

REPORT BY THE CHAIRPERSON OF THE  
HAGLEY/FERRYMEAD COMMUNITY BOARD

30 NOVEMBER 2011

PART A - MATTERS REQUIRING A COUNCIL DECISION

1. FERRYMEAD GOLF LIMITED – PROPOSED VARIATION OF LEASE

General Manager responsible:	General Manager City Environment, DDI 941 8608
Officer responsible:	Unit Manager Transport and Greenspace
Author:	Lewis Burn, Property Consultant and Joanne Walton, Consultation Leader

PURPOSE OF REPORT

1. The purpose of this report is to present a recommendation from the Hagley/Ferrymead Community Board to the Council (as lessor) in respect of an application by Ferrymead Golf Limited (as lessee) to change the permitted use under that company's lease of the land within Ferrymead Park to permit the operation of a paintball course at the site.

EXECUTIVE SUMMARY

2. Ferrymead Golf Limited holds a commercial lease of some 12 hectares of Ferrymead Park for the permitted purpose of operating a golf course and driving range (refer **Attachment 2** lease/location plan). The complex includes a retail shop, restaurant and bar. The lease commenced 13 July 2007 and is for a term of 35 years less one day including one right of renewal on the 20<sup>th</sup> anniversary of the commencement date.
3. The lessee has placed on land within the lease boundary between the western boundary of the Golf Driving Range and the Avoca Stream, eleven empty modified shipping containers along with free standing wooden screens for use as a managed paintball course (refer **Attachment 1** site plan and **Attachment 2** lease/location plan for paintball course).
4. The lessee, on subsequently being notified that the consent of Council as lessor/landowner is required under the terms of the lease before the intended paintball facility may operate, made formal application detailing the proposal and asking for approval to vary the terms of the lease to include the proposed activity as a permitted use. Although the structures that make up the course are in place, the course has not been opened for use (apart from trials) and remains unavailable for use until all consents and permits have been granted.
5. The intended operation of a paintball course has attracted significant community interest and to gauge the views of the community a consultation process has been undertaken. This process, together with analysis of the responses received, is set out under the Consultation Fulfilment section later in this report (paragraphs 22 to 28).
6. The new recreational facility is seen by the lessee as complimenting the family attraction at the golf complex and to provide an additional revenue stream to support the business costs which after the first three years of trading, the lessee has struggled to meet budget through recessionary times. The paintball facility is intended to be run as managed games with referees for group bookings of players (a maximum of 50 at one time) with a full mask, overall, paint gun and paintballs supplied under admission charge.

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7. The intent of this report is to encapsulate the facts, issues and community feedback on this application so the Board can make an informed recommendation to Council as the decision maker. On balance, it is the view of staff that the proposed paintball course is a legitimate recreational activity within the context of the commercial lease held by Ferrymead Golf Limited in Ferrymead Park, and that any potential adverse impacts can be successfully addressed through conditions in the lease, and the conditions imposed by the resource consent (RMA92017841). It is the considered recommendation of staff that the proposed variation to the lease should be approved for a period of five years, subject to conditions. This period should be sufficient time to establish that the course can be run successfully, and allow a financial return on the applicant's investment to date, while ensuring that community interests are satisfied.

**FINANCIAL IMPLICATIONS**

8. The applicant, Ferrymead Golf Limited, is responsible for all development, consent and lease documentation costs. The cost to the Council will be those associated with the processing of the application, which are covered within the current corporate real estate operational costs.

