

**REPORT BY THE CHAIRPERSON OF THE  
HAGLEY/FERRYMEAD COMMUNITY BOARD**

**19 OCTOBER 2011**



**PART A – MATTERS REQUIRING A COUNCIL DECISION**

**1. TEMPORARY MT PLEASANT COMMUNITY CENTRE BUILDING – MCCORMACKS BAY**

<b>General Manager responsible:</b>	General Manager City Environment Group, DDI 941-8608
<b>Officer responsible:</b>	Unit Manager Asset and Network Planning
<b>Author:</b>	Derek Roozen, Parks and Waterways Planner

**PURPOSE OF REPORT**

1. To present the Hagley/Ferrymead Community Board's recommendation to the Council that approval be given for the temporary location of a building to house the Mt Pleasant Community Centre facility in the McCormacks Bay recreation reserve pursuant to the Canterbury Earthquake (Reserves Legislation) Order 2011.

**EXECUTIVE SUMMARY**

2. The Mt Pleasant War Memorial Community Centre (the community centre) was built in 1950 on the western corner of the McCormacks Bay Reserve and is owned and operated by the Mt Pleasant Memorial Community Centre & Residents' Association Incorporated (the Association). The Association also owns a squash court facility adjacent to the community centre, which is operated by the Mt Pleasant Squash Club. The Association has a ground lease with the Christchurch City Council (the Council) to occupy the area at McCormacks Bay that contains these facilities. The Mt Pleasant Kindergarten has a lease over an area to the west of the community centre for its kindergarten facility. **Attachment A** has a plan of the present day McCormacks Bay reserves, including the location of the afore-mentioned facilities, and the Association's leased area.
3. The community centre supports a community catchment encompassing the suburb of Mt Pleasant. It provides a venue for a range of community activities.
4. The community centre building was badly damaged in the 22 February 2011 earthquake and will be demolished shortly. The Association wishes, as a temporary measure while it plans for and builds a new community centre, to establish a temporary community centre building close to its present site. The Association has secured a re-locatable classroom (photos of this building are shown in **Attachment B**), which it intends to use as an information centre as well as relocate its administration office to, while also enabling it to provide a space in which to hold meetings and house activities such as yoga. The Association considers that as other community facilities in the area have also been closed (including the Mt Pleasant Kindergarten, the Presbyterian Church on St Andrews Hill Road and the hall facilities at the Anglican Church on Major Hornbrook Road) there is a strong demand for such a venue locally.
5. The Association has considered possible sites for the proposed temporary community centre building and met with Council officers on site to discuss these options. These are listed below and evaluated in the table following paragraph 10 of this report. The Association's preferred option is a site on the McCormacks Bay recreation reserve between the car park and the wastewater pumping station off McCormacks Bay Road, and is shown as Site Option 3 on the plan in **Attachment C**. Photos of the site options are provided in **Attachment D**.

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6. The proposed temporary building is a re-locatable classroom, with a floor area of approximately 63 square metres. It is intended this will sit on skids. Officers advise that the building will also need to be fastened to the ground, such as with driven metal posts. Connection will be required to services as required by the Building Act 2004. Community residents have offered to help with the painting and decoration of the building. Muted colours in keeping with the surrounding reserve environment will be used, as approved by the Greenspace Manager or her designate. With permission of the Council, shrubs would be planted around the building. The Association believes the preferred site, which has been considerably modified by recent wastewater pipe installation work, would be enhanced by the temporary occupation.
7. McCormacks Bay is a Council reserve totalling 20.7656 hectares in area. It is comprised of a large impounded estuarine area, surrounded on three sides by land and, on the fourth, by a causeway separating it from the Avon-Heathcote Estuary. The reserve is classified for two Reserves Act purposes, the majority being classified as Recreation Reserve, subject to section 17 of the Reserves Act 1977, while the remainder is classified as Local Purpose (Community Buildings) Reserve, subject to section 23 of the Reserves Act, these being listed in the following table and shown in **Attachment A**. All the community buildings on the reserve are located on the local purpose (community buildings) reserve.

