

Reserves Act Hearings Panel MINUTES ATTACHMENTS

Date: Friday 8 May 2020
Time: Held by Audio/Video Link 10am
Venue: Archery Club Development and Tree Removal on
Rawhiti Domain

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1

Submission on Archery Club development and tree removal on Rawhiti Domain

9 March 2020 Brian Sandle

I live near Rawhiti Domain and have watched its changes over some 70 years. Though I support activities for the Domain I disagree with the proposals without further qualification.

The constant tree removal from Rawhiti Domain means less habitat for bird and insect life.

2



Fifty years of tree loss from Rawhiti Domain
(Canterbury Maps archive)

3

I can't support tree removal without agreement as to reinstating equivalent tree canopy volume nearby.

As I drive to New Brighton along Pages Road I note fewer trees as I get past Aranui. Big trees have many benefits such as bringing up ground water into the atmosphere, producing aerosols which encourage rain droplets, providing wind and especially sun shelter so needed with the low rain fall we are getting.

Every time one tree is let go it seems to set a precedent for others to be let go.
With the right care and diverse companion planting such forests as Rawhiti can add to provide much economic benefit of bird watching, into the billions of dollars in US.

4

“Cool Facts and Figures

Birding in the United States: A Demographic and Economic Analysis, an addendum to the 2011 National Survey, shows that bird watchers spend nearly \$41 billion annually on trips and equipment. Local community economies benefit from the \$14.9 billion that bird watchers spend on food, lodging and transportation.

In 2011, 666,000 jobs were created as a result of bird watching expenditures.”

<https://www.fws.gov/birds/bird-enthusiasts/bird-watching/valuing-birds.php>

5

A fairly recent tree removal in Rawhiti was of a large number of eucalypt trees which could easily have been the wintering-over home for Monarch butterflies. They were removed for a power station. I await official information as to whether any compensation is being spent as required by the Rawhiti Domain

Act. **“3Application of revenues from leases under this Act.**

All revenues received from any land leased under the powers conferred by this Act shall, after deduction of all expenses incurred in connection with the granting of such leases, be paid to the Rawhiti Domain Board to be expended for such purposes for the improvement or extension of the domain as the Minister of Lands approves.”

I believe the compensation should be spent in Pratt St near the red zone to provide a wildlife corridor from the Avon River to Rawhiti

6

Official information reply from CCC

“The Rawhiti Domain Act 1925 was a three-clause Act to provide additional powers re leasing/revenues to the Domain Board supplementary to the Public Reserves and Domains Act 1908.

Staff are of the view that these would have all been superseded by subsequent Acts, for example the Reserves and Domains Act 1953, culminating in the current Reserves Act 1977.

Rawhiti Domain is held and managed under the Reserves Act 1977. There are no Domain Boards now and no Minister of Lands.

Staff report that the substation was an emergency measure sought by Orion and considered by the National Civil Defence Controller in 2011. Subsequently the Council undertook a change of classification of part of Rawhiti Domain to Local Purpose (Utility) Reserve under the Reserves Act 1977 to facilitate easements for this and water utilities.”

No mention of compensation. So our city forests get eaten away

<https://fyi.org.nz/request/12405-details-of-fund-transfer-re-rawhiti-domain-power-station#incoming-47436>