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

9. There are no implications for the 2009-19 LTP budgets.

**LEGAL CONSIDERATIONS**

10. The leased area is located within Ferrymead Park. The land on which the proposed paintball course is to be located is held by the Council as fee simple. It is not held as reserve under the Reserves Act 1977. The Certificate of Title to the property does not record the purposes for which the land is held.
11. Clause 7(a) of the current lease provides that the leased premises may only be used for the purposes of a "Golf Course and Driving Range". Effectively, clause 7(a) operates as an absolute prohibition on the lessee using the leased premises for any other purpose. Whilst section 226 of the Property Law Act 2007 imposes on lessors generally an obligation not to unreasonably withhold consent when considering applications from lessees to change the permitted use under a particular lease, that obligation not to reasonably withhold consent does not apply when a lease specifically, as this lease does, prohibits a change of use (refer to section 225(2) and (3) of the Property Law Act 2007). It is therefore open to the Council to decline the request from the lessee should that be the preferred response, or grant it with conditions.
12. As Ferrymead Park is considered to be a metropolitan asset, the decision making authority to approve or decline the proposed change of use under the lease sits with the Council. However the Board has recommendatory powers to the Council.
13. The lease also contains a provision (clause 7.3) requiring the lessee "not [to] erect any building or improvements on the land without the prior written consent of the lessor, which may be given subject to such reasonable conditions as the lessor thinks fit". If the Council was to approve the proposed change of use as requested by the lessee, it will also need to approve (or otherwise) the lessee's buildings or improvements associated with the paintball activity.
14. The lease also provides (clause 8.1(b)):

*"The granting by the Lessor of any consent or approval by the Lessor as Territorial Authority under either of those Acts (Resource Management Act 1991 and the Building Act 1991) shall not in itself be deemed to be a consent or approval by the Lessor (in its capacity as Lessor) under this lease".*

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15. The land on which the proposed paintball course is situated is zoned Special Purpose (Ferrymead Zone), Area D Ferrymead Historic Park under the Christchurch City Plan. A resource consent (RMA92017841) for the proposed activity has been granted on a non-notified basis. A building consent application (ABA10108747) has been lodged but is currently on hold pending further information.
16. The Board and the Council should be aware that the lessee has alleged that in early discussions with Council staff concerning the proposed paintball course, he was informed verbally that as the proposed course was to be within the leased premises that there would be no issues from a lease perspective. The staff member involved has denied making such a statement and in any event staff do not have authority to bind the Council in this way. In addition, the lessee has been unable to provide any written material to support his allegation. However, the lease is very clear as to the permitted use and of the need to obtain the Council's approval as lessor to any change of use and to any proposal to erect any additional building or improvements.

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

17. Yes, as above.

**ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS**

18. The proposal aligns with the 2009-2019 Long Term Plan:

Parks, open spaces and waterways:

- (a) Recreation: By offering a range of recreational opportunities in parks, open spaces and waterways;
- (b) Governance: By involving people in decision-making about parks, open spaces and waterways.

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

19. Yes, as above.

**ALIGNMENT WITH STRATEGIES**

20. This proposal has primary alignment with the following Council strategies and policies:

- (a) Physical Recreation and Sport Strategy;
- (b) Youth Strategy.

**Do the recommendations align with the Council's strategies?**

21. Yes, as above.

**CONSULTATION FULFILMENT**

22. Board members will recall that information on the proposed change of use by Ferrymead Golf Limited to operate a paintball course was presented to a Board seminar on 17 August 2011, together with details of the proposed consultation to be adopted in relation to the issue. Following that Board seminar, staff have undertaken consultation with a number of key stakeholder groups and individuals in the vicinity of the proposed paintball course, while also providing for the wider community to give their views.

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23. A public information leaflet was prepared and distributed to approximately 80 key stakeholders in the vicinity of the Park including the Heathcote Valley Community Association, Ferrymead Heritage Park and the 23 societies, interest groups and businesses within its grounds, sports clubs and grazing licensees occupying the park, and several immediately adjoining private landowners. The leaflet was also available at local Council service centres and libraries, and on the Council's 'Have Your Say' website.
24. Two signs were displayed prominently in a location close to the proposed paintball course, but still accessible to the public, so that other park users, including walkers and runners, were advised of the application and how to access further information and provide feedback.
25. A public open session was held at Ferrymead Golf Limited on 4 October 2011 to provide an opportunity to see the proposed course and discuss any aspects with the lessee with staff in attendance. This was attended by approximately eight people.
26. A deputation on the matter was made by a representative of the Heathcote Valley Community Association to the Board meeting of 5 October 2011.
27. A total of 26 comment forms were received. Of these, one respondent indicated their support for the proposal, one indicated they had no immediate problem with the proposal but identified a safety issue, and one identified two issues to be addressed. The remaining 23 respondents indicated their opposition to the proposal. There was one submission from the Heathcote Valley Community Association, and one from a group within Ferrymead Heritage Village, with the remaining 24 appearing to be from private individuals. Of these, 20 were located within the Heathcote Valley, and four from outside the area. A copy of the respondents' comments has been circulated under separate cover. Further information on the issues raised is provided in the Background (The Issues) section later in this report (from paragraph 29).
28. All respondents have been sent a letter of reply thanking them for their input. The letter also informed respondents that the report would be presented to the Hagley/Ferrymead Community Board for their recommendation to Council. Details of the meeting were provided so that any interested people could attend and make deputations as required.