Land Parcel	Reserve	Gazetted	Certificate of Title	Area (hectares)
Sec 1 SO 20183 (Part Reserve 4324)	Local Purpose (Community Buildings) Reserve	New Zealand Gazette 2000, page 663	Part CB4B/1500	0.6164
Part Reserve 4324 and Part Reserve 4325	Recreation Reserve	New Zealand Gazette 1975, page 881	Part CB4B/1500	20.1492

The Association's preferred option for the proposed temporary occupation (Site Option 3 as shown on the plan in **Attachment C**) is located on the recreation reserve.

There is a small unreserved enclave into the McCormacks Bay area (Lot 1 DP 25301 off McCormacks Bay Road), which contains a wastewater pumping station.

McCormacks Bay contains sports grounds for junior soccer and athletics, plus associated changing rooms, community buildings including a Kidsfest Kindergarten, and planted areas.

8. All three site options at McCormacks Bay, including the Association's preferred site (Site Option 3), fall within the City Plan's Open Space 2 (District Recreation and Open Space) Zone. This zone includes parks that have substantial physical resources within them such as clubrooms, changing sheds and toilet facilities, and some also contain community facilities of value to the local neighbourhood or district, for example the library at New Brighton.
9. There is a reserve management plan for the park. This is the McCormacks Bay Reserve Management Plan approved by the Council in April 1990. The management plan promotes an overall concept for McCormacks Bay as a multiple use estuarine/aquatic park, and promotes developments to significantly enhance the estuarine, scenic and recreational values of the reserve. The Existing Layout/Management Concept Plan contained in the management plan identifies the area containing the three site options considered for the proposed temporary building as being in "Zone A: Community Reserve", which includes the maintenance and enhancement of community buildings there.

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10. The three site options in the vicinity of the Association's existing community centre building have been evaluated. **Attachment C** maps the location of these. The Association has also considered a further more distant option suggested by Council officers. Some of the benefits and reasons to discount each of these, including of the preferred option, are given in the following table.

Location	Benefits	Reasons to Discount
Site Option 1	<ul style="list-style-type: none"> <li>• The proposed temporary use is compatible with the purpose of the land's reserve status (Local Purpose (Community Buildings) Reserve) and is contained within the applicant's existing leased area. Therefore, the temporary</li> </ul>	<ul style="list-style-type: none"> <li>• Being close to Main Road on the causeway, it may encourage people to access it from that road, which would be unsafe.</li> <li>• Car parking is remote (off McCormacks Bay Road); cannot legally park on Main Road.</li> </ul>
	<p>building can be dealt with as a variation to the existing lease, the community board having the delegated powers of the Council to it to decide on this.</p> <ul style="list-style-type: none"> <li>• A flat to sloping grassed area between the squash courts and on to the causeway embankment.</li> </ul>	<ul style="list-style-type: none"> <li>• Not readily visible to people attending the Saturday morning market or to those parking in the car park or on McCormacks Bay Road.</li> <li>• Close to where demolition work will be undertaken on the condemned community centre building, and therefore will be the noisiest site option.</li> <li>• Road noise is considered to be a potential problem.</li> <li>• Site not completely flat – depending upon building orientation may need some levelling excavation; also adjoins some areas of liquefaction.</li> <li>• Site more exposed than the other site options to colder winds blowing across the estuary and from the east.</li> <li>• Would need approximately 70 metres of pathway to be constructed from the car park, which would be an additional cost to the applicant (to install, remove and reinstate the reserve surface upon expiry of the temporary occupation). Also, the pathway would cross patches of liquefaction.</li> <li>• Would need to deliver the building from Main Road, which would impede traffic flow for some time and result in more cost. The option to bring the building across the recreation reserve from McCormacks Bay Road would require removal of shrubs and small trees.</li> </ul>

