

8. TEMPORARY HIGH PERFORMANCE SPORT FACILITY – JELLIE PARK

General Manager responsible:	General Manager City Environment Group
Officer responsible:	Unit Manager Asset and Network Planning
Author:	Derek Roozen, Parks and Waterways Planner

PURPOSE OF REPORT

1. To obtain Council approval for the temporary location of a building to house the High Performance Sport New Zealand facility, and temporary car parking associated with the facility, in Jellie Park pursuant to the Canterbury Earthquake (Reserves Legislation) Order 2011.

EXECUTIVE SUMMARY

2. High Performance Sport New Zealand (HPSNZ) is the new name of the organisation that was previously named the New Zealand Academy of Sport. HPSNZ is a network of high performance-focused operations designed specifically to support and enhance the performance of leading and most promising sports men and women. HPSNZ's southern regional operations, headquartered in Dunedin, includes a major service centre located in Christchurch. In partnership with Sport and Recreation New Zealand (SPARC), HPSNZ is committed to excellence in high performance sport, providing a wide range of services and support for the region's talented athletes and coaches, including sport science, sports medicine, access to training facilities, coaching support, and career, educational and professional development opportunities.
3. HPSNZ is an incorporated society, which has provided services, support and resources to athletes and their coaches since 2000, enabling them to achieve notable national and international success.
4. The Christchurch Centre of Excellence for High Performance Sport, one of only two strategic high performance centres in the country (the other being in Auckland) was officially opened on 11 November 2009. It was, up to the time of the earthquake on 22 February 2011, located in Christchurch at the QEII Park Recreation and Sport Centre (QEII). The Centre of Excellence was a joint venture principally between the Council and the New Zealand Academy of Sport - South Island (ASI), formalised through a Memorandum of Understanding (MOU) entered into in 2007 by the Council and ASI to work co-operatively together to advance a mutual and collective interest in performance sport and to outline some principles by which that may occur. The Centre housed ASI staff, as well as High Performance support teams from national sporting organisations including Bowls NZ, Bike NZ, Paralympics NZ, Triathlon NZ and the Winter Performance Programme. The Centre's training facilities had, prior to February, been significantly expanded, in partnership with the Council and the Canterbury Community Trust. These facilities included a dedicated athlete strength and conditioning zone and associated performance training equipment and technology, a recovery zone (including hot and cold pools), Paralympics friendly training facilities and a then soon-to-be-completed three lane 100 metre indoor track laid on the concourse under the main stadium. The Centre also had access to the 50 metre Olympic pool, 400 metre mondo running track and indoor courts.
5. The Centre of Excellence's presence at QEII was formalised through a lease for part of the premises there, with a deed of lease made to SPARC, as tenant, dated 22 December 2010, final expiry being 31 December 2025. Notice of termination of the lease because of the extensive damage caused to QEII by the 22 February 2011 earthquake, making it untenable, was given to HPSNZ on 17 May 2011.
6. The QEII Park Recreation and Sport Centre facility is now closed for the foreseeable future because of the earthquake damage. The popular QEII Fitness Centre however is being re-located to Parklands Community Centre and is due to open on 15 August 2011. The Centre of Excellence is currently operating out of two large rooms at the Pioneer Recreation and Sport Centre.

