

**TE HAPORI O ŌHINEHOU RAUA KO AHU PĀTIKI  
LYTTELTON/MT HERBERT COMMUNITY BOARD**

**ALLANDALE RESERVE MANAGEMENT COMMITTEE  
AGENDA**

**TUESDAY 30 JUNE 2015  
AT 7.00PM**

**IN THE GOVERNORS BAY HOTEL, 52 MAIN ROAD, GOVERNORS BAY**

**Committee Members:** Trevor Biggs, Chairperson    Annabelle Bain    Dave Hughey  
Karen Bellamy    David Bundy    John Garside

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**1. APOLOGIES**

**2. CONFIRMATION OF MEETING MINUTES**

The minutes of the Committee's previous meeting will be tabled at the meeting.

**RECOMMENDATION**

That the minutes of the Committee's meeting be confirmed.

### 3. USE OF PART OF ALLANDALE DOMAIN

		Contact	Contact Details
<b>General Manager responsible:</b>	General manager Community Services	N	N
<b>Officer responsible:</b>	Unit Manager Transport & Greenspace	N	N
<b>Author:</b>	Justin Sims, Property Consultant	Y	DDI 941 6424

#### 1. PURPOSE AND ORIGIN OF REPORT

- 1.1 The purpose of this report is to seek the Committee's recommendation to the Lyttelton/Mt Herbert Community Board to determine the future use and ownership of part of Allandale Domain following termination of the historic commercial lease that was in place over the recreation reserve.

#### 2. BACKGROUND

- 2.1 If the land is to be utilised as a recreation area then it would meet the following strategies: Sports Parks - provide a network of safe, accessible and attractive multi-purpose sports parks in order to provide leisure and recreation opportunities including space for organised sport. Provide green spaces for the city and provide leased spaces for clubs to develop sports facilities.

#### 3. COMMENT

- 3.1 Part of Allandale Domain comprising Lot 3, DP 41288 was vested in the Mount Herbert County Council in trust for recreation purposes on 24/11/1983. This was classified as a Recreation Reserve to be known as Allandale Domain by Gazette Notice on 12/3/1985.
- 3.2 A lease was granted to Governors Bay Transport (1974) Ltd to use the premises for sawmilling and road transport and associated business on the 6th July 1986 for a term of 33 years commencing on 1 March 1985. The consent of the Minister of Lands for granting the lease was subsequently granted on 12 February 1987. The original rent of \$2,625 was subject to upwards only review with the annual rent paid prior to the lease being disclaimed being \$3,508.80.
- 3.3 In the 1880's the property was originally used as a police station and then by the Royal Mail but appears to have been utilised for commercial purposes for the best part of 70 years whilst more recently being used as a transport yard.
- 3.4 The management of the lease was historically undertaken by the Allandale Reserve Management Committee with the rent received being used to finance maintenance of the reserve. Whilst this seems to have been normal under the Banks Peninsula District Council (BPDC), it is not appropriate under the administration of Christchurch City Council.
- 3.5 We understand from the Committee that rent of \$584.80 is outstanding. As the tenant has been liquidated and the lease disclaimed, the only way to recover this money would be to approach the guarantor on the lease.
- 3.6 The guarantor on the lease was however also a director of the company, Peninsula Quarries Ltd, who were operating out of the site and paying a rent subsequent to the liquidation of the previous tenant. Peninsula Quarries Ltd were also placed in liquidation on 15 November 2010 and it therefore seems unlikely that pursuing this individual for the outstanding rent would prove cost effective in recovering the outstanding amount.
- 3.7 An environmental assessment has been undertaken on the site which highlighted some contamination caused by the historical use. Such is likely to emanate from diesel and oil spills from filling and servicing trucks and equipment. It is however believed that remediating the land would involve a relatively small expense and may be limited to removing the waste materials that reside on the site. As the property appears to have been used as a transport yard before the lease was entered into, the land was likely already contaminated to some degree and it will therefore be difficult to quantify the contamination caused by the liquidated lessees operation.