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Location	Benefits	Reasons to Discount
Site Option 2	<ul style="list-style-type: none"> <li>• Moderately visible to people coming from McCormacks Bay Road.</li> <li>• Grassed area next to sealed car park.</li> <li>• Little hard fill pathway would be required to access the building, with access to it coming off the car park, which is in close proximity.</li> </ul>	<ul style="list-style-type: none"> <li>• This site option will present the greatest intrusion on the recreation reserve (even if part of it technically will be on the local purpose (community buildings) reserve and in the applicant's leased area) because of the building's siting on part of the main open area of the recreation reserve, as well as obstructing some views into the recreation reserve from the car park.</li> </ul>
		<ul style="list-style-type: none"> <li>• Mostly on recreation reserve – therefore, even if the building is slightly located within the leased area, approval for location of the proposed temporary building at this site will need to be made under the Canterbury Earthquake (Reserves Legislation) Order 2011 as it is a use that would not normally be considered for this classification of reserve. This means the report needs to go to the Council with the Board recommendation for a decision.</li> <li>• Would require a greater amount of levelling than Site Option 3 due to it having an undulating surface topography, which has become further pronounced with liquefaction sink-holes and silt mounds.</li> <li>• Is a more shaded site, and would catch the wind directly from the estuary, much like Site Option 1.</li> <li>• Would be over existing underground wastewater pipes, which may need to be accessed for repair or replacement at some stage.</li> </ul>

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Location	Benefits	Reasons to Discount
Site Option 3 – Preferred Option	<ul style="list-style-type: none"> <li>• Next to a sealed car park.</li> <li>• In close proximity to an existing utility building (wastewater pumping station), so there is already a built presence to the site.</li> <li>• Will be visible to Mt Pleasant residents and people visiting the Saturday Market.</li> <li>• Easily accessed from McCormacks Bay Road with only a small amount of hard fill pathway needing to be laid, and most people could access from the car park area, which will be immediately adjacent to the proposed building.</li> <li>• Site is sheltered from most winds and is less shaded from the sun than Site Option 2.</li> <li>• Site is already extensively modified (excavation for wastewater pipe repair) and is currently an equipment and materials storage site.</li> </ul>	<ul style="list-style-type: none"> <li>• On recreation reserve – therefore, approval for location of the proposed temporary building at this site will need to be made under the Canterbury Earthquake (Reserves Legislation) Order 2011 as it is a use that would not normally be considered for this classification of reserve. This means the report needs to go to the Council with a recommendation from the Board for a decision.</li> <li>• Near to a play area.</li> <li>• The temporary building located in this position will further block views of the play area from a point on McCormacks Bay Road by the entrance to the wastewater pumping station lot, although this is already done by the pumping station itself and existing trees and road side shrub plantings. The play area will still be able to be readily seen from the car park.</li> </ul>
	<ul style="list-style-type: none"> <li>• Once the repair works next to the pumping station are completed, the land will be re-mediated, leaving a prepared area to readily site the temporary building with reduced preparation work required.</li> <li>• Getting the temporary building to the site will be easier than for the other site options, particularly Site Option 1, as it would come in through the car park or directly from McCormacks Bay Road.</li> </ul>	
A room in the Ferrymead Park Sports Pavilion (owned by the Council)	<ul style="list-style-type: none"> <li>• Negates the need for the Association to purchase a building for temporary accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>• The Association sees this location is too far away from their present site and the Mt Pleasant community, and current activity such as the Saturday morning market.</li> </ul>

11. Officers consider the proposed temporary occupation at McCormacks Bay at the Association's preferred location (Site Option 3) will have a manageable effect upon the overall park environment and its use, due to the occupation being in a location on the margin of the open space area and beside other built structures (car park, wastewater pumping station). An assessment of the effects is given in the following table, along with comment on how each of these may be mitigated.

