

12. 07. 2012

RICCARTON/WIGRAM COMMUNITY BOARD
19 JUNE 2012

Report of a meeting of the Riccarton/Wigram Community Board
held on Tuesday, 19 June 2012 at 5:30pm in the Community Room,
Upper Riccarton Library, 71 Main South Road, Upper Riccarton.

PRESENT: Mike Mora (Chairperson), Helen Broughton, Sam Johnson, Judy Kirk, and Peter Laloli.

APOLOGIES: An apology was received and accepted from Jimmy Chen.

The Board reports that:

PART A – MATTERS REQUIRING A COUNCIL DECISION



1. NOTICE OF MOTION

The following Notice of Motion was submitted by Mike Mora:

The Board **received** the Notice of Motion.

The Riccarton/Wigram Community Board request that the Council defer the sale of 36 Shands Road (formerly 2 Goulding Avenue) until the Land Sale and Social Housing Development report has been put before the Riccarton/Wigram Community Board for its recommendation.

The Notice of Motion was seconded by Judy Kirk and being put to the meeting was declared **carried**.

Note: It is noted that Peter Laloli voted against the above resolution.

Refer to **attached** memo.

PART B - REPORTS FOR INFORMATION

2. DEPUTATIONS BY APPOINTMENT

Nil.

3. PRESENTATION OF PETITIONS

Nil.

4. CORRESPONDENCE

Nil.

5. BRIEFINGS

Nil.

6. COMMUNITY BOARD ADVISER'S UPDATE

The Board received the Community Adviser's update which constituted the following:

- **Halswell River Rating Liaison Committee:** - Representatives from the Committee will meet with the Board on 31 July 2012.

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6. CONT'D

- **Proposed Brothels (Location and Commercial Sexual Services Signage) Bylaw 2012 Review:** - The Board agreed to hold a working party on Tuesday, 26 June 2012 to formulate the Board submission on the Bylaw review.
- **Riccarton/Wigram Community Board Transport and Greenspace Committee:** - the Committee Chairperson advised that he was not available to attend the July 2012 Transport and Greenspace Committee meeting. For the Board's decision on this matter refer to Clause 6. - Community Board Advisers' Update Continued.

7. BOARD MEMBERS' INFORMATION EXCHANGE

Nil.

8. QUESTIONS UNDER STANDING ORDERS

Nil.

PART C - DELEGATED DECISIONS

9. CONFIRMATION OF MEETING MINUTES – 5 JUNE 2012

The Board **resolved** that the minutes of the Board's ordinary meeting of 5 June 2012 be confirmed.

10. KEEP NEW ZEALAND BEAUTIFUL CONFERENCE 2012 – BOARD MEMBERS ATTENDANCE

The Board considered a report seeking approval for interested Members to attend the Keep New Zealand Beautiful Conference and Annual General Meeting 2012.

The Board **resolved** that Mike Mora, Sam Johnson and Peter Laloli attend the Keep New Zealand Beautiful Conference and Annual General Meeting in Porirua from 28 to 30 September 2012.

It is noted that Mike Mora, Sam Johnson and Peter Laloli abstained from voting.

11. WESTLAKE DRIVE AT DUNBARS ROAD - PROPOSED STOP CONTROL AND NO STOPPING RESTRICTION

The Board considered a report regarding the proposed Stop Control and No Stopping restriction on the corner of Westlake Drive and Dunbars Road.

The Board **resolved:**

- (a) That a "Stop" control be placed against Westlake Drive at its intersection with Dunbars Road.
- (b) That the stopping of vehicles be prohibited at any time on the south side of Dunbars Road commencing at its intersection with Westlake Drive and extending in a westerly direction for a distance of 40 metres.
- (c) That the stopping of vehicles be prohibited at any time on the south side of Dunbars Road commencing at its intersection with Westlake Drive and extending in a easterly direction for a distance of 31 metres.

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- (d) That the stopping of vehicles be prohibited at any time on the east side of Westlake Drive commencing at its intersection with Dunbars Road and extending in a southerly direction for a distance of 60 metres.
- (e) That the stopping of vehicles be prohibited at any time on the west side of Westlake Drive commencing at its intersection with Dunbars Road and extending in a southerly direction for a distance of 17 metres.
- (f) That the purple leaf cherry plum street tree located in the berm outside number 2 Westlake Drive (Dunbars Road Frontage) be removed and replaced in a more appropriate position.