7

The Power Station benefits a lot of people outside of Rawhiti Domain,

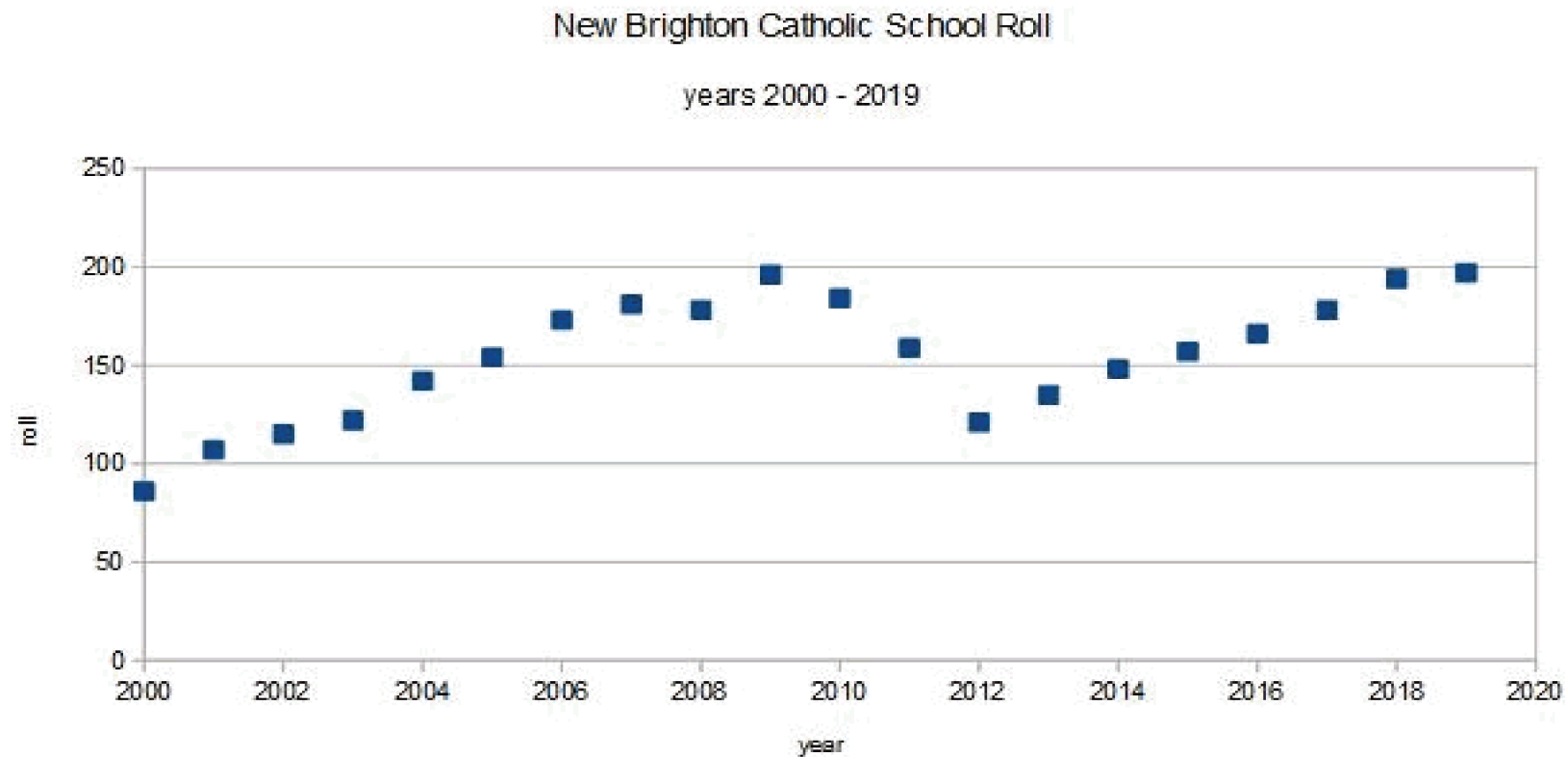
But so do trees. Especially for birdlife and for the climate issues I stated.

What about the large archery range area? How many people are or shall be benefiting?

Because wouldn't a new building site lease imply ongoing access to the adjacent field?

The CCC report on this application mentions a Facebook notice. Discussion has occurred there and should be noted here. CCC have replied to some questions but not all.

8



My submission continued: “Can an archery club provide long term sustained membership to look after its building better than happened to the shooting club building under the trees near the golf club, and the useful kitchen &c of the camping site?

The tennis club has had some use recently but the spoutings are not being attended to which is going to cost them more.

A new netball court has been built near the tennis and archery but it is affiliated to Eastern Community Sport with rooms to the east of the Domain and the rugby/cricket fields. Cricket have also joined Eastern Community so they only need a small building near the cricket field. Same could be done for archery with an extension of the existing building for the sport, whereas meetings like tonight held at Eastern Community. That would provide interplay with the other sports clubs, too, including softball.”