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Area of Effect	Effects	Comment on Effects and how they can be mitigated
Public Access	The proposed building will block one of the informal openings for access into the park.	The blocking of an informal opening to the park will not restrict public access. The public can enter the park close by. Also, access will not be restricted around the building.
Impact on Recreational Activities	The proposed building will be in close proximity (approximately 15 metres) to a raised bark surface play area.	The views of the play area from the McCormacks Bay Road will be partially reduced by the proposed building location but there is already extensive blocking of views of that area of the park by the wastewater pumping station, trees and shrubs. The frequent presence of people at the temporary community centre should increase safety for children using the play area.
Visual	The proposed building will be an additional built structure on the road frontage of the park.	There are existing built structures adjacent. The proposed building will be single storied and not large; and will be required to be painted and surrounded with planting to make it blend in with the park environment. It will also be a temporary structure.
Vehicle Access	A potential point of vehicle access to the park will be blocked.	There remain other park vehicle access points.
Access to Utilities	Potential restriction of access for the maintenance/repair of underground utilities (a new wastewater pipe line has just been installed by the site, and works to an existing line may be required).	The actual siting of the proposed building has been shifted slightly northward from the original proposed location to allow the required two metre clearance from the new wastewater pipe line. This is acceptable to the Council's Water and Waste Network Operations Team.
Physical (Ground)	Excavation for the underground services from the proposed building to connect to existing services, located along McCormacks Bay Road, and placement of a pathway access to the building from the road, will require some surface disruption during the construction phase of the proposed development.	The distance from the proposed building to the existing services is short. The building is proposed to be on skids and fastened to the ground, thereby avoiding the need for excavation for placement of piles or other foundations. The pathway could be matting or constructed as a boardwalk instead of using hard fill. The site has been totally modified recently by the excavation for the new wastewater pipe line.
Physical (Vegetation)	No vegetation will be affected.	No effect on park vegetation.

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## 1 Cont'd

Area of Effect	Effects	Comment on Effects and how they can be mitigated
Non-compliance with reserve classification/ management plan/ City Plan zoning	The proposed facility/use is not consistent with that promoted for a recreation reserve (the adjacent local purpose (community buildings) reserve caters for that).	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 (Zone A: Community Reserve) which includes the maintenance and enhancement of community buildings there, identified in the Existing Layout/Management Concept Plan in the operative management plan. It is also not inconsistent for the City Plan zoning the site is in. This is Open Space 2 (District Recreation and Open Space Zone), which does provide for community facilities to be present in some places.

**FINANCIAL IMPLICATIONS**

12. There are no financial implications for the Council arising from granting permission for the Association to temporarily occupy the site in McCormacks Bay. The Association 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.
13. Officers propose that the existing entitlement the Association enjoys in its lease with the Council for its existing community centre with respect to the rent it pays be applied also to the temporary community centre. This entitlement, specified in clause 4.1(a) of the lease document, is for a 100 percent subsidy of the annual rental payable for the area occupied for the community centre, as long as it is used solely for a non-profit community centre. This is proposed because the Association is not able to make use of its existing community centre. Reactivating the community centre at a temporary site while a permanent solution is planned and implemented will be a benefit to the local community.

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

14. See above.

**LEGAL CONSIDERATIONS**

15. The Council entered into a lease dated 6 April 2001 with the Association for the land beneath its premises at McCormacks Bay, being part of the local purpose (community buildings) reserve, for a term of 19 years and 364 days from 1 July 1999. The lease term will expire on 30 June 2019.
16. Under clause 10.1 of the lease the Association may, with the written consent of the Council and on such conditions as the Council sees fit including recalculation of the annual rental, place on the leased area an additional building. A temporary building at Site Option 1 as shown on the plan in **Attachment C** would be subject to the requirement for such a consent under the lease.
17. In the case of a temporary building for the purpose of a community centre placed at the Association's preferred site option (Site Option 3), as shown on the plan in **Attachment C**, this is outside the Association's leased area, being on recreation reserve. Ordinarily, the Association would not be granted a right to occupy a recreation reserve for such a purpose by way of a lease granted by the Council under section 54 of the Reserves Act 1977.