**STAFF RECOMMENDATION**

It is recommended that the Council approve the variation to the lease held by Ferrymead Golf Limited for a period of five years, commencing from the date that all statutory consents and permits are granted, to permit the operation of a paintball course subject to the following conditions:

- (a) The applicant obtaining all necessary statutory consents, including resource and building consents, at their cost;
- (b) The applicant making a financial contribution of \$2,500 towards restoration plantings of native tree and shrub species on the Avoca Valley Stream side of the poplar trees to better integrate the poplar trees into the surrounding wetland environment, and to provide additional visual screening and a more effective buffer for bird and other wildlife along the Avoca Valley Stream;
- (c) The fence is built and maintained to a quality standard acceptable to the Transport and Greenspace Unit Manager or his delegate;
- (d) The paintball course may operate between the hours of 9am and sunset;
- (e) The paintball course is not to have lighting, nor is any application for lighting of the paintball course to be applied for at any time in the future;
- (f) The Council retains the right to restrict the hours of operation of the paintball course in consultation with the lessee should this be necessary on a substantiated complaint of excessive noise;

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- (g) That authority be delegated to the Corporate Support Manager to approve any buildings/improvements associated with the paintball activity.

**BOARD CONSIDERATION**

The Board **received** a deputation from Carl Lewis of Ferrymead Golf Limited in support of the application for variation to the lease. Mr Lewis tabled photos of the current operations, the proposed paintball course and surrounding area, and responded to Board members' questions regarding the operation of the proposed paintball course.

Board members considered the report on proposed variation of the lease and sought clarification from staff on the recommended conditions, potential concerns identified during consultation and matters relating to the lease and resource consents.

Board members discussed staff recommendation (b) recommending a condition to the lease be that the applicant make a financial contribution towards restoration plantings. The Board **decided** not to include this condition in its recommendation to the Council.

**BOARD RECOMMENDATION**

It was **resolved** on the motion of Tim Carter, seconded by David Cox, that the Board recommend to the Council that it approve the variation to the lease held by Ferrymead Golf Limited for a period of five years, commencing from the date that all statutory consents and permits are granted, to permit the operation of a paintball course subject to the following conditions:

- (a) The applicant obtaining all necessary statutory consents, including resource and building consents, at their cost;
- (b) The fence is built and maintained to a quality standard acceptable to the Transport and Greenspace Unit Manager or his delegate;
- (c) The paintball course may operate between the hours of 9am and sunset;
- (d) The paintball course is not to have lighting, nor is any application for lighting of the paintball course to be applied for at any time in the future;
- (e) The Council retains the right to restrict the hours of operation of the paintball course in consultation with the lessee should this be necessary on a substantiated complaint of excessive noise;
- (f) That authority be delegated to the Corporate Support Manager to approve any buildings/improvements associated with the paintball activity.

(Note: Yani Johanson requested that it be noted he did not support the removal of staff recommendation (b) from the Board's recommendation to the Council.