- 3.8 Under section 54(d) of the Reserves Act 1977 with the prior consent of the Minister, a property can be leased for a commercial use provided it enables the public to obtain the benefit and enjoyment of the reserve or for the convenience of persons using the reserve. A lease for a transport yard would not therefore fulfil this requirement.
- 3.9 There is also provision under section 73 of the Reserves Act 1977 to the leasing of a recreation reserve for farming, grazing, afforestation, or other purposes with the prior consent of the Minister, provided the reserve is not being used for the purpose of a recreation reserve and in the opinion of the Minister is not likely to be used for that purpose, but it is inadvisable or inexpedient to revoke the reservation.
- 3.10 The reserve was vested in the Council being derived from the Crown and as such the Council does not own the land and cannot sell it nor would it receive any proceeds from a sale. Council can declare the land surplus and return it to the Department of Conservation (DoC) who would then decide if the land should be retained for recreation use, some other purpose or dispose of it. Alternatively Council could seek to swap the land for another property for use as a recreation reserve as permitted under Section 15 of the reserves Act 1977.
- 3.11 Under the terms of the lease, the property operated as a transport yard although this use conflicted with the rural zoning set out in the Banks Peninsula District Plan. No resource consent has ever been applied for but given the long established use, the planners believe that a consent for the same scale operation would probably be forthcoming if it were applied for.
- 3.12 A Victorian jail is located on part of the site which was restored by a member of the public with funding from a private Trust. The Urban Design/Heritage Unit believe the building has heritage qualities that should be preserved. The building is not however listed as a heritage item in the BPDP, nor by the Historic Places Trust. During restoration, the jail was relocated approximately 10 meters from its original position with the current location benefiting from some landscaping and an interpretation/information board. Whilst there appears nothing to stop the jail being relocated to another site, the Transport and Greenspace Unit would prefer to see the location maintained to protect what significance it currently has. It is therefore proposed to create a Title to the land on which the jail sits as indicated on the attached plan and retained by the Council.
- 3.13 Council staff met with the member of public who renovated the jail who proposed the site boundaries shown on the plan attached (refer to **Attachment 1**). He also confirmed he would be happy for the protection of the jail site in this way.
- 3.14 Enquiries have also been made with DoC regarding returning the property back to them. They confirmed they would accept receiving part of the property less the jail site referred to above. They would however require one bay of the open storage shed to be demolished as the proposed boundary for the jail site dissects this building. As the other buildings and contamination were in existence at the time the land was vested in the Council, we believe they cannot require the Council to remove the other buildings or remediate the land.
- 3.15 In accordance with the "operationally redundant property process" the property was circulated to the Community Board and Executive Team to establish if there was an alternative use for the land or if it was operationally redundant. Following this process, no other uses were identified and it is therefore considered surplus to Council's needs.
- 3.16 We have therefore considered options for the site which are as follows:
- 3.16.1 **Option 1** Do nothing, leave the site unused as a redundant transport yard and retain the jail on the site.
- 3.16.2 **Option 2** Re-let the site as a transport yard with the exception of the jail which would be retained for public access. Such would require obtaining a resource consent for the non-conforming use and consent from the Minister of Conservation for granting a commercial lease on a reserve.

- 3.16.3 **Option 3** Revert the site to its intended purpose as a recreation reserve retaining the Jail on part of the site. The issues raised regarding contamination on the land would however need to be rectified. There is also a large recreation ground in close proximity so there is no need for additional recreation space nor a budget for landscaping etc.
- 3.16.4 **Option 4** Relocate the jail to the main part of Allandale Domain and declare the land surplus to Council requirements. DoC would then be responsible for the disposal process and any proceeds would revert to the Crown. The Domain is however low lying and prone to flooding which does not lend itself to relocation of the Jail. There would be costs associated with a relocation and there may also be consenting issues due to the flood risk.
- 3.16.5 **Option 5** Declare the land surplus and explore swapping the land for a parcel of land in a different area under Section.15 of the Reserves Act. Due to the costs of remediation as a result of the contamination on site and the rural zoning it is unlikely that an owner of an alternative site could be located who would wish to acquire the subject property.
- 3.16.6 **Option 6** Subdivide the Jail site and hand the balance back to DoC to deal with as they see fit. This is the simplest and most practical way forward given the issues with the land/use and the lack of demand for additional recreation space in the area.

#### 4. **FINANCIAL IMPLICATIONS**

- 4.1 To restore the site to a recreation reserve would require capital expenditure as the site has commercial buildings on it, is contaminated from the previous use and is predominantly covered in gravel. To demolish the buildings, dress and grass seed the whole area and construct a fence on the new boundary would cost in the order of \$55,000 - \$60,000 plus consenting costs. This assumes there are no consenting or contamination issues.
- 4.2 Creating title to part of the land the jail sits on and retaining it would incur costs of \$20,000 - \$25,000 which includes survey, fencing and demolition costs.