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7. HPSNZ is not able to continue operating at the Pioneer Recreation and Sport Centre for a number of reasons including the following:
 - (a) They will need to move to enable the Southern Centre to be re-established at Pioneer.
 - (b) There is no viable option to re-establish the high performance gym and recovery facilities at Pioneer.
 - (c) There are limited quiet meeting spaces to meet athletes and clients on site.
8. HPSNZ has considered more than ten locations in Christchurch for a temporary High Performance Sport facility. See paragraph 15 of this report below and the accompanying table for an account of these. The preferred location is on the grassed area within, and at the north-western end of, the area occupied by the Council's Recreation and Sport Centre (upgraded in 2008) at Jellie Park. See **Attachment A** for a Concept Site Plan. The grassed area lies between the hydro slide (which is currently closed) on its southern side and a high wire mesh fence and mature trees on the other sides. The area identified lies within the area zoned for the recreation and sports centre as shown on the zoning plan on page 7 of the Jellie Park Management Plan, approved by the Council on 25 February 2010, and corresponds approximately with Area 3 (Outdoor activity space) on the Indicative Development Plan in the management plan (see **Attachment B** for the Indicative Development Plan). The development plan proposes that Area 3 be used for events supervised from the pool, and be used for future provision of additional recreation and sports facilities. Area 3 on the development plan lies between Area 2 (Ornamental lake and garden), which is situated below the terrace and is screened by the mature trees on the northern side of Area 3, and Area 7 (Recreation and sports centre). Both Area 3 and Area 7 are on the higher terrace.
9. The proposed facility comprises a rectangular shaped single storied building covering a floor area of approximately 2,000 square metres. The building is designed in such a way that much of it is re-locatable. The total area of park proposed to be occupied, including building surrounds and eleven new and six existing car parks, is approximately 4,000 square metres. Connection will be required to electricity, data/phone, stormwater and wastewater drainage, and high pressure town water supply. **Attachments A, C and D** show the concept site plan, proposed floor plan/elevations and site photos, respectively. HPSNZ have indicated that their aspiration for occupation of the site is until 18 April 2016 at the latest, with a desire to be considered for co-location with any major metropolitan sports facility planned as part of the Central City Plan or Greater Christchurch Recovery Strategy. Should that not be a viable option they would investigate alternative options to locate at the Christchurch Polytechnic Institute of Technology (CPIT) or the University of Canterbury.
10. The temporary placement of the High Performance Sport facility at the proposed Jellie Park site will require car parking to be provided for the exclusive use of facility staff and users. Existing car park space on the park, servicing the Recreation and Sports Centre, is already fully utilised and not in close proximity to the site of the proposed facility. HPSNZ therefore propose for new temporary car parking to be established on the side of the existing park road adjacent to the site, as well as to utilise some existing currently unused road-side car parking space. See **Attachment A** for the proposed location of this temporary parking. Officers advise that the location is not one that is currently available or accessible for public parking (the park road to this point is not open for public vehicular use), nor is it identified in the Jellie Park Management Plan as able to be considered for future parking needs.
11. The proposed building, surrounds and car park development will necessitate the removal of eleven trees. None of these are significant or protected in the City Plan. Some are already earmarked for removal due to age, condition or damage caused by 22 February 2011 earthquake. HPSNZ will replace all trees removed and meet the cost of the reinstatement of the site to the Council's satisfaction upon cessation of the temporary occupation.

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12. The intended use of the proposed temporary facility will be similar to the QEII based facility prior to the 22 February earthquake. This will include the sports and athletes targeted then. The intention is to re-create the base for support staff, coaches and athletes from key national and regional sports who had made their base at QEII.
13. Jellie Park is a Christchurch City Council recreation reserve of 12.5 hectares in the north-west of the city. It is bounded on one side by the Wairarapa Stream and has an ornamental lake located in the centre of the park. The park provides recreational opportunities ranging from informal pursuits, such as walking, swimming, and picnicking, through to competitive field sports. It is home to the anchor aquatic facility for the western side of the city. It also has a popular skate park and play areas, and it serves as a green linkage and cycleway between Greers Road and Ilam Road. Being close to four schools, it is well used by young people.
14. Officers consider the proposed temporary occupation at Jellie Park will have a manageable effect upon the overall park environment and its use, due to the occupation being in an area not freely accessed by the public nor often used for events currently. An assessment of the effects is given in the following table, along with comment on how each of these may be mitigated.

Area of Effect	Effects	Comment on Effects and how they can be mitigated
Public Access	Closing off with additional fencing part of the area zoned in the Jellie Park Management Plan for the recreation and sports centre and which is normally accessible to the public through the Centre for informal/casual use.	The added fencing during construction is for security and public safety reasons and may be removed upon completion of the construction. The existing high perimeter fence will remain. Currently, there is limited public access to the site – that being only through the Recreation and Sport Centre.
Visual	There will be a large additional building, and associated car parking, placed on the park.	The building and car parking, of course, are temporary. The building can be designed, coloured and have surrounding landscaping and planting undertaken to integrate the structures into the surrounding environment. Furthermore, it will be sited near other structures and be screened from view from other parts of the park by trees and these other structures. It will not be located near any existing residential properties and the proposed site is located well off the street.
Vehicle Access	Heavy machinery and vehicle access across the park to the site will be required during the construction phase.	Park access will be via the existing park road, either from Greers Road or Ilam Road but probably from the former as this section of park road is not used for public/staff access to the Recreation and Sports Centre.