However that does not consider the wider field use which seeing Robbie Baigent's submission yesterday has made me think of.

I wish submitters could have more discussion earlier. The Facebook group helped, and some people may have thought it to have effect like a submission.

10

For example on Thursday morning:

“Patrick Boland That club has a significant footprint in the domain and doesn't always play nicely with others. For example after the earthquakes when Canterbury Athletics rehomed at Keyes Rd.”

And: “Dianna Williams I want to know why all the other clubs have to asset share to get anywhere on council grounds, which is actually a sensible thing to do financially if not a bit of a nightmare logistically, yet the archery club want more space and to take down more trees to use solely for themselves and then to add insult to it all want exclusive use of certain parts of the domain pretty much half the year. It may have been there since adam was a cowboy but I'm sure the population has increased since then and are commanding a good chunk of the domain for a sport that should be in a less built up area.”

11

And 12 weeks ago:

Nichola Tyson Hmm ...all the other clubs using the Domain are available for public use, the athletics club area is used by the schools, the rugby and golf clubs are available for public/private functions, not sure how I stand on exclusive private use.. edit to add, the netball club is also used by schools

Nichola Tyson

Nichola Tyson I'm assuming the club will increase their events? which will make it a bit of a nightmare for anyone else wanting to hold events in the domain as they don't like noise, this has been an issue already.

12

CCC: “Hi everyone, thanks so much for all your feedback. Just to clarify – the only areas that will be affected by the proposed lease is the land that the extension will be built on. All of the fields are booked through our sports field allocation and this will not change. Apologies if the maps caused some confusion – we have updated the Council webpages to make this more clear.”

I reply: “But doesn't a lease to that bit of land imply that the Archery Club would have rights to block off a large field for their outdoor events for another 25 years? The Club has an existing ground lease for its clubrooms, which expires on 30 June 2021. Leases do not have to be renewed if conditions change. That original lease will have been granted when the nearby New Brighton Catholic School, which uses the adjacent Rawhiti Domain area for its playing field, had a much smaller roll. The original lease was granted in 1995. I don't have the roll then but it has more than doubled since 2,000. Rooms 5&6 are being made two storey so that the hall may not have to be used. Besides, with covid or other pandemics possible and any need to space out pupils, would it be likely that they might need to hold school on Saturday when the Archery Club often has outdoor events? The school has agreed but that would be before the lockdown, social distancing. Perhaps it is lucky that the Archery Club lease ends in 2021.”

