

# STAFF REPORT

**TO:** Community Services Committee  
**FROM:** Community Services Manager  
**DATE:** 29 June 2010  
**SUBJECT:** Hope Reserve Report –RCS10-07-01

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## PURPOSE

To provide a full background on the shifting of the Druids Lodge building and to suggest possible options for Council to consider.

## BACKGROUND

### 1 Why the building was shifted

The following is a detailed summary of the steps that were taken which resulted in the shifting of the building at the Hope Reserve:

- 1.1 As part of the 2008/09 Annual Plan process, the Hope Tennis Club applied for funds towards the construction of four new courts at the Hope Reserve. Council agreed to provide \$150,000.00 towards the estimated total cost of \$243,000.00.
- 1.2 In April 2009 staff, on checking the Hope section of the Richmond Ward Reserves Management Plan, found the following:  
  
**“Policy 9.3.6: Limit tennis to the existing six courts”.**  
  
This meant that before any work could commence on the four new courts, an amendment was required to the Management Plan.
- 1.3 On 21 May 2009 the following resolution was passed at the Community Services Committee meeting:  
  
**That pursuant to Section 41.9 of the Reserves Act 1977, public notice be given that the wording of Policy 9.3.6 of the Richmond Ward Reserves Management Plan be amended to read “Limit tennis to a maximum of 10 courts”.**
- 1.4 Public notice of this proposed change was given on 30 May 2009 and it was also inserted into Newsline in late June and mid July.

- 1.5 Submissions closed on 31 July 2009 and five submissions were received.
- 1.6 At the 13 August 2009 Community Services Committee meeting a Hearing Committee was appointed comprising the Chair, Councillor Higgins and Councillor Currie. This Committee was also given authority to make the final decision.
- 1.7 On 25 August 2009 the Hearing was held and three of the submitters were heard. The following were the main points raised in the submissions:
- Concern at the loss of green open space as a result of proposed siting of the new courts (see attached plan 'A').
  - Proposed siting would affect the area used by dog clubs which could mean that these groups would have to operate closer to the houses surrounding the reserve.
  - Often witness "unusual goings on" behind the Druids Hall and new courts would obscure that area even more.
  - The use of the reserve by dog clubs has severely limited the amount of area left free for other activities.
  - Oppose the tennis courts bright lights.
  - Not convinced additional courts required.
  - That the Druids Lodge be moved and the new courts constructed there.
  - Present plantings between the Hope Hall and tennis courts should remain.
  - Major sewer line would run under new courts.
  - More young families using the reserve.
  - Not enough community consultation.
  - Request to change the proposed number of courts from 10 to 12 in the Management Plan.
- 1.8 After hearing the submitters and considering all submissions received, the Hearing Committee resolved as follows:

**CS09/08/18**

**THAT:**

- (a) The Hope Reserve Section of the Richmond Ward Reserve Management Plan be amended as follows:**

**Section 9.3.6 - Limit tennis to a maximum of twelve courts with the first ten courts running in a line along the north-east boundary.**

- (b) The building in the north-east corner of the reserve currently used by a Lodge be shifted within the reserve to allow for the four new tennis courts.**
- (c) This decision being subject to the Richmond Ward Councillors approving the allocation of funds from the Richmond Reserves Financial Contributions Account for the shifting of the Lodge building.**

1.9 The Richmond Ward Councillors were emailed on 25 August 2009 asking for their approval to allocate funds required for shifting the Lodge building and this was received.

1.10 A meeting was held with the Reserve Management Committee on 27 August 2009 to advise them of the outcome of the Hearing and to discuss possible sitings for the Lodge building.

1.11 On 31 August 2009 official notification was sent to the Hope Recreation Reserve Management Committee advising them of the outcome of the Hearing and pointing out that with the cooperation of their Committee, the Lodge and the Tennis Club, a site for the building to be shifted to would be finalised shortly.

1.12 In early September members of the Recreation Management Committee, Lodge representatives and Council staff met on site to see whether the Lodge building would fit near the tennis courts on the grass area just off the carpark. On that day it was realised that this proposed siting may not be viable because of the sewer main that passes through the site.

This was followed soon after by another on site visit again involving the Reserve Management Committee and the Lodge where other possible sites were considered.

1.13 A letter dated 24 September 2009 was received from the Reserve Management Committee recommending the siting for the Lodge building between the carpark and the petanque courts.