#### 5. **STAFF RECOMMENDATION**

That the Allandale Reserve Management Committee recommend that the Lyttelton/Mt Herbert Community Board recommend that the Council proceed with Option 6 and adopt a resolution in the following form:

- 5.1 Authorise an application for subdivision and creation of a title to the area identified on the attached plan shown outlined in red to preserve the jail. The site to be retained by the Council and managed as part of the existing Allandale Domain. Approve demolition of part of the existing building to facilitate this subdivision; and
- 5.2 Subject to 5.1, request the Minister of Conservation pursuant to Section 27 of the Reserves Act 1977 to notify in the New Zealand Gazette, the cancellation of the vesting in the Christchurch City Council of the balance reserve identified on the attached plan shown outlined in yellow so that this area re-vests in the Crown.
- 5.3 Delegate to the Corporate Support Unit Manager the authority to manage and conclude all issues and processes associated with the above resolutions including cancellation of the vesting and re-vesting the remaining property in the Crown.



4. **GENERAL BUSINESS**

5. **NEXT MEETINGS**

The Committee will discuss the frequency and location of future meetings.

6. **REFERENCES**

Reserve Management Committees' Terms of Reference are **attached** for information.



CHRISTCHURCH CITY COUNCIL

RESERVE MANAGEMENT COMMITTEES - TERMS OF REFERENCE

1. STATUS

The following Reserve Management Committees ('the Committee') are sub-committees of the relevant Community Board:

Awa-iti	{
Ataahua	{
Duvauchelle	{
Garden of Tane*	{
Le Bons Bay	{Sub-committees of the
Little Akaloa	{Akaroa/Wairewa
Okains Bay	{Community Board
Pigeon Bay	{
Robinsons Bay	{
Stanley Park	{
	<i>Resolved by the Akaroa/Wairewa Community Board 5 December 2007</i>
	<i>* Subject to Objective 3.8 of the Garden of Tane Reserve Management Plan</i>
Allandale	{Sub-committees of the
Lyttelton Recreation Ground	{Lyttelton/Mt Herbert
Lyttelton	{Community Board
	<i>Resolved by the Lyttelton/Mt Herbert Community Board 12 December 2007</i>
Cass Bay	{Sub-committee of the Lyttelton/Mt Herbert Community Board
	<i>Resolved by the Lyttelton/Mt Herbert Community Board 10 December 2014</i>

2. TERM

The term of office for the Committee is three years.

The Committee will be discharged one month from the coming into office of the members of the community board, following each triennial general election.

3. COMPOSITION

The Committee will have a minimum of five representatives (inclusive of the Chairperson and Secretary/Treasurer), who may be elected or appointed at a public meeting, or co-opted by the Committee.

4. ELECTIONS

Elections will be held at a triennial public meeting in the month immediately following the Local Government Triennial Elections, on a date to be agreed between the Committee and Council staff.

The Council will arrange for public notice of the date, time and place of the public meeting by placing an advertisement in a newspaper circulating in the Ward, between seven and fourteen days prior to the public meeting.

The Chairman of the outgoing Reserve Management Committee, or in his/her absence a member of the Committee appointed by a majority of the Committee members, shall preside at the public meeting.

A candidate for election is not required to be present at the meeting to be eligible for election, provided he/she has advised the outgoing committee in writing of his/her intention to stand.



## ATTACHMENT TO CLAUSE 6

### 5. APPOINTMENTS

The Committee may recommend members for appointment at the triennial election meeting and may also co-opt additional members at any time throughout the three year term.

Appointments may be made of representatives from sporting clubs or organisations which use the particular reserve on a regular basis, or of persons who are able to make a contribution to the work of the Committee.

Prospective appointees must consent to nomination in writing or verbally at the public meeting.

### 6. APPROVAL OF MEMBERSHIP

The names of persons elected or recommended for appointment to a Committee must be submitted to the relevant Community Board for approval within one week of the public meeting at which the election was conducted.

The names of persons co-opted by the Committee throughout the three year term must be submitted to the relevant Community Board for approval within one week of the person agreeing to accept appointment to the Committee.

In the event of any member(s) not being approved by the Community Board, the matter will be referred back to the Committee with an explanation of the reason for the Board's decision and a request for a further nomination(s).

Should the Community Board be dissatisfied by the further nomination(s) made, the Board may appoint to any Committee any person who in the opinion of the Board has knowledge or qualities that will assist the work of the Committee.

### 7. EXTRAORDINARY VACANCIES

In the event of extraordinary vacancies occurring in the membership of the Committee, the Committee will make a recommendation to the relevant Community Board for the filling of any such vacancy.

The Committee may choose to recommend that the vacancy not be filled.

Should the Community Board be dissatisfied with a nomination to fill an extraordinary vacancy, the provisions of the preceding clause will apply.

### 8. QUALIFICATIONS TO BE A CANDIDATE OR AN ELECTOR FOR A RESERVE MANAGEMENT COMMITTEE

To qualify **for election** to a Committee, a candidate must be registered as a New Zealand parliamentary elector. To qualify as **an elector** persons must meet the requirements of Sections 23 and 24 of the Local Electoral Act 2001 (with the proviso that the relevant area for qualification is the community in which the particular reserve is located), and be present at the triennial election meeting.