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**BACKGROUND (THE ISSUES)**

29. Ferrymead Park encompasses land which includes the Ferrymead Heritage Park, Tamaki Maori Village, Sports fields, waterways and wetland areas, horse grazing paddocks and the golf course/driving range. The Park land is made up of a range of holdings derived from old landfills, acquisitions from Ferrymead Historic Trust and purchases totalling about 73 hectares – (refer **Attachment 3** Ferrymead Park Development Plan August 2007).
30. Ferrymead Golf has been operating now for about 3.5 years. The lease which commenced in July 2007 followed a substantial development programme by the lessee of a former old dump and overgrown landfill site. The Council's approval to lease was given in 2001 after deliberation by the Board and the then Parks and Recreation Committee.
31. In early June 2011 it came to the notice of Property Consultancy following a complaint by an adjoining landowner to the waterway reserve over lack of consultation, that a number of structures/containers had been placed on land within the lease boundary between the driving range and the Avoca Valley Stream as an assault course for a paintball attraction. The lessee proposes to run a managed paintball course in association with the Golf Complex and views this facility as an asset to the community while generating a further revenue stream to support the on going financial viability of the golf complex.
32. On 24 June 2011 the lessee was formally invited to make application in writing for the approval of the Council as lessor, with supporting information noting the status at that time of applications for building and resource consent. In subsequent discussions with the lessee on 21 July to go over the information supplied, it has been reiterated that the approval of the Council will be required to a variation of the lease permitted land use (Golf Course and Driving Range) and that the paintball course can not be operated until all approvals and consents are in place. It was also pointed out that in seeking this approval there is a legal requirement of Council to undertake consultation on the proposal and this would be carried out at the appropriate level before the Council is asked to make a decision.

**Details of Proposal**

33. The assault course is proposed to be operated on land contained within their lease area to the west of the driving range set back from the Avoca Valley Stream. A number of structures/containers have been erected (refer **Attachment 1**). The proposed paintball use is to take group bookings and run managed games with bookings taken in two hour lots with breakouts during this period. With the admission charge a full mask, overalls, gun and 50 paintballs are supplied. The paintball retail is to provide paintball guns, paintballs masks and accessories. The paintballs are made of soft gelatine capsules containing coloured liquid. The course is intended to be open during the same hours as the golf complex (8am until dark) with no lighting. No extra services are planned over natural drainage. Insurance cover will fall within the lessee's existing policy.

**Issues raised during public consultation**

*Support for the proposal:*

34. One respondent indicated their full support for the proposal identifying the need for positive recreational activities for younger people. A second respondent stated that their group had no immediate problem with the paintball proposal but identified safety issues with regard to the fencing. Another respondent did not indicate support or opposition, but identified issues with security and the consumption of alcohol. These issues are discussed later in this report.

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*Opposition to the proposal:*

35. A total of 23 submitters expressed opposition to the proposed paintball course. The main issues identified by those expressing opposition to the proposal were:
- (a) The proposed paintball course is an inappropriate use of the land;
  - (b) The potential negative effects on wildlife including birdlife, horses and neighbours;
  - (c) The potential negative effects on the wider community, particularly due to the perceived character of people attracted to this activity;
  - (d) The consultation and consenting processes followed by Council.

*Inappropriate use of the land:*

36. The concern most frequently identified by respondents was that the paintball course was not an appropriate use of this land for a number of reasons including:
- (a) Earlier Council reports have stated that this area is not suitable for a driving range or themed park, or that the area is highly sensitive, or is a potential wetland reserve that will both encourage birdlife and provide public access;
  - (b) The land was acquired for a wetland reserve;
  - (c) The land was intended to be restored as wetlands, with walking, biking and horse trails, and viewing hides, and this has not been done.
37. The area has been the subject of Council reports over the years, and a plan for the restoration of the waterway was developed by the Avoca Valley Stream Care Group, set up in 1996 as an initiative of the Council's then Water Services Unit. This earlier work culminated in the preparation of a development plan for the wider Heathcote Valley, first presented to the Hagley/Ferrymead Community Board and the Parks and Recreation Committee in 2001.
38. The brief for the concept plan required that all previous plans for the area, including that produced by the Avoca Valley Stream Care Group, be referred to in the preparation of the new development concept plan. The plan was also developed in association with Ferrymead Historic Park, commercial lessees and the wider community. The Ferrymead Park Development Plan, including the Golf Course and Driving Range, was widely consulted on and received the general support of the community and the Hagley/Ferrymead Community Board.
39. Public recreational access within the wider park will not be affected by the proposed paintball course. The proposed paintball course is situated entirely within the boundaries of the existing commercial lease area occupied by Ferrymead Golf Limited, and is therefore not removing any existing public open space from public use.
40. The boundaries of the Golf Course and Driving Range are in accordance with the Ferrymead Park Development Plan. In the current version of the Development Plan, dated 2007 (refer **Attachment 3**), there are no activities shown within the area of the commercial lease that is now proposed for the paintball course. However, in earlier plans, a golfing hole was shown in this corner as part of the golf course.
41. A decision was subsequently made that it would not be feasible from a safety perspective to include this hole within the wider golf course. The Ferrymead Park Development Plan does not specifically provide for a paintball course to be included in the golf course and driving range complex. However, while this land is currently not being utilised as part of the golf course and driving range complex, it is still held under the commercial lease until 2042, and hence is not available for any other general public use.