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Area of Effect	Effects	Comment on Effects and how they can be mitigated
Physical (Ground)	Excavation for the underground services from the proposed building to connect to existing services, which are located mostly on or near the Greers Road side of the Recreation and Sports Centre, will require a reasonable amount of surface disruption during the excavation and installation phase of the proposed development. Also, due to the scale of built and hard surface development, there will be significant modification to the existing grassed surface.	The disruption related to the utilities installation is confined to the development phase and can be managed to minimise conflict with normal uses of the park. The building/development site will be fully reinstated to its prior condition and state upon cessation of the temporary occupation.
Physical (Vegetation)	A number of park trees will need to be removed to allow the development of the proposed building and accompanying car parking in Jellie Park.	None of these trees are significant, or protected in the City Plan. Some are old, in poor condition or have been damaged by the earthquakes and therefore would otherwise need to be removed. In any case, all trees removed can be replaced upon cessation of the temporary occupation.
Non-compliance with management plan	The proposed building and car parking do not comply with the policies contained in the Jellie Park Management Plan (see paragraph 17 of this report below), which states that only the Council is to build and control the use of any new buildings built on the park, and the proposed new car parking is outside the area zoned for car parking in the plan.	The building is for a use that the Council supports; the proposed site for the building, and the use it is to be put to, is consistent with the zone (Recreation and sports centre) identified in the management plan.

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15. At the request of the Council's Recreation and Sport Unit's leadership team a range of options to re-locate the facility were investigated by HPSNZ. These options included commercial, educational, private and potential Council facilities. Some of the benefits and reasons to discount for each of these, including of the preferred option, are given in the following table (the options are not necessarily listed in any particular order).

Location	Benefits	Reasons to Discount
Jellie Park (in the Recreation and sport zone) – Preferred Option	<ul style="list-style-type: none"> • Good geographic location – close to airport, university and associated athlete base. • Greenspace environment and fields for outdoor training. • Surrounding roads relatively unaffected by the earthquakes – supports a large cycling base from Triathlon and Bike NZ athletes. • Accessible pools – key factor particularly to support Triathlon NZ base, and key aquatic athletes. • The ground of the site is level and has not suffered earthquake damage. • Security of site, being within the fenced boundary of an existing Council facility. • Gives sense of being able to create a special environment to inspire athletes. • Able to replicate the interface between the public and athletes that existed at QEII. • Maintains the spirit of co-operation and partnership between the Council and HPSNZ as promoted in the MOU (refer paragraph 4 of this report above). • Supported by Council management staff. • Available space currently underused by the public. • Low impact on landscape and views of the park through being screened by existing trees and structures. 	<ul style="list-style-type: none"> • Temporary loss of publicly accessible (although this is marginal) greenspace. • No outdoor track facility. • Associated creation of further car parking (albeit temporary) in a part of the park for which that is not planned. • Generally non-complying with the Jellie Park Management Plan.
St Bedes College	<ul style="list-style-type: none"> • Very good accessible location. • Good car parking. • Greenspace environment and fields for outdoor training. • Pool access (although limited). • Court space available. 	<ul style="list-style-type: none"> • A disconnect with the Council (not able to maintain the opportunity of co-operation and partnership under the MOU). • School use is the priority.