1.14 This siting was 7.5 metres from the reserve boundary and was well within the bulk and location standards within the recreation zone. The closest the building could be to the boundary is 4.5 metres and even then the building could be 1 metre higher than the final height as the building now is.

1.15 This chosen site required the shifting of a set of swings and a Roc-to-pus, which are being reinstated within the main playground area, however, this has not impacted on the total area of the playground as there is plenty of room to expand to the west.

1.16 Periams Enterprises were engaged to obtain all the required consents and for the shifting and completion of the building. Due to the fact that there was more work than anticipated and also the Christmas holiday season was during this time the plans took a lot longer than anticipated which meant the building was not shifted until the end of April.

## **2 Building History**

2.1 The building is 106 years old.

2.2 It was shifted from Ranzau School over 30 years ago for use by the Scouts, Cubs, Guides and Brownies when Hope residents heard that it was to be demolished.

2.3 On 14 September 2003 the Scouts surrendered their lease of the building and it sat unused until the Maitai Druids Friendly Society negotiated a lease with the Reserve Management Committee.

2.4 Council prepared a Deed of Licence between the Druids Society and Council and this was signed on 13 September 2004.

2.5 The Maitai Druids have advised that approximately 80% of their use of the building is for sport, such as indoor bowls.

2.6 The building is owned by Council.

## **3 Removal of trees**

Once the building was shifted the tennis club's contractors commenced clearing the site for the four new courts. In doing so they removed trees and shrubs that were located between the former lodge site and the northern and western boundaries of the reserve.

This created issues as we were then informed that the trees were planted by Scouts while they were using the building.

Unfortunately this information was not known by Council and therefore no mention of the significance of these trees was recorded in the Hope Reserve Management Plan.

We have offered to provide replacement trees for planting somewhere on the reserve and that a seat or something similar could be installed with a plaque indicating that these trees were planted to commemorate the use of the reserve and former Ranzau School building by the scouts. To date no response has been received to this written offer.

## **4 Reserve status issues**

The reserve is classified as a Recreation Reserve under the Reserve Act 1977. The opponents to the building have reminded Council that in Section 17 the purpose of

recreation reserves are primarily for outdoor recreation activities. This section prescribes an emphasis on the retention of open spaces and on outdoor recreation activities. This does not mean that indoor recreational activities are excluded.

In fact Council's legal advisors have confirmed that Section 53 of the Act gives the power to the Council to erect buildings and structures for public recreation and enjoyment not directly associated with outdoor recreation.

The only problem here is that in this case the building cannot be leased/licensed to the Maitai Druids for their sole use.

Should Council wish to retain the building on the Hope Reserve either in its current location or some other site, the building would need to be managed by Council (in this case probably the Reserve Management Committee), and the Maitai Druids would need to hire it like any other group.

Obviously for this to happen, Council will need to reach agreement with the Druids on how this will work.

## **5 Misinformation**

From the day the shift commenced a lot of misinformation has been out in the public arena and these include are shown in italics with staff comments below.

### **5.1 *"Council acted illegally in shifting the building to the new site and was in breach of the Resource Management Act."***

The land is zoned for recreation purposes and the location of the building complied with the bulk and location standards within the zone. This means that the building relocation did not trip any of the rules that would have required a Resource Management Act consent. As this was an 'as of right' situation, the Council did not have to turn its mind to whether or not written approval of neighbours was required prior to the issue of the building consent (quotation from a letter written by the Environment & Planning Manager).

### **5.2 *"The Hope Recreation Reserve Committee is shrouded in secrecy."***

The Hope Recreation Reserve Committee is elected triennially after appropriate public notice of the meeting. Council has an elected member appointed to the Committee (currently Cr Edgar). Their minutes are public documents.

### **5.3 *"There is not a fair representation of residents on the Committee."***

All Management Committees are made up of representatives of the various users of the reserves/halls plus other interested members of the public. It is difficult to see how there is not fair representation on the Committee especially when there is also an appointed Councillor. It should also be noted that it is becoming harder to attract enough people to stand for these committees.

5.4 *“There is a conflict of interest with Committee members.”*

The only potential conflict of interest could be with any person on the Committee also being a member of the Druids. However, all the Committee were asked to do, along with the Druids, was to find a suitable site for the building. Council made the decision to shift the building and the first Druid members would have known of this was after the Hearing of 25 August 2009. Therefore, there can be no conflict of interest.