6. COMMUNITY BOARD ADVISER'S UPDATE CONTINUED

- **Riccarton/Wigram Community Board Transport and Greenspace Committee** - the Board **resolved** to cancel the Riccarton/Wigram Transport and Greenspace Committee that was to be held on 10 July 2012.

12. RESOLUTION TO EXCLUDE THE PUBLIC

The Board **resolved** that the resolution set out on page 13 of the agenda in relation to the following, be adopted:

- Proposed Halswell Library and Community Centre Site – 341 Halswell Road, Christchurch

The Board Chairperson thanked Board members and staff for their attendance and contributions and declared the meeting closed at 6:48pm.

CONFIRMED THIS 3RD DAY OF JULY 2012

**MIKE MORA
CHAIRPERSON**

Christchurch City Council
Legal Services Unit

MEMORANDUM

Date: 27 JUNE 2012

From: IAN THOMSON (Solicitor, Legal Services)

To: MICHAEL AITKEN (General Manager, Community Support)

RICCARTON/WIGRAM COMMUNITY BOARD – NOTICE OF MOTION 20 JUNE 2012

1. At its meeting on 19 June 2012 the Riccarton/Wigram Community Board resolved that:

“The Riccarton/Wigram Community Board request that the Council defer the sale of 36 Shands Road (formally 2 Goulding Avenue) until the Land Sale and Social Housing Development report has been put before the Riccarton/Wigram Community Board for its recommendation”.
2. The chairman of the Community Board, Mike Mora is “very concerned that this matter was discussed by the Council before the report had been to the Riccarton/Wigram Community Board for recommendation and questions why the Council has not followed its own policy and process in relation to the disposal of Council land which would include full consultation”.
3. This memorandum traces the decision-making process undertaken by the Council before it made a decision on 7 June 2012 to sell the property at 36 Shands Road (the Land).
4. At its meeting on 16-18 February 2009 the Council resolved that:

“The land currently held at Hornby for social housing be offered for sale to Housing New Zealand Corporation or other agencies committed to the provision of social or affordable housing, subject to clarification that a special consultative procedure will be carried out if required”.
5. It was subsequently determined that a special consultative procedure was not required. However, section 138 of the Local Government Act 2002 states that the Council must consult on a proposal to sell land used principally for community or recreational purposes. The status of the land matched this description.
6. Consultation was therefore undertaken, consisting of public notices, distribution of submission forms, the “Have Your Say” website (including electronic submission forms), posters in the Hornby/Sockburn area, and two “drop-in” sessions at the Hornby Library.
7. The consultation was focussed on the local community and involved the Riccarton/Wigram Community Board.

8. The outcome was reported to a meeting of the Board on 30 March 2010. Together with the Council's Housing Working Party, the Board recommended that the Council adopt a proposal to dispose of the land to Housing Corporation New Zealand or other agencies committed to the provision of social or affordable housing.
9. The Board also recommended that a "Request for Proposals" process be undertaken and that the responses to this be considered by the Board and the Housing Working Party before being reported back to the Council.
10. This recommendation was adopted by the Council at its meeting on 8 April 2010. The Corporate Support Unit manager was authorised to manage the RFP process.
11. On completion of the RFP process the Riccarton/Wigram Community Board considered the matter again at its meeting on 17 August 2010.
12. Council staff recommended that the Corporate Support manager be authorised to conclude a sale and purchase agreement with New Zealand Housing Federation for disposal of the property, subject to a number of conditions.
13. The Riccarton/Wigram Community Board voted against the recommendation and instead resolved that:
 - (a) worked up plans and designs be presented to the Riccarton/Wigram Community Board for comment prior to final drawings and designs being accepted by the Council;
 - (b) on sale of the property, the purchaser will also be required to enter into a memorandum of encumbrance with Council which requires the purchaser to complete the development in accordance with the agreed design which in turn will be set out in a development plan. They will also be required to enter into a deed of option which will provide the ability of the Council to buy the property back under certain circumstances including should the development not be completed in accordance with the development plan within five years;
 - (c) the incoming Council consider the development of the site for future public housing after full consultation with the Riccarton/Wigram community;
 - (d) the incoming Council work alongside the Riccarton/Wigram Community Board to progress the options for partnerships for development following full and open consultation with the Riccarton/Wigram community;
 - (e) the incoming Council review the 2010 Council decision to sell the land.
14. The staff recommendation and the Board resolutions went to a Council meeting on 23 September 2010. The result was that the Council decided to adopt the staff recommendation and therefore resolved to:
 - (a) authorise the Corporate Support manager to conclude a sale and purchase agreement, memorandum of encumbrance and deed of option (as detailed in clause 39) with New Zealand Housing Federation for the disposal of the property at 36 Shands Road;