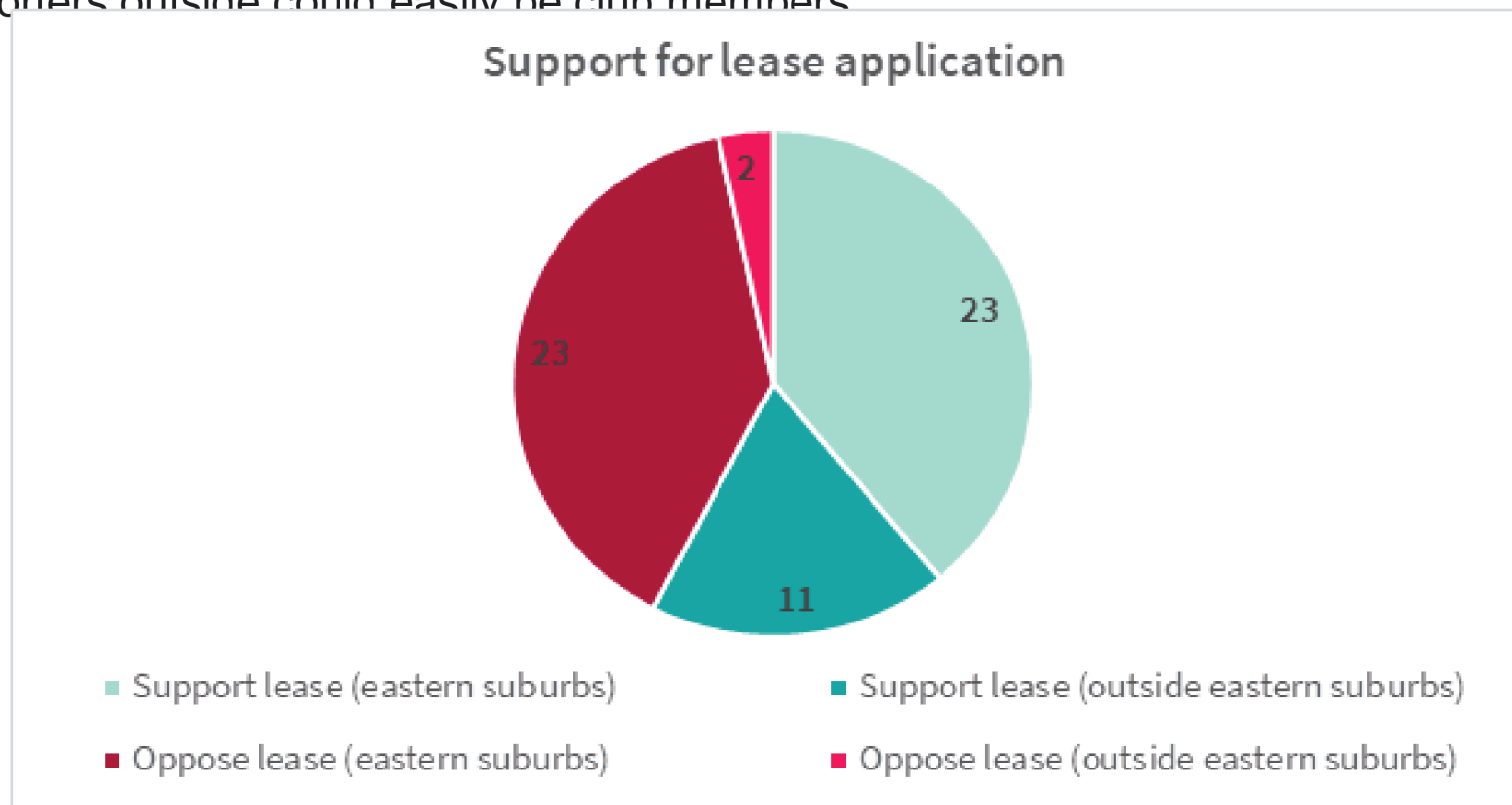
As yet no reply.

See more of the discussion at:

