

29 March 2010

File Ref: P63033 / 04530/176

TO THE CHAIRMAN AND MEMBERS OF THE POLICY COMMITTEE

PROPOSED LEASE UNDER RESERVES ACT 1977 TO CAMBRIDGE BMX CLUB INCORPORATED

1 PROPOSAL

To consider submissions under the Reserves Act 1977 on Council's publicly notified intention to grant a lease to Cambridge BMX Club Incorporated for part of the Cambridge Town Belt, to amend the proposed lease after consideration of submissions and to seek the consent of the Minister of Conservation to the granting of the lease.

2 SUMMARY

The Cambridge BMX Club Incorporated ("the BMX Club") applied to Council in 2007 to lease a portion of the land on the corner of Milton and Lamb Streets, Leamington, being part of the Cambridge Town Belt administered by Council, and to relocate the BMX Club's activities to this site (see Appendix 1 for lay-out of site). The BMX Club are now holders of a resource consent under the Resource Management Act 1991 to develop and use this site for its activities.

The BMX Club requires a lease to be granted by Council as the administering body. The majority of the Cambridge Town Belt has been classified as recreation reserve under the Reserves Act 1977 ("the Act"). Under the Act, Council is required to have a reserve management plan for the reserve, in this case being the Cambridge Town Belt Management Plan 1996 ("CTBMP"). Whilst the CTBMP anticipates that leases may be granted, it does not contain specific powers for Council to grant a lease and accordingly, a process under the Act has to be followed. This involves public notification, unless there are certain exceptions. It was considered that the requirements of the Act would not be met without public notification in this instance.

Council has publicly notified its intention to grant a lease to the BMX Club (a copy of the Notice is attached as Appendix 2). Submitters are entitled to be heard and the administering body is required by the Act to give full consideration to the

submissions. A total of 34 submissions were received, of which 19 oppose the lease (or certain aspects of the lease) and 15 are in support of it. 3 submitters wish to be heard and 5 to be heard "if needed". Copies of the submissions are attached as Appendix 3.

- The Act allows for the administering body of a recreation reserve, with the consent of the Minister, to grant leases for land on which buildings and structures associated with recreational activities are located.

The CTBMP does not provide for Council to grant a lease, and as such the Council as the administering body of the reserve cannot consent to the proposed lease without requiring the Minister's consent.

In considering whether to grant the proposed lease (attached as Appendix 9 and subject to ministerial approval), the following matters require to be considered by Council:

- The submissions
- Does the proposed lease meet the requirement of the reserve management plan under the Act (CTBMP) ?
- Does the proposed lease conform with Council's Property Management Policy ?

The Submissions

A summary of the submissions received can be found in Appendix 4. Council staff consider that only one submission is appropriate to be considered by Council's Policy Committee, this relates to the relocation of any second hand buildings. The remainder of the submissions are either in support of the lease being granted or are considered by Council staff to raise matters already litigated through the resource consent process and covered by the Environment Court mediation process and conditions in the consent.

In relation to the submission on the relocation of second hand buildings, it is recommended that the lease incorporate a condition to the effect that any such building will require to be renovated to the same standard as if it were a new building on the site. In light of the submissions it is also recommended that a condition be incorporated in to the lease which requires the review of all lease conditions (apart from tenure) after 12 months of use of the site.

The Cambridge Town Belt Management Plan 1996

The purpose of the CTBMP is stated as being to -

- *"ensure the cohesive development and sustainable management of the Cambridge Town Belt whilst providing recreational space for members of the community. Conservation and aesthetic values must not be compromised in*

this undertaking; indeed opportunities should be taken to enhance the Town Belt landscape and that of the urban environment.”

There are certain key principles in the CTBMP and this report will demonstrate how the granting of the lease is within the intentions of the reserve management plan.

Council’s Property Management Policy

Council’s community leases policy, states:

“Council will support recreational, educational, cultural and sporting clubs by permitting use of existing reserve land at minimal cost, provided the use meets the criteria of the relevant Reserve Management Plan.”