- (b) resolve that the agreement for sale and purchase be subject to New Zealand Housing Federation at their own expense obtaining the necessary consents to complete the development and that they make application at the earliest possible time;
 - (c) have the final scheme design presented to a workshop of the Housing Working Party and the Riccarton/Wigram Community Board for comment;
 - (d) authorise the Community Support manager – Community Services Group to negotiate and agree the final design with New Zealand Housing Federation to best deliver on the outcomes sought by Council as stipulated in the request for proposals.
15. The matter next went to a meeting of the Housing and Community Facilities Committee on 8 June 2011.
16. Staff reported that a valuation carried out for the proposed purchaser, New Zealand Housing Federation, differed significantly to the value that had been expected. Because of this, staff were not prepared to exercise the delegated authority granted to the Corporate Support manager at the Council meeting on 23 September 2010. Instead, staff referred the issue to the committee for a recommendation to be made.
17. The committee declined to do that. It decided that the Council should determine whether or not to authorise staff to conclude a sale and purchase agreement with New Zealand Housing Federation.
18. However, at the Council meeting on 23 June 2011 the Committee's chairperson, Councillor Livingstone, moved that the Council authorise the Corporate Support manager to conclude an agreement with New Zealand Housing Federation at a price of no less than \$142,000. The motion was lost.
19. The Council did not revoke its earlier resolution, on 23 September 2010, that authorised the Corporate Support manager to conclude a sale and purchase agreement with New Zealand Housing Federation.
20. New Zealand Housing Federation then submitted a revised proposal to the Council's Housing and Community Facilities Committee in May 2012.
21. The committee asked staff to report the proposal to the Council, together with an alternative option for the use of the land. This was that the Council retain ownership and develop its own social housing units.
22. These options were considered by the Council at its meeting on 7 June 2011. It resolved that:
- (a) the Council agree to the proposal received from the consortium to purchase the Council owned block at 2 Goulding Avenue (now known as 36 Shands Road) Hornby. Subject to the development of and commitment to a legal instrument, which would ensure that the Council would retain the right to purchase the land at the discounted rate, should it be offered outside the consortiums social housing portfolio.
 - (b) the sale of Goulding Avenue is subject to New Zealand Housing Federation receiving \$2.5 million from Community Trust and \$2.5 million from Government;

- (c) the site will return to Council ownership if building has not started by June 2013;
 - (d) the Council reserves the right to participate in the consortium should the opportunity arise.
23. The balance of the resolutions made on 23 September 2010 remain current. These are:
- (a) the Corporate Support manager to also conclude a memorandum of encumbrance and deed of option (as detailed in clause 39 [of the staff report]) with New Zealand Housing Federation;
 - (b) the agreement for sale and purchase be subject to New Zealand Housing Federation at their own expense obtaining the necessary consents to complete the development and that they make application at the earliest possible time;
 - (c) the final scheme design is presented to a workshop of the Housing Working Party and the Riccarton/Wigram Community Board for comment;
 - (d) the Community Support Unit manager – Community Services Group is to negotiate and agree the final design with New Zealand Housing Federation to best deliver on the outcomes sought by Council as stipulated in the request for proposals.
24. Whether or not to sell the land for social housing purposes was the subject of consultation in 2010. This process and the request for proposals involved the Riccarton/Wigram Community Board and the (then) Housing Working Party.
25. At its meeting on 23 September 2010 the Council was given the option to either confirm the recommendation to sell the land or to accept an alternative proposal put to the Council by the Riccarton/Wigram Community Board. Having considered the matter, the Council resolved to sell.
26. At the same time the Council authorised staff to negotiate a sale and purchase agreement with New Zealand Housing Federation. This authority has not been revoked and the Council has decided to sell the land to New Zealand Housing Federation subject to a number of conditions. If it wanted to, the Council could have decided to open the matter up for further consultation.
29. The conclusion is therefore that with the proposal having been through the Riccarton/Wigram Community Board at an earlier stage, the Council was entitled to take the view that appropriate consultation had been undertaken with the community. The information from the Housing and Community Facilities Committee was considered to be sufficient to enable the Council to reach a position on the matter.

Ian Thomson
Senior Solicitor
Legal Services Unit

Extension 6343