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42. In the Ferrymead Park Development Plan, the south side of the Avoca Valley Stream adjoining the proposed paintball course is not shown as being open to public access. The pedestrian path along the Avoca Valley Stream passes along the south side as far as the bridge, and then continues along the north side of the stream, on the opposite side from the proposed paintball course. The path has now been constructed as far as the bridge, and work will continue when further funding is secured under future LTP processes. It is not proposed that there will be a formed access path along the same side of the stream as the proposed paintball course at any time in the future.
43. The proposed paintball course land, along with that of the driving range, is still able to fulfil its drainage and flood protection function according to the primary objective of waterway and flood plain management in the Ferrymead Park Development Plan. The construction of the paintball course does not preclude the land being available for further enhancement and wetland restoration at some time in the future, if the lease is surrendered, and Council funding is available under the Long Term Plan to give effect to this.
44. The proposed paintball course is not situated within the land purchased by Council in 2000 for waterway reserve. The issue of encroachment of the Golf Course and Driving Range into the adjacent Local Purpose (Waterway Reserve) land is to be investigated further and a separate report will be submitted to the Council at a later date. This issue is not relevant to the land occupied by the paintball course and the lease variation may be considered outside this issue.
45. Extensive development works have already been undertaken to date in Ferrymead Park in accordance with the Development Plan. Full implementation has not yet occurred as there is no funding under the Long Term Plan to continue works at this time due to other priorities for funding. Further funding to complete the staged development of the park will be sought under future LTP processes.

*Ecological sensitivity and impacts on wetlands and wildlife:*

46. Five comments were received about the ecological sensitivity of the area and the possible impacts on the wetlands, with a further seven comments about the effects of the activity on wildlife, particularly birds. The Council's Park Ranger and bird expert, who is responsible for monitoring bird and wildlife city wide, has advised that the screening of the paintball course needs to be effective to minimise disturbance to water-birds in the adjacent created wetland. The course needs to be genuinely confined to the area proposed and adequately buffered from the nearby stream and wetland pond. He considered that the proposed 1.9 metre fence may not be tall enough as a screen. He also suggested that dense hedge of natives would have been more effective than a single row of poplar trees, especially from ground level to a height of three metres, where poplars have no foliage once they've grown tall. Fencing and plantings are discussed later in the report.
47. Five respondents identified concerns about the toxicity of paintballs entering the waterway, and another two about contamination of land. During the assessment of the resource consent (RMA92017841), the ingredients of the paintballs were reviewed by a Council Environmental Health Officer who was satisfied that the contents of the paintballs pose no long term risk of contaminating the ground. Council's Waterways Planner Ecologist has also reviewed the application and is satisfied that the paintballs do not pose a health risk to flora and fauna of the adjoining waterway and wetland communities. However it was noted that a stray paintball reaching the waterway could discolour the water with dye and give rise to public concern. Fencing is discussed later in the report.