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18. In response to the circumstances arising from the 22 February 2011 earthquake, the Government made the Canterbury Earthquake (Reserves Legislation) Order 2011 (the Order) to enable reserves to be used for certain purposes that would not ordinarily be permissible under the Reserves Act 1977.
19. 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 the extension will be granted in September to early October 2011. Unless the Order is extended beyond 18 April 2016 it will not be possible for the Council to authorise the use of the McCormacks Bay recreation reserve beyond this date for community centre purposes. Any use beyond that date would need to be authorised using the 'business as usual' processes available under the Reserves Act.
20. 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.
21. The Order provides that when the Council authorises such 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 as closely as practicable at the end of the use or when the structure is removed to its original condition.
22. In addition to Council authorisation under the Order, the applicant will also need to obtain all necessary resource and building consents required.
23. 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.
24. Before any work commences upon the site it will be necessary to contact the Greenspace Eastern Area Contract Manager to arrange an onsite meeting to discuss the Council's requirements for working on the reserve, some of which are set out below:
  - (a) The site works within the reserve must be fenced off at all times to prevent public access to the site, because the work is being undertaken in a public reserve.
  - (b) No materials or equipment are to be stored under the drip line of any trees in the reserve.
  - (c) There is to be a temporary access licence signed between the Greenspace Eastern Area Contract Manager, who is acting under the delegated authority of the Council, and the contractors undertaking the work to install the temporary building.
  - (d) A bond will be required to be paid to the Christchurch City Council via the Greenspace Eastern Area Contract Manager before work commences upon the site. The bond, less any expenses incurred by the Council to restore the reserve to its former condition, will be refunded to the contractor upon completion of the work, after the site has been inspected by the Greenspace Area Contract Manager.
  - (e) There may be other on site requirements that the Greenspace Eastern Area Contract Manager wishes to include in the licence.

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

25. Yes, see above.



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**1 Cont'd****ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

26. Not applicable.

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

27. No.

**ALIGNMENT WITH STRATEGIES**

28. Yes, the provision of community facilities.

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

29. Yes, Council's Strengthening Communities Strategy.

**CONSULTATION FULFILMENT**

30. 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).
31. 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 external to the Council over the area proposed to be temporarily occupied at McCormacks Bay. The Council's Water and Waste Unit manages underground wastewater pipes in the vicinity of the Association's preferred site, and has been consulted over the placement of the proposed temporary building to its satisfaction.
32. 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.
33. 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**

That the Council resolve:

- (a) That 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 the Mt Pleasant Memorial Community Centre & Residents' Association Incorporated be authorised to use that part of the McCormacks Bay recreation reserve as is approximately shown as the hatched area labelled Site Option 3, on the plan attached to this report as **Attachment C**, for the purpose of the placement of a re-locatable building to be operated as a community centre.
- (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).

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- (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).
- (d) That the principal contractor contact the Greenspace Eastern Area Contract Manager to complete a temporary access licence and complete the procedures as set out in paragraph 24 of this report above before commencing work upon the reserve.

