

40. HAGLEY PARK – TEMPORARY CLOSURE FOR ZIRKA CIRCUS

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PURPOSE OF REPORT

1. The purpose of this report is to gain Council approval to:
 - (a) The temporary closing of the Carlton Mill Corner of North Hagley Park for 23 days, in accordance with the requirements of section 53(1)(e) of the Reserves Act 1977 (the Act), to allow for the exclusive use of this area by Zirka Circus.
 - (b) The maximum charges that Zirka Circus can charge the public to attend the Circus, in accordance with the requirements of section 53(1) (e) of the Act pursuant to section 53(2) of the Act.

EXECUTIVE SUMMARY

2. Webber Brothers who have traditionally run this circus have moved to Australia, Zirka Circus having bought the big tent off them. There are no animals at this circus.
3. Staff recommend that the Council approve the temporary closure of the areas of North Hagley as set out below, to enable the Circus to be held:
 - (a) The Carlton Mill Corner from Sunday 27 December, 2009 to Monday 18 January 2010 inclusive (23 days) for the setting up of the circus, the circus and clearing away and restoration of the site, the circus itself being held from Tuesday 29 December, 2009 to Sunday 17 January, 2010 inclusive (19 days).
 - (d) The Carlton Mill Corner from Tuesday 29 December, 2009 to Sunday 17 January, 2010 inclusive (19 days) for the circus car parking.
4. Staff recommend that the Council, in accordance with the requirements of section 53(e) of the Act, approve the maximum amount that is able to be charged to enter the circus as set out below:

Ticket Prices:

	Elevated	Ringside	VIP Ringside
Child	\$16	20	25
Student/Beneficiary	\$20	24	28
Adult	\$22	26	30
Family	\$66	na	na

The circus is shown on the list of significant public events in the appendices section of the Hagley Park Management/Master Plans 2007 that occur regularly in North Hagley Park, and therefore the holding of the circus is in conformity with the Plan.

FINANCIAL IMPLICATIONS

5. Potential ground damage, this will be covered by the bond to be paid to the Council before the event. The Council will profit from the fees charged for use of the ground.

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

6. The recommendations will have no impact upon the 2009-19 LTCCP budgets.

LEGAL CONSIDERATIONS

7. The specific area of North Hagley Park that this application applies to is the north-east sports-field area in North Hagley Park, this area being part of RS 41181 on SO Plan 15235 a classified recreation reserve of 87.1700 hectares vested in the Council, pursuant to the Reserves Act 1977. The holding of the circus on the park is in accordance with the purpose of recreation reserves.
 - (a) Section 53(1) (e) of the Reserves Act allows the Council to grant temporary exclusive use of part or all of a reserve, for up to six consecutive days
 - (b) The effect of section 53 (2) of the Reserves Act is to allow the Council to exercise the power and discretion that is vested in the Minister, to grant temporary exclusive use of part or all of a reserve for more than six consecutive days.
 - (c) An autonomous power that local authorities as administering bodies have had under the Reserves Act since 1 January, 1980 is that under section 53(2) they are able to fix charges for admission (up to 40 days) to a recreation reserve, without the need to refer any of the decisions required to the Minister of Conservation for approval.
 - (d) The first issue, therefore, that requires a Council decision is the closing of parts of Hagley Park for a period of longer than six consecutive days as set out above.
 - (e) The second issue that requires a Council decision is the maximum level of charges that may be charged for the public to attend the circus.
8. The use of part of north Hagley Park for the circus does not require resource consent under the Christchurch City Plan, but will require building consent for any tent erected temporarily on the site that is over 100 square metres in area, this being a requirement of the Building Act 2004.

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

9. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

10. The LTCCP's strong communities strategic directions section priorities: Providing accessible and welcoming public buildings, spaces and facilities; providing parks, public buildings, and other facilities that are accessible, safe, welcoming and enjoyable to use; working with partners to reduce crime, help people avoid injury and help people feel safer; providing and supporting a range of arts, festivals and events; and protecting and promoting the heritage character and history of the city. By approving this application, the Council will support and add to the range of experiences people are able to enjoy and experience within the city, be that of a temporary nature.
11. The LTCCP's healthy environment strategic directions section priorities: providing a variety of safe, accessible and welcoming local parks, open spaces and waterways; providing street landscapes and open spaces that enhance the character of the city; and protecting and enhancing significant areas of open spaces within the metropolitan area. The approval of this application and the resulting circus, will enhance the character of North Hagley Park for a period, be that of a temporary nature.
12. The LTCCP's liveable city strategic directions section priorities: improving the way in which public and private spaces work together. The approval of this application will add temporarily to the private infrastructure on the park thereby improving the value of the experiences members of the public can have at the park.

Do the recommendations of this report support a level of service or project in the 2008-18 LTCCP?

13. Yes – see above

ALIGNMENT WITH STRATEGIES

14. This application is aligned with the Christchurch Active Living Strategy, by adding value through mental stimulation, the general public will gain from their experience of visiting the Circus.

Do the recommendations align with the Council's strategies?

15. Yes – see above

CONSULTATION FULFILMENT

16. Public consultation is not required under section 53 of the Reserves Act 1977 before the Council resolves to temporarily close part of North Hagley Park for an extended temporary period.

STAFF RECOMMENDATION

It is recommended that the Council:

1. In accordance with the requirements of section 53(1)(e) of the Reserves Act 1977, approve the exclusive use of the parts of North Hagley Park, indicated below by Zirka Circus, by temporarily fencing off these areas from the rest of the park for periods of time set out below:

Sunday 27 December 2009 to Monday 18 January 2010 inclusive, a period of 23 days, for the setting up, period of the Circus, and clearing away of the site at the conclusion of the circus.

2. The approval is subject to the following conditions:
- (i) The circus organisers are to be responsible for obtaining all building consents that may be required before the circus at their expense.
 - (ii) The circus organisers are responsible for meeting all conditions for site works including any restoration specified by the various authorities including the Council.

Abiding by the Council's normal set of conditions for events like the one being applied for, including the payment of bonds.

3. In accordance with the requirements of section 53(1)(e) of the Reserves Act 1977 the Council under powers granted to it under section 53 (2) approve the circus organisers application to charge the public attending the circus the maximum charges set out below:

Child	\$25
Student/Beneficiary	\$28
Adult	\$30
Family	\$66

BACKGROUND (THE ISSUES)

17. The circus will have limited impact on other events in North Hagley Park. There are no major events that have had to be changed due to this event. No smaller events have had to change dates or take place in any other part of Hagley Park due to this event.

THE OBJECTIVES

18. The objective is for the Council to grant approval for the closure of parts of North Hagley Park (Carlton Mill Corner) so that the circus can take place over an 18 day period from December, 2009. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated on above.

THE OPTIONS

Option 1

19. Approve the application as presented in this report. This action is in alignment with the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

Option 2

20. Not approve the application as presented in the report. This action would not be in alignment and would not support the Council's LTCCP, activity management plans, and strategies as elaborated upon above.

THE PREFERRED OPTION

21. Option 1.