*Effectiveness of fencing:*

48. Six submitters raised issues about the proposed fencing of the paintball course including:
  - (a) The course must be secure from general public entry;



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- (b) The fence won't stop paintballs going over the top;
  - (c) The existing fencing is either in disrepair, or doesn't work in containing golf balls with resultant damage to other private property, and injury to animals.
49. The paintball course will be secure with entry gained only by paid admission. Under the resource consent (RMA92017841), a condition has been imposed that a perimeter fence of not less than three metres in height is to be erected on the northern and western boundaries of the paintball facility. All fencing is required to be of a design that prohibits paintballs and/or their contents from passing through the fence and to be retained and maintained. This is higher than the existing fence and is intended to minimise the chance of a paintball going over the fence and entering the stream, or hitting other recreational users of the park, or grazing horses. It also aids in providing better screening of the course from adjacent wildlife.
50. Concerns about the existing fencing around the driving range have been referred to the Council's Inspections and Enforcement Unit for further investigation.

*Visual amenity and landscape planting:*

51. Four respondents have described the paintball course, which has largely been constructed, as a visual eyesore. Four respondents have questioned the use of exotic poplar trees for screening instead of native species, or questioned the meaning of 'appropriate tree species'.
52. The course is centrally located within the park but is well separated and not easily visible from most other park activities. Although the public pedestrian path will eventually continue along the opposite side of the Avoca Valley Stream, the majority of park users in the immediate vicinity of the paintball course will be on the commercial golf course, driving range, mini-golf or restaurant, all operated by the lessee. Proposed native bush and wetland restoration plantings along the Avoca Valley Stream, along with tree plantings around the perimeter of the proposed paintball course, will eventually provide visual screening of the paintball course for other park users.
53. It is the understanding of staff that previous plantings have been unsuccessful in the difficult environmental conditions present, particularly salinity. The Council's Botanist reviewed the proposed tree plantings as part of the assessment of the resource consent (RMA92017841). The Argyle Poplar was suggested as a cultivar that was specifically designed to screen as quickly as possible and which was more likely to survive than the earlier plantings. Under the conditions of the consent, the Argyle Poplars planted around the perimeter of the paintball site are to be retained and maintained according to recognised arboreal practices. It is noted that these tree plantings are not a restoration planting but are an amenity planting for screening purposes within the commercial lease area. A condition has been included in the staff recommendation on the proposed variation to the lease that the applicant makes a financial contribution to towards native shrub plantings outside of the poplar trees to better integrate the poplar trees into the surrounding wetland environment, to further improve the level of visual screening of the course, and to provide a more effective buffer for bird and other wildlife along the Avoca Valley Stream.

*Social and economic impacts on the community:*

54. Many respondents identified concerns about the impacts of the proposed paintball course on the social and economic well being of the wider Heathcote Valley community, including:
- (a) The course is not in keeping with the quiet, natural character of the valley;
  - (b) The course is likely to attract an undesirable element of people to the valley;
  - (c) Increased noise;
  - (d) Availability of alcohol;

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- (e) Increased traffic;
- (f) The course provides no economic or social benefit to the local community;
- (g) Loss of private grazing leases.

*Noise:*

55. A total of 12 comments have been made about the potential for the proposed paintball course to generate noise, including:
- (a) The noise generated by people playing paintball, including shouting and offensive language;
  - (b) The impacts on neighbours and horses;
  - (c) The potential for noise generated in the wider community through increased traffic and anti-social behaviour of those attracted to paintball.

It has been reported to staff that one horse had to be put down due to injuries received, apparently due to being frightened by noise from a trial run of the course. This is of great concern, however no substantive evidence has been provided that this was in fact due to the operation of the paintball course.

56. As part of the resource consent (RMA92017841), a noise assessment undertaken by an external consultant has been reviewed by the Council's Senior Environmental Health Officer who is satisfied that noise from the paintball guns will comply with the requirements of the Christchurch City Plan and will not create any noise effects for residents of the Heathcote community. It is noted that the nearest private land, the northern and southern parcels of PT Lot 2 DP56681, and the dwelling on this southern parcel, is approximately 120 metres, 160 metres, and 300 metres respectively, from the closest point on the boundary of the proposed paintball course.
57. The resource consent also noted that complaints had been received about shouting and offensive language from a trial run of the course. A condition of consent has been imposed that: *"The consent holder will provide and display in a prominent place a "code of conduct" for all participants to read and be made aware of. The code will specifically mention that excessive noise (including swearing) is to be avoided and that the consumption of alcohol within the paintball zone is prohibited. Any participant showing the effects of alcohol consumption will not be allowed to participate. In the event that substantiated noise complaints (including swearing) are received the Council may consider pursuant to Section 128 of the Resource Management Act 1991, reducing the hours that the paintball operations can operate from the site."*