The policy makes provision for the term of a lease to be five years with two rights of renewal of five years each, with rent to be reviewed on the renewal of each term. The policy provides for a longer tenure of lease to be considered in specific cases where asset improvements need to be recognised. This would be the case with the BMX Club’s proposal as it is outlaying a significant amount of capital in the construction of the track. A lease for a term of 15 years with one right of renewal for a further 15 years, and with five yearly rent reviews is considered appropriate. In all other respects this report will demonstrate that the proposed lease is in conformity with Council Policy.

Subject to any amendments to the proposed lease made by Council’s Policy Committee, this report proposes that the Committee recommend to Council the granting of the lease and to seek the consent of the Minister of Conservation to the lease.

3 RECOMMENDATION

That

- a) *The report of the Property Team Leader, Colin Windleborn dated 29th March 2010 be received:*
- b) *that the proposed lease attached as Appendix 8 incorporate the following conditions:*
 - i. *All conditions of the lease with the exception of tenure will be reviewed following 12 months use of the site;*
 - ii. *Any building relocated to the site must of renovated to the same standard as if it were a new building on the site;*

- c) *that subject to any amendments to the proposed lease after consideration of submissions, Council's Policy Committee recommends that Council grant the proposed lease to the Cambridge BMX Club Incorporated in respect of Allotment 83, Cambridge Town Belt being 4.0469 hectares on corner of Lamb and Milton Streets, Leamington with a tenure of 15 years with one right of renewal for a further 15 years, and seeks the consent of the Minister of Conservation to the lease in accordance with the Reserves Act 1977;*
- d) *the Chief Executive be authorised to sign all documents relating to the granting of a lease to the Club and to apply the Council Seal.*

4 LEGAL

Waipa District Council is the owner and administering body of the Cambridge Town Belt by having had the Town Belt vested in it by the Crown.

There are three pieces of legislation (the Reserves Act 1977, the Local Government Act 2002 ("the LGA") and the Resource Management Act 1991 ("the RMA")) which govern Waipa District's activities with respect to the administration of the Town Belt. Council has different roles under each.

Local Government Act 2002

The LGA and the Reserves Act 1977 are complimentary in their intentions, and deal with the general powers and functions of territorial local authorities.

The LGA enables and directs administrative processes of Council, whilst the Reserves Act 1977 provides specific powers for the administration of reserves and generally takes precedent over the LGA for administrative issues affecting reserves.

Resource Management Act 1991

The RMA may affect reserves in three ways:

- The primary effect of the RMA is to require Council to consider the effects of any land based activities, which includes those on reserve land
- The RMA may also directly result in the creation of reserves, if that is required as a condition of a consent. In particular, esplanade reserves and other forms of reserves may be created on subdivision.
- District planning under the RMA will also provide a context relevant to decisions by a local authority about service provision (including provision of

reserves), by establishing overall policies on sustainable management. The creation and management of reserves may be one way for the local authority to meet community outcomes for reserve planning and associated services.

Despite the latter effect, the rules in district and regional plans should not be directed to controlling the outcomes provided by reserves where such rules would be inappropriate if applied to adjacent private land. Equally, reserves should not be exempt from rules affecting adjacent private lands.

Although the provisions in the two Acts (RMA and the Reserves Act 1977) have some similarities (e.g. covering vegetation, structures, activities), there are also significant differences. However, there will inevitably be a degree of overlap where a Council has to deal with an activity under both Acts.

The way that Council considers these matters, the purpose for which it is considering them, and the final decision, will be different in most cases. The criteria and weighting of criteria on decisions under both Acts will be different. The Reserves Act 1977 statutory framework gives emphasis on protection; the RMA emphasises sustainable management.

The Reserves Act 1977 (“the Act”)

The administering body’s function is to manage a reserve for the purpose for which it is classified (s.40). Management duties are to ensure, as appropriate, the use, enjoyment, development, maintenance, protection and preservation of reserves.

As an administering body of a reserve, under the Act, Waipa District Council is concerned with acting on behalf of and in the interests of the owner and beneficiaries of the reserve (the public). The Council exercises reasonable control for management purposes over the activity of its agents and the public on the land.

The Act requires management plans be adopted by Council in order to set the policies for the administration of reserves specific to the classification of the reserve.

Reserve Management Plan

All types of reserves (except local and Government purpose reserves) under the control of or vested in an administering body must be covered by an approved management plan, or plans, under s.41.