**BOARD CONSIDERATION**

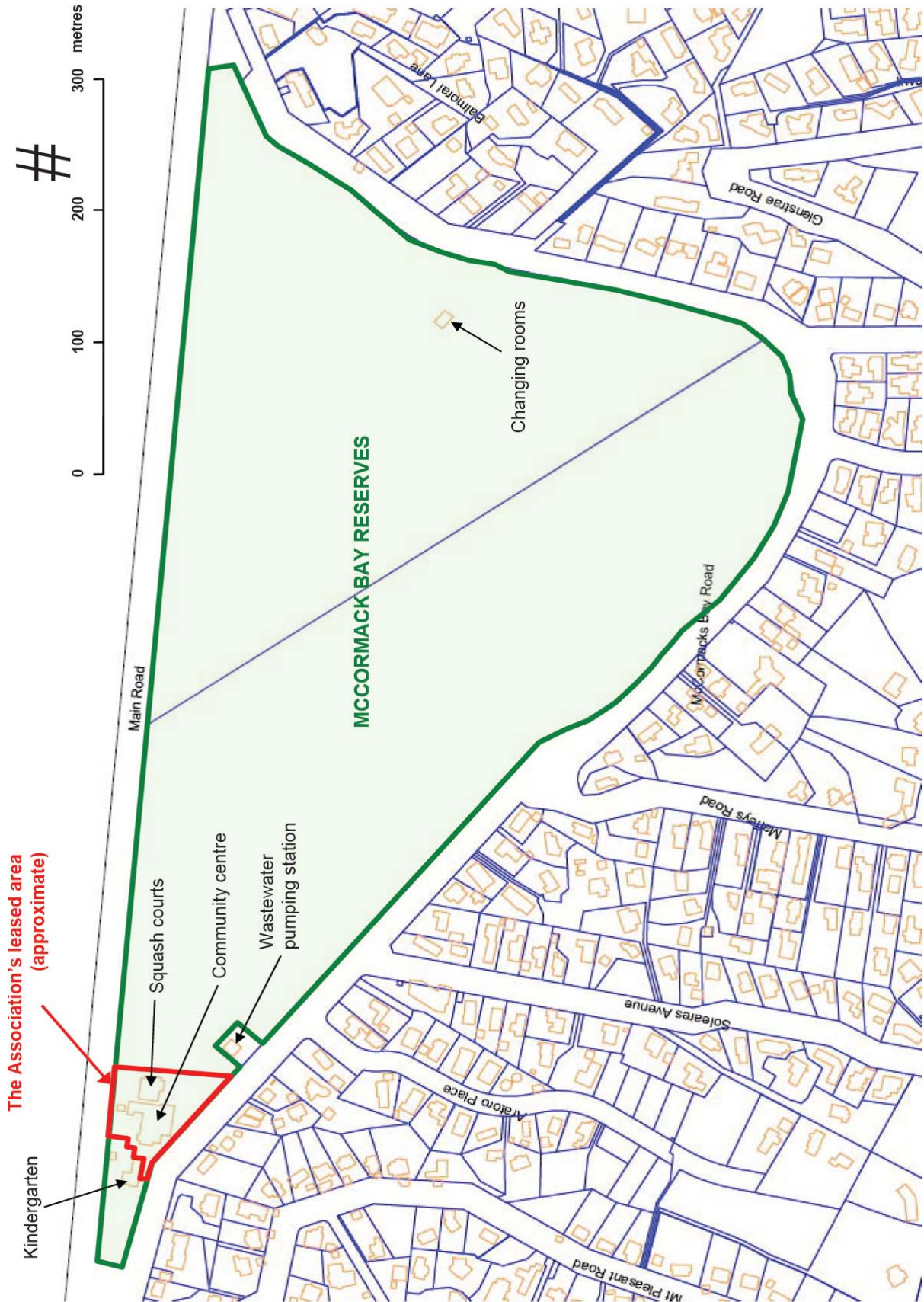
The Board received a deputation from Jocelyn Papprell, Chairperson of the Mt Pleasant Memorial Community Centre & Residents Association Incorporated, in support of the staff recommendation in the report. Ms Papprell advised the Board that the Association has fully paid for the relocatable classroom to be used as a temporary community centre, and now need to uplift the building.

The Board considered that this matter should be placed in front of the Council urgently to enable all processes related to the occupation of the site to be completed as quickly as possible and the building to be placed on the approved site.

The Board recorded their thanks to Council staff for the thorough report on this matter, and for working with the Association to progress the application for the temporary facility. The Board also congratulated the Association on the community led initiative to re-establish the community facility in Mt Pleasant.

**BOARD RECOMMENDATION**

That the staff recommendation be adopted, and that given the urgency expressed by the Mt Pleasant Memorial Community Centre & Residents' Association Incorporated that the Board request to the Chief Executive that this matter be reported by way of a Chairperson's Report to the Council meeting of 27 October 2011.



