser, briefed the Board on matters relating to civil defence, in particular the issue of volunteers. They reported that there was a shortage of volunteers for the Lyttelton Harbour area, especially in Lyttelton itself. It was noted that Lyttelton was a special area and was quite a vulnerable town, in terms of potential disasters, because of the port (tsunami), the tank farm, tunnel etc.

Mr Kington explained the new system with emergency management which focused on using volunteers for the welfare tasks, with staff performing the operational functions. Approximately 25 to 30 additional volunteers were required.

6.3 **Art in Public Places**

Marlene Le Cren, Christchurch City Council Arts Adviser, briefed the Board on the process to be followed for public artworks, following the deputation from the Lyttelton Community Arts Council to the last Board meeting.

Ms Le Cren said she had looked at the proposal from the Community Arts Council, however she said the difficulty was that it had come in part way through the normal process and there was also currently no budget available for it. She said there would need to be a public show of support for the proposal and that if funding were obtained it would need to cover all costs, including consents, engineering etc.

7. **COMMUNITY BOARD ADVISER'S UPDATE**

The Community Board Adviser updated the Board on a range of issues.

8. **BOARD MEMBERS INFORMATION EXCHANGE**

Nil.

PART C - REPORT ON DELEGATED DECISIONS

9. **CONFIRMATION OF MINUTES**

The Board **resolved** that the minutes of the ordinary meeting held on Tuesday 17 June 2008 be confirmed, subject to the following amendment:

Page 4, Item 5 - Delete: *contained a number of inaccuracies*
Insert: *is back to front*

*Heritage Trails Noticeboards – it was reported that a noticeboard at the top of Evans Pass ~~contained a number of inaccuracies~~ **is back to front** and was therefore.....*

Page 1, Item 1.1 Delete: *Harbour*

Lyttelton ~~Harbour~~ Community Arts Council

10. PROPOSED LEASE OF THE FORMER RESERVES BUILDING AND NURSERY – OXFORD STREET, LYTTELTON

The Board considered a report to grant Project Lyttelton Incorporated a lease over the former Reserves Building in Oxford Street Lyttelton. The Board had considered a report under Part A of this meeting relating to the classification of this reserve.

The Board **resolved**, subject to the above classification being implemented and subject to officer's satisfaction with a structural report currently underway, to approve the granting of a Deed of Lease to Project Lyttelton Incorporated over the former Reserves Building and adjoining nursery gardens located in Oxford Street being part of Reserve 4150 comprising an area of approximately 1150m² for a term of five years with one further right of renewal of five years and that delegated authority be granted to the Corporate Support Unit Manager to negotiate and finalise the terms and conditions of that lease.

The Board noted for the information of staff that it considered Project Lyttelton to have a greater ability to pay a reasonable rent than it did when first granted a lease for this property.

11. LYTTTELTON FERRY ACCESS, COMMUNITY INPUT

The Board considered a report:

- (a) Informing it of the results of the community input process to the Lyttelton Ferry Access Project.
- (b) Seeking its feedback and endorsement of the proposed Terms of Reference for a Lyttelton Ferry Access Community Advisory Group (the Group) to the Technical Group of Memorandum of Understanding (MOU) partners (of Christchurch City Council, Environment Canterbury and Lyttelton Port of Christchurch).

Staff tabled an amended Draft Terms of Reference, to that which had been previously circulated to Board members.

The Board **resolved** to endorse the Terms of Reference for the Lyttelton Ferry Access Community Advisory Group, as proposed by the Memorandum Of Understanding Technical Group.

12. Natural High Limited – Commercial Recreation Providers Licence Application

The Board considered a report seeking approval to issue a Licence to Natural High Limited to use the Council's existing bike tracks on the Port Hills for mountain bike tours.

The Board **resolved**:

- (a) Pursuant to Sections 54(1)(d) and 56(1)(b) of the Reserves Act 1977 to consent to the granting of a Licence to Natural High Limited to operate a guided mountain bike tours business for a period of five years using the Council's existing mountain bike tracks on the land described in the following Schedule:

SCHEDULE

Name	Legal Description	Certificate of Title	Reserve Status
Marley Hill Reserve	Lot 1 DP 83864	CB 48C/718	Scenic Reserve
Scarborough Farm Park	Lot 1 DP 4807 and Lots 1, 2 and 3 DP 54492, part Lot 1 DP 4807 and part Lot 2 DP 10127	CB43A/1050	Recreation Reserve
Tauhinu-Korokio Reserve	Lot 3 DP 331163	Identifier 128261	Scenic Reserve

12 Cont'd

(b) And subject to the following conditions:

- (i) Public notification under the Reserves Act 1977 and no sustainable objections being received.
- (ii) The approval of the Department of Conservation being obtained.
- (iii) The applicant meeting all costs associated with the granting of the Licence.

13. COMMUNITY BOARD ADVISER'S UPDATE - continued

13.1 Submissions

The Board **resolved** to ratify the following submissions made in its name:

- Draft Annual Plan 2008
- Environment Canterbury Draft Annual Plan 2008
- Traffic and Parking Bylaw 2008
- Dog Control Policy and Bylaw 2008
- Marine Facilities Bylaw 2008
- Draft Libraries 2025 Plan
- Metropolitan Sports Facilities Plan

14. RESOLUTION TO EXCLUDE THE PUBLIC

14.1 Lyttelton Ferry Access – Community Input

The Board **resolved** that the resolution to exclude the public, as set out in the agenda, be adopted.

The meeting concluded at 1.30pm.

CONFIRMED THIS 19th DAY OF AUGUST 2008

**PAULA SMITH
CHAIRPERSON**