<https://www.facebook.com/groups/710744462328950/permalink/3495203073883061/>

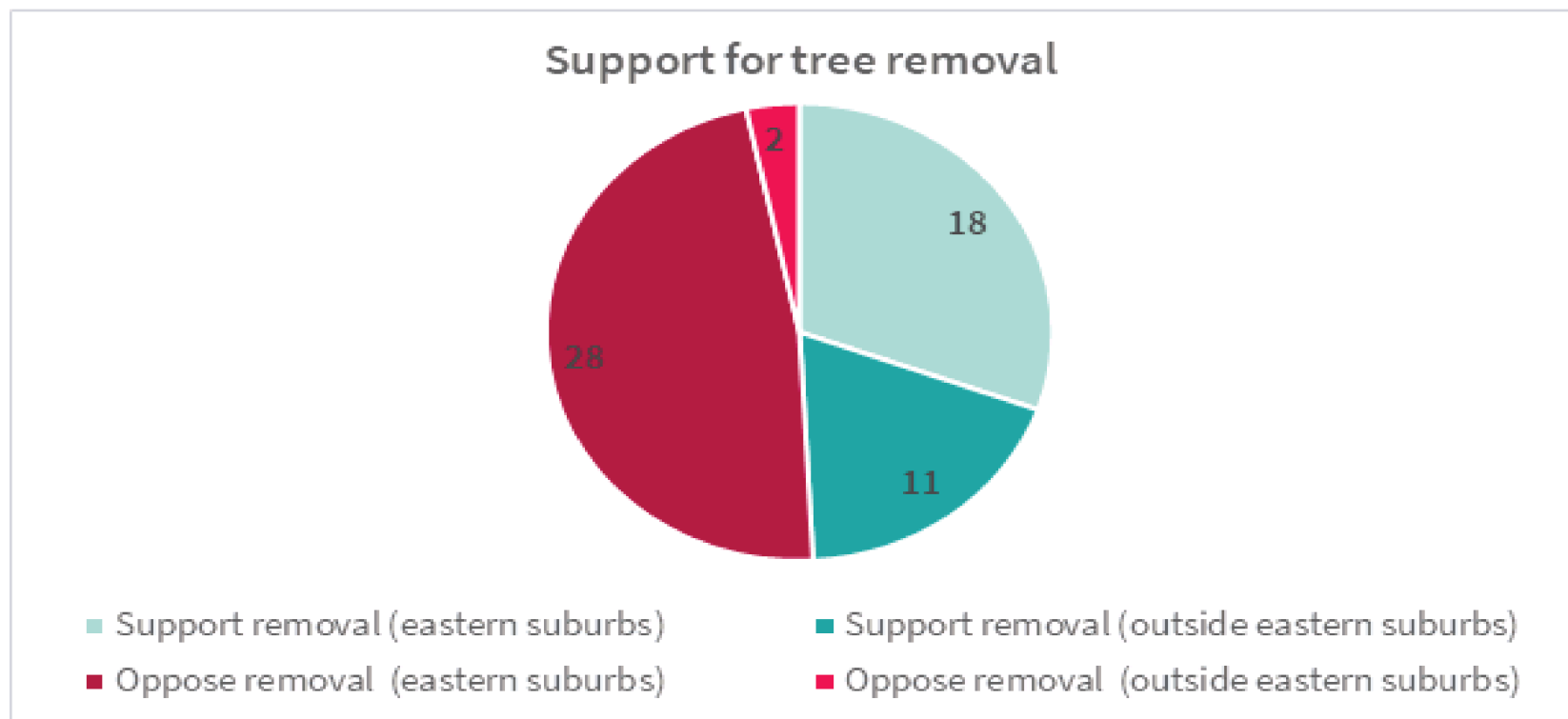
13

Concerning CCC analysis of submissions see the big difference between lease supporters and opposers outside eastern suburbs, but not inside. The eleven supporters outside could easily be club members



14

. The submitters have understood the effects of tree removal better than about how the lease was presented. Again the eleven/two support from outside the area.



If the project happens to go ahead, here is something from my submission addendum:
15

"A fault in the past of tree planting has been contractors planting them have not been contracted to water them which has been left I presume to maintenance and I think quite a number of totara trees died before growing much. (near former camping ground and dog park.) That was a terrible waste of an expense in a contract. So I would say sufficient watering needs to be in any agreement."

The Archery Club would be responsible for replanting/shifting of trees but what about watering for as long as is needed?

"It looks like with Covid-19 there are going to be quite a few people out of work. Rawhiti Domain was planted by people out of work. Trees after they grew were sold with the intention of reducing the rates, New Brighton Borough Council. It's my thought now the Rawhiti resource ought to include birds per the US bird watching package. And out-of-work people might be engaged gainfully for our economic future for when travel can resume. We used to have great flights of starlings for roosting in the trees, the sky would go quite dark, and pigeons when the fields were planted in grass. The starlings for some reason moved to Shackleton St area. Trees have been cut around there and I've been advised on Facebook Luke Boyce: "There's been like the flock has split in two. The last two years a heap started staying in Bexley while others returned to the sanctuary (Shackleton) in the pines." And: Sandra Anne "Omg they have come back they are magic to watch as they come in as groups to sleep in those pines real stunning to see." I can't find it now but there was a reply they hadn't come back.

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"When the dunes opposite Thomson Park were soiled and grass-planted, herons use to live in the tall trees on Thomson Park and go to the new grass to feed.

I don't think we have the same number of owls we used to. Bellbirds showed for a while a few years back but I don't see them much now.