5.5 *“A third of the playground has been lost.”*

The statement that a third of the playground has been lost is incorrect as pointed out in ‘1.15’ above. It should also be noted that vehicle barriers have been erected at both ends of the Hope Hall which makes this large green open space safe for children to play on.

5.6 *“Affected parties were entitled by law to make submissions on the relocation of the building.”*

See comments under the first bullet point above.

5.7 *“There have been secret deals involving the Druids.”*

The comment that there have been secret deals involving the Druids has probably been covered previously. However, just to reiterate the first the Druids would have known of the proposed shifting would have been after 25 August and a letter from the Reserve Management Committee dated 24 September confirmed the proposed site which was agreed between the Committee and the Druids. Therefore there was nothing to be gained from any “secret deals”. Such comments are unfortunate and are irrelevant to the real issues.

## **6 Things that went wrong**

6.1 Whilst the new site meets all the bulk and location requirements, I do believe that prior to it being shifted the actual height of the building was not appreciated as it had sat in the corner of the reserve well away from other buildings for many years. Had the building been a single story building with a normal roof these problems may not have surfaced.

6.2 When something as significant as this takes place, Council would normally keep neighbours informed of what is proposed as a public relations exercise and in this case this was planned to happen. Unfortunately through what appears to be a breakdown in communications, this never occurred.

## **OPTIONS**

At the time of writing this report I have not seen what the petition, being presented to Council, is asking. However, I will assume it is asking Council to shift the building from its current site.

There are obviously other site options on the Hope Reserve although a site close to the carpark may be difficult to find other than the area between the hall and the tennis courts where there is a main sewer line. At the southern end of the hall a sealed driveway provides access onto the green open space. A building at this location would also impact on the green open space which was something raised at the Hearing.

At a meeting with the Hope Residents Action Group it was also suggested that the building could shift next to the tennis courts even if over the sewer main, to Founders Park or onto the Lutheran Church land next to the Ranzau School.

Before considering shifting the building off the Hope Reserve land, it would need to be noted that the building belongs to Council and the Maitai Druids only have a lease of it.

### **Options to be considered**

- 1 Leave the building where it is currently sited as it meets all the bulk and location requirements and the fact that it is next to the carpark makes it a good site for current and future users.
- 2 Relocate the building to another site somewhere on the Hope Reserve. Having discussed the issue of the sewer pipeline with Council engineers and being informed that there are ways around this, the best alternative site would appear to be next to the tennis courts at the end of the Main Hall.
- 3 Relocate the building to another property.
- 4 If either option 1 or 2 are considered, staff will need to negotiate with the Maitai Druids over their current sole use of the building as noted in Item 4 of this report.

### **RECOMMENDATION**

Without knowing the wording of the petition it is difficult to provide a firm recommendation for Council to consider. However, having said that, I believe the main issues that will need to be addressed are whether the building is to be shifted or whether it will be used for public recreation and enjoyment as provided for under Section 53 of the Reserves Act 1977.

Therefore the two possible resolutions are:

- 1 THAT the Hope Reserve Hearing Committee (Crs Bryant, Currie and Higgins) be requested to investigate alternative off site locations for the building and report back with their recommended sites to the Community Services Committee and subject to an appropriate site being found, that the building continue to be leased/licensed to the Maitai Druids Lodge; or

- 2 THAT the building remain either in its current location or somewhere else on the Hope Reserve subject to it being used and managed as a building for public recreation and enjoyment with the control of the building remaining with Council and the Hope Reserve Management Committee and further, that staff negotiate this proposal with the Maitai Druids Lodge and if agreement cannot be reached, that staff report back to the Community Services Committee where the future location of the building can be reconsidered.

Additional recommendations are:

- (a) Agree to the replacement planting of trees, if requested, somewhere on the Hope Reserve to commemorate the use of the former Ranzau School building on the reserve by the Scouts, and that an appropriate plaque be provided on a seat or table near the tree planting.
- (b) Provide funds from the Richmond Reserve Financial Contributions Account to fund any possible shift or additional costs associated with making the building suitable for public use.

## **ATTACHMENTS**

Plan A – One option considered for new tennis courts

Plan B – Hope Reserve before changes

Plan C – Building relocation

L L Kennedy  
Community Services Manager

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