This means that any person qualifies as:

1. A **residential** elector - if the address in respect of which the person is registered as a parliamentary elector is within the community in which the reserve is located.
2. A **ratepayer** elector - if the address in respect of which the person is registered as a parliamentary elector is outside of the community in which the reserve is located **and** the person is identified in the valuation roll as the sole ratepayer or the nominated ratepayer elector in respect of a rating unit within the community in which the reserve is located.

### 9. COMMITTEE OFFICERS

Each Committee will elect its own Chairman, Deputy Chairman and Secretary/Treasurer (as per delegated authority from the Community Board).

**ATTACHMENT TO CLAUSE 6**

**10. ADMINISTRATION and MEETINGS**

Each Committee will decide when and at what frequency it will hold ordinary meetings (as per delegated authority from the Community Board).

As a Community Board sub-committee the Committee is bound by the various Acts and Regulations governing the operation of a Local Authority and is also subject to the Council's Standing Orders.

Each Committee must keep a record (minutes) of all meetings, which must include the following information:

- the names of those present
- any apologies submitted
- any decisions or resolutions made at the meeting

The minutes from each meeting of the Committee will be forwarded to the relevant Community Board for its information and the consideration of any recommendations.

Meetings of the Committee, where a decision(s) will be made, must be publicly advertised. Advice of upcoming meetings must be given to Council staff at least fourteen days prior to the meeting. Staff will then arrange for public notice of the date, time and place of the public meeting by placing an advertisement in a newspaper circulating in the Ward between seven and fourteen days prior to the public meeting.

The quorum at a Committee meeting will be half of the members if the number of Committee members is even, or a majority of members if the number of Committee members is odd.

The quorum for the triennial election meeting will be five.

**11. FINANCIAL**

The money earned by a Committee is effectively Council income, however, this money and any interest accrued to it is to be managed by the Committee.

Each Committee will be provided with a Cashbook that should be used to document financial transactions.

The following information must be forwarded on request to the Council's Accounting Operations Team by 31 July each year to enable the information to be processed and completed end of year accounts prepared:

- Details of revenues generated and expenses incurred for the year ended 30 June
- Copies of all bank statements as at 30 June
- Copies of all expense invoices
- Details of any appointments or resignations of committee members during the year.

The Committee will not be able to raise loans. Any request for capital will have to be submitted through the Community Board to the Long Term Plan (LTP) process.

The Community Board will meet with the Committee on an annual basis to discuss annual plan requirements and will include the Committee in the LTP process.

## **12. DELEGATIONS**

The Council has delegated to Community Boards some of its powers under the Reserves Act 1977. The Banks Peninsula Community Boards have in turn sub-delegated some of those powers to the Reserve Management Committees. (See attached)

NOTE: The delegations which have been retained by the Community Boards are as follows:

The powers of the Council (except the hearing of submissions/objections) in relation to:

- Declaration of land as a reserve.
- Exchange of reserves for other land.
- Change of classification or purpose or revocation of a reserve.
- Preparation, review and change of management plans for reserves.
- Granting of rights-of-way and other easements over reserves.
- Granting of leases or licences on reserves.
- The power to approve an assignment, sublease or mortgage of the lease of land under the Reserves Act where the lease provides such consent will not be unreasonably withheld.
- The power to grant leases for a maximum term of 20 years (less 1 day) to voluntary organisations over land held under s.138 of the Local Government Act 2002 for the erection of pavilions and other buildings and structures associated with and necessary for the use of the land for outdoor sports games and other recreational activities.
- The power to issue leases or licences for the carrying on of any trade, business or occupation on land (excluding public road) held under s.138 of the Local Government Act 2002 for terms not exceeding five years and at rentals not exceeding \$20,000.
- The acceptance of tenders for stall licences on reserve sites.
- The power to make submissions on behalf of the Council, on applications for resource consents, to other territorial authorities or the Canterbury Regional Council, where the application is of particular concern to the local community.

## **13. RESERVE MANAGEMENT PLANS**

The Community Boards will consult fully with the relevant Committee on the preparation, review and change for management plans.

## **14. DAILY OPERATIONS**

Where possible the Council and the Community Boards intend to adopt a "hands off" approach and encourage the continuance of local involvement in the Committee. The Committee shall make all the necessary arrangements for the day-to-day running, maintenance and management of reserves in accordance with Council policy, relevant legislation and any development or management plans for the reserve.

Council staff will liaise with the Committee on appropriate matters.

The Committee may seek guidance from Community Board members or Council staff on any issues that arise.