The Act requires (s.41 (3)) that a management plan "provide for and ensure" the following:

- the principles set out in ss.17 to 23 that apply to a reserve of the relevant classification
- compliance with those principles
- use, enjoyment, maintenance, protection, and preservation of the reserve(s) as the case may require
- development (as appropriate) of the reserve(s) to the extent that the administering body's resources permit, for the purpose for which each reserve is classified.

An administering body is required to keep the management plan(s) for reserve(s) over which it responsible for under continuous review (s.41 (4)). The intention is that the plan be adapted to changing circumstances or increased knowledge. Generally, plans should be reviewed at a minimum of 10 year intervals and need not involve a complete rewriting.

In this instance the relevant Management plan is the Cambridge Town Belt Management Plan ("the CTBMP")

- CTBMP provides that future development and management of the Town Belt is to occur in consultation with Council staff and the Cambridge Community Board.
- Land is to be farmed / grazed only if it is not required for recreational or sporting purposes. Lease applications are to be assessed according to the strength of membership of organisations and compatibility of the proposed activity with the urban situation.
- Organisations are to be encouraged to share, where practicable, existing facilities, to ensure the efficient use of resources. Sports and recreational areas are to be enhanced with comprehensive tree planting and any club buildings are to complement each other and blend with the natural environment.

The Reserves Act 1977 requires that a management plan should permit the administering authority to grant leases to users of the land contained within the management plan. In this instance, the CTBMP while describing leases, does not give Council the ability to grant leases.

Leasing Powers

Section 54 of the Reserves Act 1977 allows for the administering body of a recreation reserve, with the consent of the Minister, to grant leases for land on which buildings and structures associated with recreational activities are located.

Under Section 54 (1) of the Act the Minister's prior consent is required to allow the Council to grant a lease over reserve land vested in it. However, under Section 54 (1A) of the act the Minister's consent is not required when the following criteria are met:

- that the administering body of the reserve is a territorial authority;
- that the reserves is vested in that territorial authority;
- that there is an approved management plan for the reserve; and
- that the proposed lease is in conformity with and contemplated by that management plan.

Council does not have powers under CTBMP to grant a lease and as such the Council as the administering body of the reserve cannot consent to the proposed lease without requiring the Minister's consent.

Requirement for Public Notice

Under Section 54(2), the Council is required to publicly notify its intention to grant a lease under the Act. This requirement can be waived if certain criteria are met:

- that the proposal is in conformity with and contemplated in an approved management plan; or
- that the proposal is made following the granting of a resource consent under the Resource Management Act 1991 where the application was notified in accordance with section 93 of that Act.

It is considered that the requirement to publicly notify the intention to grant the lease could not in this case, be waived. The resource consent application was publicly notified but it was only limited notification.

5 COUNCIL POLICY

Council's Property Management Policy 7.1.9 a) Leasing of Land, states:

"Council will support recreational, educational, cultural and sporting clubs by permitting use of existing reserve land at minimal cost, provided the use meets the criteria of the relevant Reserve Management Plan and the Waipa District Leisure Plan."

The policy makes provision for the term of a lease to be five years with two rights of renewal of five years each, with rent to be reviewed on the renewal of each term. The policy provides for a longer tenure of lease to be considered in specific cases where asset improvements need to be recognised. This would be the case with the BMX Club's proposal as the club is outlaying a significant amount of capital in the construction of the track. A lease for a term of 15 years with one

right of renewal for a further 15 years, and with five yearly rent reviews could be appropriate.

6 BACKGROUND

The Cambridge Town Belt was defined following the survey of Cambridge Township in 1864 and comprises an area of approximately 304 hectares.

In 1880 the Cambridge Town Belt was surveyed into 94 Sections which were then made available to the townspeople for grazing as most of the land surrounding the land was swamp. This practice continues today as this it is a cost effective management of the land not being actively used for recreation.

A key principle of the CTBMP is that the purpose of the Cambridge Town Belt is to provide space for sport and recreation, with these activities taking precedence over farming/grazing so that as the population grows and demand for recreational space increases, there is a reduction of grazing of the Cambridge Town Belt.