*Alcohol:*

58. The availability of alcohol was an issue for several respondents, with five expressing concerns about drunken patrons on the site, and a further two about drunken patrons in the wider community and driving on the roads. Under the Code of Conduct imposed as a condition of consent (RMA92017841), as above,, the consumption of alcohol within the paintball zone is prohibited, and any participant showing the effects of alcohol consumption will not be allowed to participate. Ferrymead Golf Limited is also required to abide by the conditions of their existing liquor licence.

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*Traffic issues:*

59. Five comments have been made about a range of issues related to traffic safety both in the park and in the neighbouring area, including increased traffic, undesirable traffic and boy racers, and safety for those walking in the park. During assessment of consent (RMA92017841), the Council's Traffic Planner reviewed the application and is satisfied that the paintball facility will not cause any traffic related effects on the surrounding roading network. All of the roads likely to be utilised to get to or from the site are sealed and marked and have capacity to accommodate additional traffic volumes associated with the proposed facility. There is a traffic speed limit of 50 kilometres per hour on the roads within Ferrymead Park.

*Issues with process:*

60. There are a number of comments relating to the general process being followed including that:
- (a) The course was constructed prior to obtaining any consents, and without consultation with residents;
  - (b) The resource consent was obtained retrospectively and without notification;
  - (c) The Council is promoting this proposal;
  - (d) This proposal is being given priority over earthquake recovery work;
  - (e) Rate payer funding is being wasted.
61. The structures making up the paintball course were constructed by the applicant prior to written approval of the variation to the lease, and other required statutory consents, being obtained. Hence it is acknowledged that prior consultation with neighbouring residents did not take place. The Council has now undertaken a public consultation process to inform the decision making process on the variation to the lease. It should be noted that the process of public consultation, and Council decision making, for the variation on the lease under the Local Government Act 2002, is a separate process from that of obtaining any necessary resource consents under the Resource Management Act 1991. Hence in this current reporting process, a recommendation from the Hagley/Ferrymead Community Board to the Council is being sought as to the approval of a variation of the lease only. Consideration of the resource consent process for this proposal, including the decision on non-notification, is outside the scope of this report.
62. The applicant, Ferrymead Golf Limited, is entitled to make an application for a variation to their lease for any reason, and to then have this application duly assessed by staff and considered by the Hagley/Ferrymead Community Board and the Council. This process includes public consultation on the proposal to inform the decision-making process. Staff are not actively promoting the proposal. All costs pertaining to the lease documentation, consents, and construction, are the responsibility of the applicant.

