

**BURWOOD/PEGASUS COMMUNITY BOARD
AGENDA**

MONDAY 29 OCTOBER 2012

AT 4PM

**IN THE BOARD ROOM,
CORNER BERESFORD AND UNION STREETS,
NEW BRIGHTON**

Community Board: Linda Stewart (Chairperson), Tim Baker, Peter Beck, David East, Julie Gorman, Glenn Livingstone, and Tim Sintes.

Community Board Adviser
Peter Dow
Phone 941-5305 DDI
Email: peter.dow@ccc.govt.nz

- PART A - MATTERS REQUIRING A COUNCIL DECISION**
- PART B - REPORTS FOR INFORMATION**
- PART C - DELEGATED DECISIONS**

INDEX

- PART C 1. APOLOGIES**
- PART C 2. CONFIRMATION OF MEETING MINUTES – 15 OCTOBER 2012**
- PART B 3. DEPUTATIONS BY APPOINTMENT**
 - 3.1 Renew Brighton re Spring River Festival**
- PART B 4. PRESENTATION OF PETITIONS**
- PART B 5. NOTICES OF MOTION**
- PART B 6. CORRESPONDENCE**
- PART B 7. BRIEFINGS**
- PART C 8. 213 ROCKING HORSE ROAD - PROPOSED DISPOSAL**
- PART C 9. BURWOOD/PEGASUS COMMUNITY BOARD 2012/13 DISCRETIONARY RESPONSE FUND – APPLICATION – SOUTHSORE RESIDENTS' ASSOCIATION**
- PART B 10. COMMUNITY BOARD ADVISER'S UPDATE**
 - 10.1 Upcoming Board Activities**
- PART B 11. QUESTIONS UNDER STANDING ORDERS**

1. APOLOGIES

2. CONFIRMATION OF MEETING MINUTES – 15 OCTOBER 2012

The minutes of the Board's ordinary meeting of 15 October 2012, are **attached**.

3. DEPUTATIONS BY APPOINTMENT

3.1 RENEW TRIGHTON RE SPRING RIVER FESTIVAL

Representatives from Renew Brighton and the Avon-Otakaro Network will be in attendance to seek funding assistance from the Board towards the Spring River Festival.

4. PRESENTATION OF PETITIONS

5. NOTICES OF MOTION

6. CORRESPONDENCE

7. BRIEFINGS

8. 213 ROCKING HORSE ROAD - PROPOSED DISPOSAL

General Manager responsible:	General Manager City Environment Group, DDI 941-8608
Officer responsible:	Unit Manager, Asset and Network Planning
Author:	Stuart McLeod, Property Consultant

PURPOSE OF REPORT

1. The purpose of this report is to seek the Board's approval to commence proceedings to revoke the reserve status of the property situated at 213 Rocking Horse Road, Southshore, Christchurch.

EXECUTIVE SUMMARY

2. The property located at 213 Rocking Horse Road is no longer required for reserve purposes as it is physically separated from the greater portion of Spit Reserve and is operationally redundant (refer **Attachment 1**).
3. The Board has the delegated authority from the Council to change a reserve's classification or purpose, or revoke the reserve status (sections 24 and 24A of the Reserves Act 1977).
4. Under the Reserves Act 1977 the Council must advertise its intention to revoke the reserve status, submitters (if any) have the right to be heard before a Reserves Hearings Panel if that is their desire.
5. Following the outcome of the public consultation process and the consent of the Minister of Conservation being given to revoke the reserve status, an options report will be presented to the Council to advise on the findings of the Council's standard process in determining future use or disposal of operationally redundant property.

FINANCIAL IMPLICATIONS

6. There are no financial implications to revoking a reserve classification.

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

7. Not applicable.

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

8. The Council has delegated to the Community Board the power to change the classification or purpose, or revoke the reserve status.
9. Public advertisement of the Council's intention to revoke the reserve status of the land is required under Section 24 of the Reserves Act 1977.
10. In the event of objections being received and the submitters wishing to be heard a reserves hearing panel is appointed by the Council Secretary. The panel considers, hears and determines its position on any objection or submissions received and will forward its recommendations together with any objections to the Minister of Conservation for a decision.
11. If no submissions are received, the original decision stands and is sent to the Minister of Conservation for review.
12. The Minister publishes the revocation in the New Zealand Gazette if they decide in their discretion that the revocation should proceed.

8. Cont'd

13. Should the reserve designation over the land be revoked an options report will be presented to the Council to consider the future use or disposal of the property as determined through the operationally redundant property process.

Alignment with LTCCP and activity management plans

14. The property is no longer required for Recreation and Leisure - LTCCP page 108.

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

15. As above.

ALIGNMENT WITH STRATEGIES

16. The retention of this property as part of Spit Reserve no longer meets with the Council's parks and open spaces strategies.

Do the recommendations align with the Council's strategies?

17. As above.

CONSULTATION FULFILMENT

18. Public notification pursuant to Section 24 of the Reserves Act 1977 is required and will be undertaken if the staff recommendation below is adopted.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board publicly notify its intention in accordance with Section 24 (2) (b) of the Reserves Act 1977 to request the Minister of Lands to revoke reserve status of Lot 37 DP 19582, contained in Computer Freehold Register CBA1/288 situated at 213 Rocking Horse Road, Christchurch, as it is physically separated from the greater part of the reserve and is not used for reserve purposes.