The Cambridge Town Belt is vested by the Crown into the ownership of Waipa District Council with Council becoming the administering body. The majority of the Cambridge Town Belt is classified as “recreation reserve” with a small portion in Vogel Street and McLean Street having been classified as local purpose reserve in 1984. This was to allow for clubs which did not need sporting grounds or would not meet criteria for the erection of their building i.e. play centre, Kohanga Reo.

Under the operative Waipa District Plan, the underlying zoning of the land is residential. This does not imply that the land will be available for residential development but rather the land is administered according to the site performance standards for residential zoning.

Currently there are 22 leases upon the Town Belt. 14 being recreational leases and 8 non recreational leases. 4 have liquor licences with 1 having a special licence of 12 events. (See Appendix 6)

BMX CLUB APPLICATION

Council received an application from the BMX Club for the relocation of its activities in 2007 with a report being presented to Council on 18th December 2007 for the lease of a portion of land on the corner of Carlyle and Lamb Street Leamington.

Council passed a resolution at its December 2007 meeting to –

- b) *defer any decision on leasing the land situated on the corner of Carlyle Street and Maungatautari Road, Cambridge containing 4.86 ha more or less being Allotments 65 and 66 Cambridge Town Belt, to the Cambridge BMX Club for the purpose of developing a BMX track and associated facilities for BMX activities until other options for the Club have been thoroughly investigated. These options to include:

 - i. *Purchase of part of the adjoining property to overcome the encroachment of the track and toilets onto that property,*
 - ii *Development of and sharing of facilities with the nearby Cambridge Motorcycle Club.**
- c) *Council work with the BMX Club to investigate options and assist with the Clubs proposal to improve its facilities and provide a venue that is well suited to the North Island BMX Titles Championship in 2009 and other similar events.*

Resolution 1/07/253

A report was presented to Council on 26 February 2008 where it was resolved that:

- “b) *Council confirm that the Milton Street site (being section 83 Cambridge Town Belt) is the preferred option for relocation of the Cambridge BMX Club and grant consent to the Cambridge BMX Club for the lease of land for a BMX track and associated facilities in compliance with the standard terms and conditions of Council’s Community Leasing Policy. Subject to:

 - i) *The Cambridge BMX Club obtaining the necessary consents for the development and use of the land; and*
 - ii) *Completion of consultation with the Cambridge Community Board as required by the CTBMP; and*
 - iii) *Termination of the existing grazing lease at Section 83 Cambridge town Belt;*
 - iv) *Council approving all plans for the construction of both the BMX track (including landscape plans) and all associated buildings.**
- c) *The Chief Executive be delegated authority to execute all lease documents, and approve all plans and specifications for site development works (land and buildings).*

- d) *The common seal of the Waipa District Council be affixed to all documents relating to this lease.*

Resolution 1/08/013

The BMX Club subsequently applied for a resource consent in order to undertake the clubs activities upon the preferred site.

BMX SITE

The site is 4.0469ha in area and located on the corner of Milton and Lamb Streets, Leamington and forms part of the Cambridge Town Belt. The site is flat and is currently used for cattle grazing and grass harvesting purposes. It is surrounded by both established residential properties and rural land. A new residential sub-division is planned for land immediately to the south. Cambridge Town Belt land immediately to the north and east is farmed, with an area being allocated for horse and pony grazing beyond farm paddocks, a few hundred metres to the east.

Appendix 1 provides a layout plan of the proposed BMX track and facilities, as taken from the RMA process mentioned below. The proposal is to relocate the existing Cambridge B.M.X. Club activity and facilities from its current site accessed off Grace Avenue to Cambridge Town Belt land on the corner of Milton and Lamb Streets.

BMX CLUB RESOURCE CONSENT

The BMX Club applied to Council for land use consent to relocate to and operate a BMX track and facilities from the Milton / Lamb Street site. The application was processed on a Limited Notified basis pursuant to sections 93 and 94c of the Resource Management Act 1991. Seventeen submissions were received and the matter was subsequently heard by an independent commissioner in October 2008. Consent was granted, subject to specified conditions, but the Commissioner's decision was appealed by submitters, mediated through the Environment Court and finally settled via a consent order in October 2009. A copy of the final resource consent conditions associated with the track relocation is attached as Appendix 5.