Swallows which I didn't see flying over the beach dunes near Rawhiti years ago, have lost a lot of habitat further north and now they seem to have to come here.

We do need a variety of trees and other plants offering foods across the seasons where possible. Rawhiti used to breed huge numbers of moths, (food for birds) until I presume pesticides have been used? Now I see hardly any in comparison around the street lights. And I wrote of the wintering of Monarchs.

The "moving" of trees in this case may seem small in relation to the size of the Domain. Some of them may be of a size which can be moved as the palms in New Brighton Mall were. What about the big tree? The big ones can offer a large volume of nesting room if not all the foods needed.

I would hope a handbook could be developed encompassing many facets of wildlife and checking such projects as the current one against those facets. One reason people feel strongly about trees is also about the wildlife they can be habitat for."

People can sometimes prefer them to play equipment and skate board areas. Following photos
From Nov 4 2006 in Thomson Park

¹⁷
People
like being
on the
bushy tree
by band
rotunda



18



Attachment A Item 6.

19

Only one person on
skateboard area



²⁰
Good use
of Rawhiti
sports field
space on
Monday
March 2
2009
4:28pm



21

Waitangi
Day 2009
Bushy
tree in
use



Reserves Act Hearings Panel

Memo

Date: 22 May 2020
From: Jacqui Wilkinson, Committee and Hearings Advisor
To: Reserves Act Hearings Panel

Archery Club Development and Tree Removal on Rawhiti Domain

Responses to question raised by the Hearings Panel

- 1 If the panel was of the view to renew the old lease and/or grant a new lease does the panel have the scope to place new conditions and / or time frames in the lease?

The current ground lease terminates on 30 June 2021. Any lease from that point will be a new lease, not a renewal. Prior to then it will also be a new lease subject to the existing lease being surrendered. New ground leases on parks generally follow a standard template and conditions, and be for a term of 33 years including 2 rights of renewal of 11 years each. This term provides sufficient time for a lessee to be viable with the investment and commitment it makes.

- 2 Who installed the gate at the car park? And who has keys and who locks it?

The Council would have installed the gate, probably after the time the car park was formed in order to reduce the vandalism. It has a Council Parks Unit master lock on it, with keys held by Unit operational staff. The gate should be unlocked and open, though.

- 3 Who owns the current building that the Archery Club is using?

The Archery Club.

- 4 It is being suggested that we recommend granting a Lease for the Car Park. How does this fit with the consultation, which was for a Licence to Occupy?

Due to considerations last year of the interpretation of the application of the different subsections of Section 54(1) of the Reserves Act, it was determined that only a lease was appropriate to be applied in situations that involved a periodic exclusive use of an area of recreation reserve land for the purpose of a car park. This happened after the staff report seeking approval for public consultation was put on the Community Board agenda last year. As the proposed lease for the car park is under the same subsection as the licence to occupy would be (i.e. Section 54(1)(d)), there is, in effect, no difference in the terms and conditions between the two instruments of occupation (other than that only the lease allows exclusive use), and it was considered then that the change could be put into effect by the Leasing Consultancy team at the time of preparation of the deed. It is to be noted that the lease for the existing building and the proposed extension would be under Section 54(1)(b) of the Reserves Act.

- 5 Does a Lease mean that they will pay to lease the car park, but their exclusive use is only permitted on their events days? The rest of the time the car park is available to all park users?

As advised in the reply to question 4, there will be no particular difference in the terms and conditions of the two instruments of occupation - lease and licence to occupy - other than that a lease is able to allow exclusive use (proposed to be periodic in this case), whereas a licence to occupy does not allow this.

Under both types of occupation, the car park will be administered and maintained by the Council in accordance with the car park's asset priority ranking. To upgrade and maintain it to a standard greater than this ranking will require the Club's financial input at its discretion; however, any works will require prior Council approval and the asset, and any improvements to it, will remain in the ownership of the Council, with no recompense, or right to remove any improvements, available to the Club. It is anticipated that the car park will be available to other park users outside the times the Club has exclusive use.