8. Cont'd

BACKGROUND (THE ISSUES)

19. The Council acquired, by way of agreement, Lot 37 DP 19582 contained in Certificate of title (CBA1/288) (refer **Attachment 2**), situated at 213 Rocking Horse Road, Christchurch, from Robert Duncan Scott in 1994. At that time it was a vacant residential site. Mr Scott purchased the property in 1963.
20. The land is held for reserve purposes being vested in the Council by way of a registered gazette notice. Any revocation of its reserve status must be completed in accordance with the Reserves Act 1977 by completing the required public notice, hearing objections (if any) and obtaining consent of the Minister of Conservation.
21. The property was rezoned "Residential Coastal" in 1986, the effect of which was to prohibit dwellings being built on the property. This area of the spit was changed to the Conservation 1A zone in the new City Plan which became operative in 2005; this zoning also prohibited dwellings being built upon the land. This zone was created because of the threat of inundation from the sea resulting from the known fluctuation in the position of the end of the spit over the last 100 years. The effect of this was to ensure that permitted residential uses only occurred on sites which have not been subject to fluctuation in the position of the end of the Spit, and are deemed to have an adequate buffer from the sea.
22. In late 1986 Mr Scott approached the Council to allow him to build on the property. If that was not possible he requested the Council purchase the property because of the changed zoning. Negotiations concluded in 1994 with the purchase of the property as stated in paragraph 19, the consideration was \$15,000.
23. Subsequent to the Council purchasing the property the zoning, referred to in paragraph 24, was challenged in the Environment Court in 2003 and became the South Brighton Conservation Management Area (SBCMA1) which allowed dwellings as a discretionary activity in a small portion of the Conservation 1A zone.
24. This property now falls within two zones. A small triangular portion to the rear of the property is within the SBCMA1 with the balance of the property being Living 1.
25. The representatives of the estate of Mr Scott approached the Council's Greenspace Team to enquire if the Council still required the property. After careful consideration it was decided that the property is no longer required for the purposes of a reserve as it is physically separated from the rest of Spit Reserve. It is considered most unlikely that it would be possible to acquire a legal linkage to the surrounding recreation reserves, which is necessary to enable this section sized reserve to become recreationally useful.
26. The representatives of Mr Scott's estate have indicated that the Scott family is of the opinion the land has never been used for the purposes for which it was acquired and further point out that it is physically separated from Spit Reserve and the likelihood of the Council acquiring a linkage to this land is at best remote (refer **Attachment 2**).

9. BURWOOD/PEGASUS COMMUNITY BOARD 2012/13 DISCRETIONARY RESPONSE FUND – APPLICATION – SOUTHSHORE RESIDENTS’ ASSOCIATION

General Manager responsible:	General Manager, Community Services Group, DDI 941-8607
Officer responsible:	Community Support Unit Manager
Author:	Sylvia Smyth, Strengthening Communities Adviser

PURPOSE OF REPORT

1. The purpose of this report is for the Burwood/Pegasus Community Board to consider one application for funding from the 2012/13 Discretionary Response Fund from Southshore Residents’ Association who seek \$3,865.

EXECUTIVE SUMMARY

2. In 2012/13, the total pool available for allocation for the Burwood/Pegasus Discretionary Response Fund is \$51,197. The Discretionary Response Fund opens each year on 1 July and closes on 30 June the following year, or when all funds are expended.
3. The purpose of the fund is to assist community groups where the project and funding request falls outside other council funding criteria and/or closing dates. This fund is also for emergency funding for unforeseen situations.
4. At the Council meeting of 22 April 2010, the Council resolved to change the criteria and delegations around the local Discretionary Response Fund.
5. The change in criteria limited the items that the local Discretionary Response Fund does not cover to only:
 - (a) Legal challenges or Environment Court challenges against the Council, Council Controlled Organisations or Community Boards decisions;
 - (b) Projects or initiatives that change the scope of a Council project; and
 - (c) Projects or initiatives that will lead to ongoing operational costs to the Council.

The Council also made a note that: *"Community Boards can recommend to the Council for consideration grants under (b) and (c)."*

6. Based on these criteria, the application from the Southshore Residents’ Association for the Southshore Community House is eligible for funding.
7. Detailed information on the application and staff comments are included in the attached Decision Matrix. (**Attachment 1**)

FINANCIAL IMPLICATIONS

8. At the time this report was prepared there is currently \$27,575 remaining in the Board’s 2012/13 Discretionary Response Fund.

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

9. Yes, see page 184 of the LTCCP regarding community grants schemes including Board funding.

LEGAL CONSIDERATIONS

10. There are no legal considerations.

9. Cont'd

ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS

11. Aligns with LTCCP and Activity Management Plans, page 172 and 176.

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

12. Yes, see LTCCP pages 176 and 177 regarding community grants schemes, including Board funding.

ALIGNMENT WITH STRATEGIES

13. Refer to the attached Decision Matrix.

CONSULTATION FULFILMENT

14. Not applicable.

STAFF RECOMMENDATION

It is recommended that the Burwood/Pegasus Community Board approve a grant of \$1,980 from its 2012/13 Discretionary Response Fund to the Southshore Residents' Association towards its Southshore Community House for power, volunteer expenses, phone and operating materials.

10. COMMUNITY BOARD ADVISER'S UPDATE

10.1 UPCOMING BOARD ACTIVITIES

11. QUESTIONS UNDER STANDING ORDERS