The next stage in the process was for Council to publicly notify its intention to consider the granting of a lease.

7 COMMENT

The BMX Club obtained consent for the relocation of its track to the Milton / Lamb Street site under the Resource Management Act 1991. The decision was made by Council planning staff to process the resource consent application with limited notification. A significant number of submissions were made by those identified as affected by the proposed track relocation during that process. Many of the issues raised by objectors to the proposed Club lease are similar to those raised by submitters in respect of the Club's resource consent application. Had the resource consent application been processed with full notification, separate notification of the lease would not have been needed. It is not appropriate at this time to re-litigate these issues. They have already been considered and conditions have been imposed on the Club's construction and operation of track on the new site as a result by the decision of the Environment Court.

Council does not have powers under the CTBMP to grant a lease. Under these circumstances, the Reserves Act 1977 requires that the public be notified of the administering body's proposal to grant the lease and it be given an opportunity to hear submissions in respect of the proposal. The administering body must then 'give full consideration' to the submissions before a final decision is made about granting the lease. Section 120 of the Act specifies that, if submitters request to do so, they must be given the opportunity to speak in support of their submission in front of a committee nominated by the administering body. If the administering body decides to enter into the proposed lease, a summary of submissions together with a brief report on the reasons for proposing to do so, must be forwarded to the Department of Conservation for ministerial approval.

Submissions in support of the Club and proposed lease made the following points:

The BMX Club:

- The Cambridge BMX club has a long historic link with the town
- The Cambridge club is large and its members have enjoyed great competitive success at both national and international levels
- Club facilities are the result of voluntary labour and fund raising
- The club and the events that it runs are well organised

BMX Club Activities / Events:

- The club and activities that it runs are family focused
- Riders of many ages participate in the sport
- Club events are enjoyable for spectators as well as participants
- The club has not created a nuisance in its current location
- Club members have behaved with respect toward residents of neighbouring properties

The Facilities:

- The grounds of the existing track are well maintained by club members
- High people-presence at the club means that it has very little issue with graffiti, vandalism or the like
- The track is open for use by the community, and is utilised by families and community groups for a variety of recreational and sporting activities other than BMX competition
- Cambridge has very few other recreational facilities that are available and appealing to the town's youth

Benefits:

- Sporting activities such as BMX have many benefits for participants, including the development of physical fitness, self esteem, confidence, focus and motivation.
- Regional and National competition held at the track attracts visitors which results in financial benefits for Cambridge
- The track provides a safe environment for kids to enjoy themselves
- The track gives youth a constructive alternative to making trouble on the streets
- The track is a point of interest and a community asset for Cambridge

The New Site:

- The new site will allow the club to develop an international standard track for Cambridge's international level riders to train on
- Landscaping required on the new site will enhance the look of the area
- The Cambridge Town Belt is for recreational activities, and BMX fits into this category

In addition, several of the submitters who currently reside in properties close to the current BMX track indicated that they would like to see the track remain in its current position, if this were an option.

Objections to the proposed lease raised the following areas of concern:

Nuisance Effects of Facility Use

- Noise from PA system (particularly on long weekends)
- Glare from flood lights around track
- Rubbish
- Dust
- Traffic congestion
- Roadside parking
- Disturbance of nearby horses

Safety Issues

- Increased traffic and associated effects for drivers, children and domestic pets
- Effects associated with club gaining liquor licence
- Excavating & introducing clay for track may have negative environmental effects

Impacts on Private Property

- Decrease in property value and desirability
- Increase in crime in the area as a result of criminal types being drawn to the track

Visual Impacts

- Track and facilities will be unsightly
- Facilities will attract vandalism, graffiti etc
- Facilities will be ill maintained
- Desire for the status quo : 'Green Belt' land should stay green
- Permanent structures should not be introduced onto Town Belt
- Only certain pre-used buildings should be allowed on Town Belt

Appropriateness of Site:

- Expensive nature of nearby properties
- Residents' rights to maintain peace, quiet, privacy and aesthetics
- Lamb St will be overseas athletes' introduction to Cambridge for the World Rowing Championship

In addition, several of the objectors made suggestions about alternative sites that they thought would be more suitable (including the club staying in its current location). Several objectors also questioned Council's motives for relocating the track and expressed concern at its decision not to publicly notify the Club's resource consent application.