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Location	Benefits	Reasons to Discount
Pioneer Recreation and Sport Centre – Current Temporary Location	<ul style="list-style-type: none"> • Good accessible location. • Good indoor court space. • Greenspace environment and fields for outdoor training. • Good access to road cycling and hill training. • Council owned and operated facility – good security. • Good car parking. • Pool access (although limited). 	<ul style="list-style-type: none"> • Need to move to enable the Southern Centre Multi Sensory Experience, previously located at QEII, to be re-established at the Pioneer Recreation and Sport Centre. • No space in existing building to accommodate core high performance sport facilities. • Limited quiet meeting spaces to meet athletes and clients on site. • Poor pool space – high community swim programmes. • No outdoor track facility. • Not so close to accommodation or airport.
Centennial Park	<ul style="list-style-type: none"> • Good accessible location. • Available land on site to create a stand alone facility. • Good car parking. • Greenspace environment and fields for outdoor training. 	<ul style="list-style-type: none"> • Temporary loss of publicly accessible greenspace. • No outdoor track facility. • May require further car parking (albeit temporary). • Not so close to accommodation or airport.
Westminster Park	<ul style="list-style-type: none"> • Very good accessible location. • Good car parking. • Greenspace environment and fields for outdoor training. 	<ul style="list-style-type: none"> • Poor existing facilities - no pool or court space. • Not supported by Council staff. • Cost prohibitive to HPSNZ for development of facilities.
CPIT	<ul style="list-style-type: none"> • Good accessible location. • Good facilities, including court space. • Potential option for long term solution. 	<ul style="list-style-type: none"> • No greenspace environment and fields for outdoor training. • Limited high performance sport environment potential. • No pool. • Limited car parking. • In the earthquake recovery construction zone for the next few years. • Education use is the priority. • Not so close to accommodation or airport.
University of Canterbury	<ul style="list-style-type: none"> • Good accessible location. • Potential option for long term solution. 	<ul style="list-style-type: none"> • Short term unavailability of land and/or timing issues with respect to campus plans.
Cowles Stadium		<ul style="list-style-type: none"> • Not functional – lack of specialist facilities.
Wigram Hangers		<ul style="list-style-type: none"> • Cost prohibitive. • A disconnect with the Council.
Rugby Park		<ul style="list-style-type: none"> • Timing issue.
Clearwater		<ul style="list-style-type: none"> • Timing and cost issues.

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Location	Benefits	Reasons to Discount
Other commercial space		<ul style="list-style-type: none"> • Cost prohibitive. • Cost and length of lease. • Lack of specialist facilities. • High demand for and competition with the corporate business world. • Being typically located in industrial areas, detracting from a high performance environment.

16. The proposed facility would be open up to 360 days of the year (similar to when at QEII). The facility would typically be open weekday office hours 8:30am to 5:30pm, with the gym possibly open after hours and on the weekends with swipe card access. Vehicle access will be controlled by a barrier arm through a dedicated entrance off the internal park road coming from Ilam Road.
17. Policy 3.10.1 of the Jellie Park Management Plan states that new buildings will be erected only by the City Council, and Policy 3.10.3 requires that new buildings be erected only in the recreation and sports centre zone, which is where the proposed HPSNZ facility is proposed to be located (refer paragraph 8 of this report above). Policy 3.10.2 states that the Council will take direct control of the activities and use of buildings on the park, and further that the use is not to be restricted to one particular club or group. With respect to vehicle parking and circulation on the park, policies 3.13.1 to 3.13.4 of the management plan provide for formal car parking areas and vehicle access to be confined to between the Recreation and Sport Centre and Ilam Road for general public use, and between the centre and the south-western boundary of the park for parking by staff and people with disabilities, with angle parking straddling the park boundaries on Ilam and Greers Roads. The Legal Considerations section of this report explains the relationship between the Jellie Park Management Plan and the Canterbury Earthquake (Reserves Legislation) Order 2011.
18. Jellie Park is comprised of four classified recreation reserve titles subject to section 17 of the Reserves Act 1977, totalling 12.6015 hectares in area, these being listed in the table below.

Legal Description	Certificate of Title	Area
RS 40044	12A/976	11.8133
Lot 3 DP 40118	19A/162	0.1541
Pt Lot 131 DP 16040	40C/128	0.0731
Lot 71 DP 68192	39D/571	0.5610

The proposed temporary occupation will be within RS 40044.

FINANCIAL IMPLICATIONS

19. There are no financial implications for the Council arising from granting permission for HPSNZ to temporarily occupy the site in Jellie Park. HPSNZ will meet all costs associated with the establishment and operation of the facility, including all resource and building consents, and costs to reinstate the site, to the satisfaction of the Greenspace Manager or her designate, at the end of the occupation.
20. Officers propose that a ground rental will be charged for the temporary occupation of the site, as decided by an independent registered valuer approved by the Council, plus a charge levied for the car parking associated with the proposed facility.