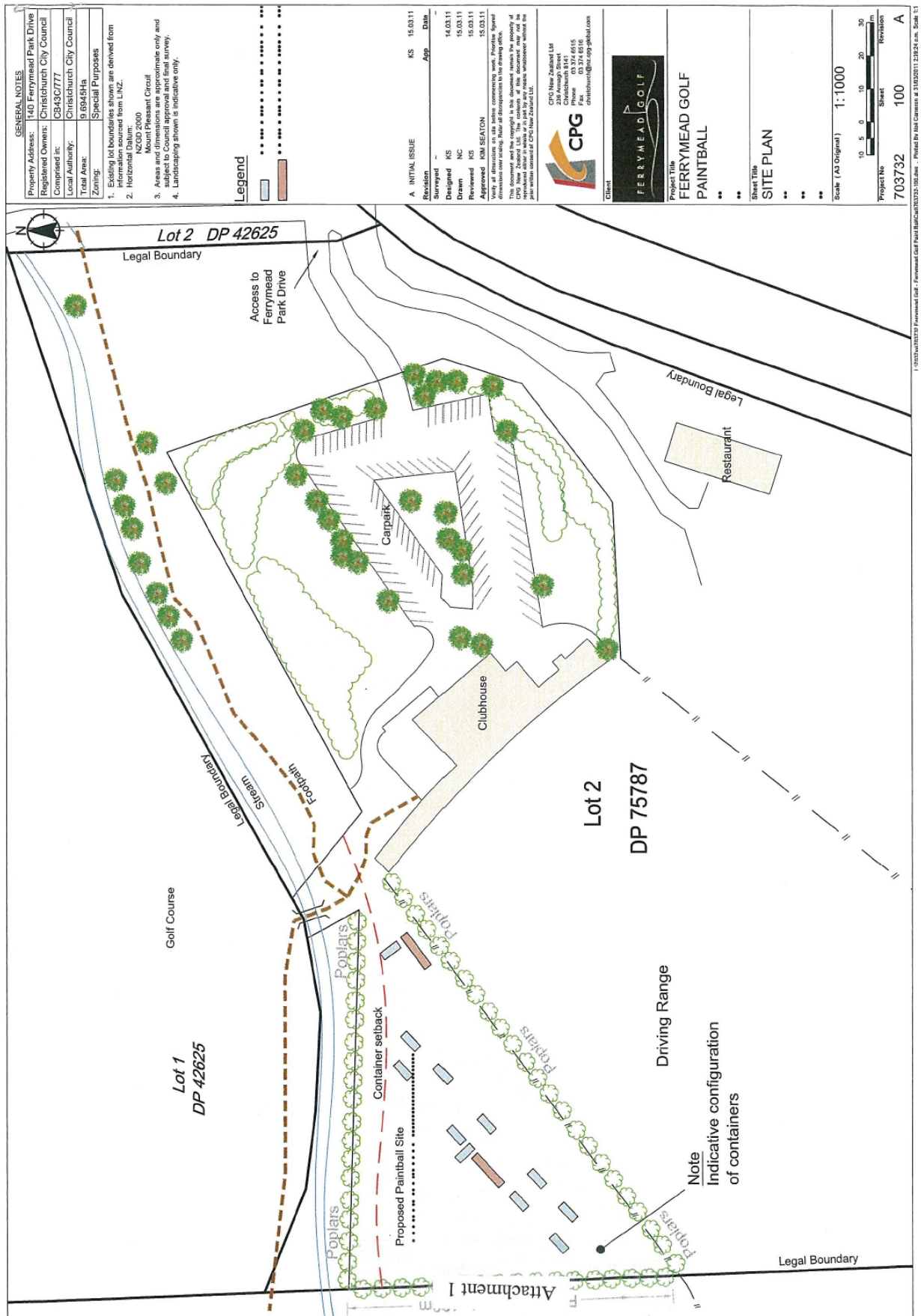
*Issues with operation of existing facilities:*

63. Four respondents have raised several issues about the operation of the existing golf course and driving range by Ferrymead Golf Limited, including:
- (a) That it does not comply with the conditions of its resource consent including operating hours, noise, fencing and plantings;
  - (b) That the lighting glare spill does not comply with the Christchurch City Plan;
  - (c) That the previous resource consent process was incorrect;
  - (d) That a similar situation may arise with the proposed paintball course with respect to resource consent compliance and enforcement, and the addition of lighting.

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64. Resource consent matters are outside the scope of this report which is considering only the proposed variation to the lease. Complaints about the operation of the existing facilities are currently being investigated and addressed by the Council's Inspections and Enforcement Unit. While the paintball course is subject to a new resource consent (RMA92017841), the earlier resource consent (RMA20012689) remains in effect for the golf course and driving range.

**ATTACHMENT 1 TO CLAUSE 1**





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ATTACHMENT 2 TO CLAUSE 1



## LEASE AREA

**Christchurch  
City Council**



**CAPITAL PROGRAMME GROUP**

SURVEYED	
DRAWN	JA
DATE	08/2011

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TERRALINK INTERNATIONAL LIMITED

DRAWING NUMBER 500490-01
FILE REFERENCE WBS 304/4700

PROJECT NUMBER  
**500490**

ORIGINAL SHEET SIZE A4
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SCALES 1:3000
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SHEET 1 OF 1
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