COMMENTARY ON OBJECTIONS RAISED

Very few submitters made contact with Council to obtain further information on the proposal prior to preparing their submission. Very few submitters have indicated a desire to be heard in respect of their submission. In addition, Council notified its intention last year to review the CTBMP last year and did not receive any responses to this.

It is the opinion of staff that the issues raised can be resolved as follows:

Nuisance Effects of Facility Use

- These issues have been addressed through the RMA process
- Submissions from neighbours adjoining the existing track indicate that their experiences have been wholly positive

Safety Issues

- Traffic safety issues have been addressed through the RMA process
- The Club does not intend to apply for a liquor licence in respect of its new site, nor has it ever had one in the past

Environmental effects

- Environmental effects have been addressed through the RMA process and the BMX Club obtained the appropriate consents.

Impacts on Private Property - Values

- Property value issues have been addressed through the RMA process
- There is no evidence to indicate that activities criminal or otherwise, have been a problem in relation to the BMX track. Submissions by existing neighbours and by Club members, suggest quite the opposite

Visual Impacts

- The Club is required to carry out extensive landscaping of the grounds as part of meeting its obligations under the resource consent. The Cambridge Tree Trust has indicated a willingness to assist in this capacity.
- Residents affected by visual changes associated with the track being relocated to the corner of Milton and Lamb Streets have reached agreement with the Club on how these impacts should be minimised. This was achieved through the process of mediation in the Environment Court.
- The 'Green Belt' is simply a nickname for the Cambridge Town Belt. The land is classified recreation reserve under the Reserves Act 1977 and is thus designated for recreational activities. Use of the land is subject to change based on the town's recreational needs. The Cambridge BMX Club is a large and successful club which offers recreational opportunities.
- There are many other permanent structures and buildings, like rugby clubrooms, sited on the Town Belt.

Appropriateness of Site

- Council staff have considered a variety of sites. The Milton / Lamb Street site was selected as most suitable and approved by elected Council members.

8 FINANCIAL IMPLICATIONS

Lease Charges

Lease rent is based on the formula set out in Council's Property Management Policy . Rental is assessed by first applying a market rent to the area. This is currently 6% of the property's rating value. This is then reduced by two-thirds to reflect the restrictions on community land. A 98% subsidy is then applied to the rental to recognise the peppercorn nature of community leases. Rent for the lease property is assessed at \$70.00 plus GST per annum.

The tenant is responsible for maintenance of the buildings and the grounds.

In addition to rent and maintenance the tenant is also responsible for specified outgoings that include:

- Rates for water and sewerage on the basis of a Uniform Annual Charge, unless they are extraordinary consumers or licensed to sell liquor.
- Rubbish control and grounds maintenance for the lease property.
- Utility costs including: water, sewerage, electricity, gas, telephone and insurance.

An annual administration fee (currently \$236.50 per annum).

In line with policy, the tenant would pay for a sewerage charge (once the site is developed and sewerage is reticulated) and a metered water supply.

There would be a loss of \$5,270 per annum from the grazing lease.

9 PUBLIC RELATIONS/COMMUNICATION

The proposed B.M.X. Club lease was publicly notified on 24 February 2010 – a copy of the Notice is attached as Appendix 2.

Prior to the public notice appearing in the local newspaper, a Council staff member made phone calls to each of the people who had lodged submissions in respect of the Club's resource consent application. The public notice provided phone contact details for a staff member able to answer questions on the proposed lease. It is noted that six calls were received during the submission period. A folder of information in relation to the proposed lease (including a copy of the draft lease, a track layout plan, a copy of reports on environmental effects from the Club's resource consent application, a copy of the resource consent final conditions and excerpts from the CTBMP) was made available for reference at the Cambridge Council office reception, but it received little attention from members of the public.

10 CONCLUSION

In making its decision to recommend to Council the granting of the proposed lease, Council's Policy Committee will need to consider the use of the land in relation to Council's policies and management plans.

Property Management Policy

The proposed use of land reflects Council's desire to support sporting clubs by permitting the use of existing reserve land at minimal cost.