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

21. See above.

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LEGAL CONSIDERATIONS

22. Ordinarily, the grant to a sports body of a right to occupy a recreation reserve would by way of a lease granted by the Council under section 54 of the Reserves Act 1977. If a proposed lease conforms with the management plan for the reserve then no other process steps are required. However, if a proposed lease does not conform with the management plan, the Reserves Act requires that a public consultation process is undertaken (including the hearing of any objections received) and that the consent of the Minister of Conservation is obtained.
23. In response to the circumstances arising from the 22 February 2011 earthquake, the Government made the Canterbury Earthquake (Reserves Legislation) Order ("the Order") to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act.
24. Whilst the Order currently expires on 31 March 2012, the Department of Building and Housing and the Department of Conservation have recommended to the Government that the Order be extended to 18 April 2016 (which is the expiry date of the empowering legislation under which the Order has been made). It is expected that extension will be made in September 2011. Unless the Order is extended beyond 18 April 2016 it will not be possible for the Council to authorise the use of Jellie Park beyond this date. Any use beyond that date would need to be authorised using the 'business as usual' processes available under the Reserves Act.
25. Clause 5(c) of the Order provides that the Council, or any person authorised by the Council in writing, may use a reserve or erect a structure on a reserve for any purpose if the use or structure is necessary in the opinion of the Council or the chief executive of the Council to respond in a timely manner to any circumstances arising from the earthquake.
26. The Order provides that when the Council authorises any use of a reserve, or the erection of any structure on a reserve, it does not need to comply with any relevant management plan or the usual Reserves Act processes. However, the Council is required to take all reasonable steps to protect the integrity of the reserve and to ensure that the reserve is reinstated at the end of the use or when the structure is removed.
27. In addition to Council authorisation under the Order, the applicant will also need to obtain all necessary resource and building consents required.
28. If the Council approves the proposed occupation under the Order then a formal written occupation agreement will be entered into by the applicant. The agreement will contain the provisions that would ordinarily be included in a lease to protect the Council's position, including an obligation on the occupier to remove its building at the end of the term and to reinstate the land.

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

29. Yes, see above.

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

30. Not applicable.

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

31. As above.

ALIGNMENT WITH STRATEGIES

32. Not applicable.

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Do the recommendations align with the Council's strategies?

33. Not applicable.

CONSULTATION FULFILMENT

34. Clause 6 of the Order expressly provides that the Council may act under the Order without complying with the Reserves Act 1977 (including any provision relating to public notification or the hearing of objections).
35. Clause 7 of the Order requires the Council to give notification to parties who have an easement, lease, licence, covenant or other legal right over the area of reserve to be temporarily occupied under the Order. There are no such parties over the area proposed to be temporarily occupied in Jellie Park.
36. In addition, the Canterbury Earthquake (Local Government Act 2002) Order 2010 exempts the Council from compliance with some of the decision-making processes set out in the Local Government Act 2002. These include the requirement that the Council considers community views and preferences.
37. The exemptions can be relied upon in this case because it is necessary for the purpose of ensuring that Christchurch, the Council, and its communities respond to and recover from the impacts of the Canterbury Earthquakes.

STAFF RECOMMENDATION

It is recommended that the Council resolve as follows:

- (a) Pursuant to clause 5(c) of the Canterbury Earthquake (Reserves Legislation) Order 2011, and having formed the opinion that such is necessary to respond in a timely manner to circumstances resulting from the earthquake of 22 February 2011 and subsequent aftershocks, that High Performance Sport New Zealand Incorporated be authorised to use that part of the recreation reserve known as Jellie Park as is approximately shown as the hatched area labelled "Temporary High Performance Sport Facility Area", incorporating the "proposed building", and associated car parking areas on the concept site plan attached to this report as **Attachment A** for the purpose of the erection of a building to be operated as a High Performance Sport facility.
- (b) That the period for which the authority referred to in paragraph (a) of this resolution shall apply is that period commencing on the date of this resolution until the date on which the Canterbury Earthquake (Reserves Legislation) Order 2011 shall expire (including any amended expiry date).
- (c) That the Corporate Support Manager be delegated the power to negotiate and enter into on behalf of the Council such occupancy agreement, warrant or similar document on such terms and conditions as he shall consider necessary to implement the authority referred to in paragraph (a) of this resolution (including the obligation on the occupier to remove the building and to reinstate the reserve once this authority has expired).