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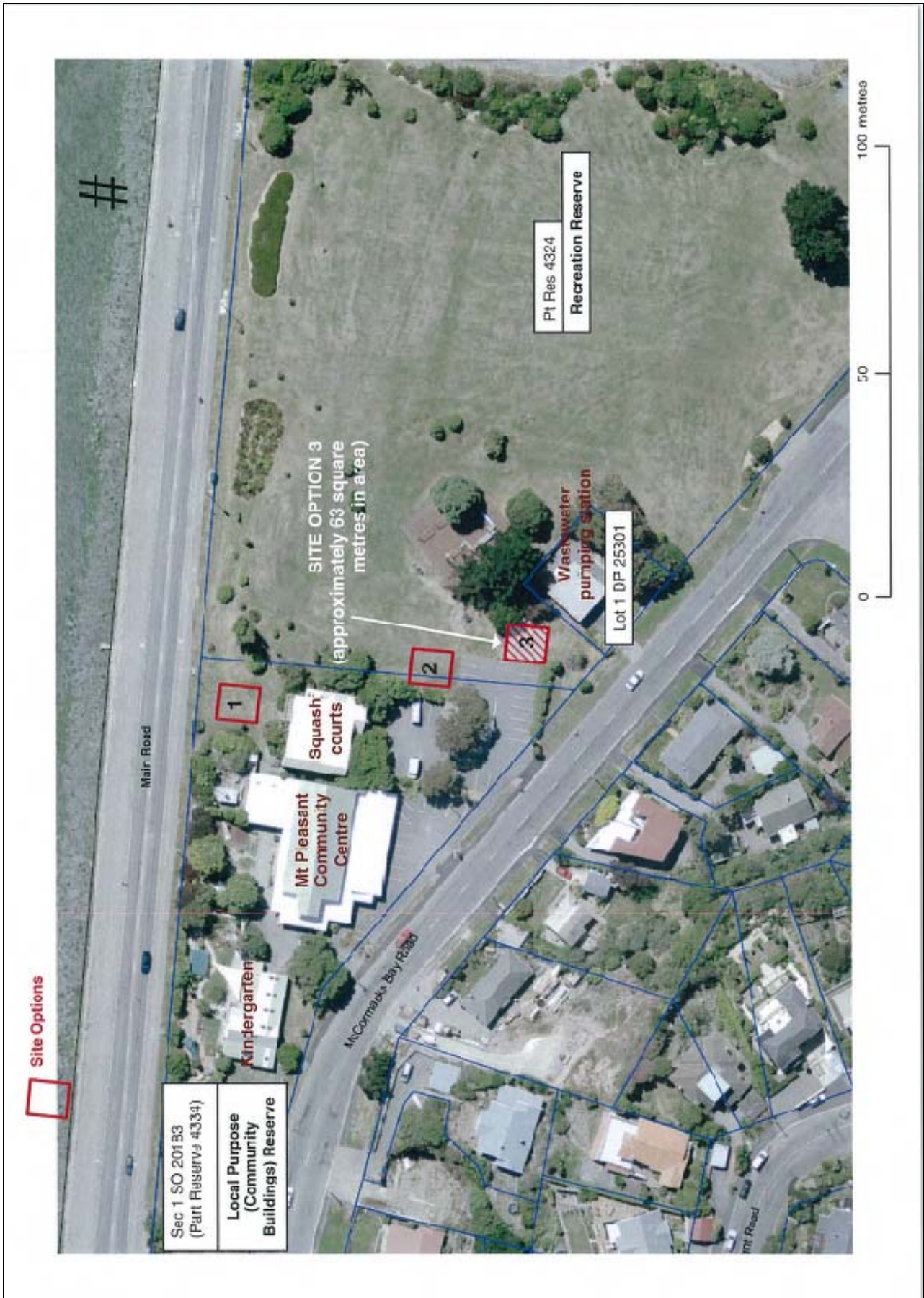
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## ATTACHMENT B

Re-locatable classroom  
proposed as a temporary  
community centre  
(NOTE: Will be painted and  
probably plantings around it on  
site)









ATTACHMENT D