CTBMP

There are a number of key principles established by the Management Plan. The impact of the proposed relocation on these principles is outlined briefly below:

- The underlying principle of the Management Plan to provide land for recreational and sporting purposes is supported by this proposal. The Management Plan makes it clear in a number of places that the primary purpose of the Town Belt is to provide land for recreational and sporting purposes. The Management Plan recognises that pressure on the Town Belt will increase as the population grows and that "more expansive areas of the Town Belt will be required".
- Conservation and aesthetic values of the land must not be compromised by the proposed relocation and opportunities must be taken to enhance the landscape. Council can ensure that this principle is met through a requirement for the tenant to provide landscape plans to be approved by Council.
- The Management Plan requires that consultation with Council staff and the Cambridge Community Board be undertaken in considering future use of land.
- Land is to be farmed/grazed only if not required for recreation or sporting purposes. Farming leases may be altered or terminated by Council as land is required for recreational purposes. Council's standard grazing leases contemplate this principle and allow Council to give notice of termination to the existing tenant.
- Lease applications are to be assessed according to the strength of membership of the organisation. The BMX club has a strong membership and is recognised by the BMX Association as one of the largest BMX clubs in New Zealand with over 100 riders. The club has produced successful riders and has a long history of administrative excellence.

- Organisations are to be encouraged to share facilities to ensure efficient use of resources. This principle has been investigated by the Club and has been discounted for the reasons set out in the table at Appendix 8.
- Any buildings on site are to complement each other and blend with the natural environment. The tenant would again be required to submit plans for approval by Council.



Colin Windleborn
PROPERTY SERVICES TEAM LEADER

Peer reviewed by Jennie McFarlane
MANAGER LEGAL AND CORPORATE SUPPORT



Approved by Tony Roxburgh
MANAGER COMMUNITY FACILITIES

BARRY BERGIN, GROUP MANAGER SERVICE DELIVERY

APPENDIX 1

LAYOUT OF PROPOSED BMX TRACK & FACILITIES (AS DECIDED BY 2008/09 RESOURCE MANAGEMENT ACT PROCESS)

APPENDIX 2

PUBLIC NOTICE

APPENDIX 3

SUBMISSIONS RECEIVED

APPENDIX 4

SUMMARY OF SUBMISSION

| NAME | ADDRESS | SUPPORT OPPO | AREAS OF CONCERN / SUPPORT | WISH TO HEARD |
|-------------------|------------------|-----------------|---|------------------|
| B A & D M HARDING | 18 DE LA MERE DR | SUPPORT | CLUB IS LARGE, GOOD FAMILY RECREATION, WIDE RANGE OF AGES RIDE, NOISE LEVEL QUITE ACCEPTABLE, NEW TRACK WILL BE BUILT TO HIGH STANDARD, CAMBRIDGE HAS INTERNATIONAL LEVEL RIDERS, BIG EVENTS BRING PEOPLE TO CAMBRIDGE, BMX KEEPS KIDS OFF THE STREETS | NO |
| P & A PICKETT | 4 SHADBOLT DR | SUPPORT | SUPPORT NEW LOCATION OF TRACK | NOT STATED |
| R M JAMES | 8 IHIMAERA TCE | SUPPORT | TRACK IS COMMUNITY FACILITY, TRACK USED FOR MANY DIFFERENT ACTIVITIES INCL CROSS TRAINING BY OTHER SPORTS, SAFE ENVIRONMENT FOR PARENTS AND CHILDREN, CLUB HAS LONG HISTORY, BIGGEST & BEST IN NZ, RIDERS OF VARYING AGES, INTERNATIONAL SUCCESS OF CLUB MEMBERS, CLUB WELL ORGANISED | IF NEEDED |
| D & H CAESAR | 9 GRACE AVE | SUPPORT | CLUB NO INCONVENIENCE TO LIVE NEAR, GREAT FAMILY SPORT, RIDERS OF MANY AGES, NOISE NOT AN ISSUE, GROUNDS KEPT TIDY | NO |
| M J ROSS | 14 ROWLING PL | SUPPORT | ENJOY BEING CLOSE TO TRACK, INTERNATIONAL SUCCESS OF RIDERS | NOT STATED |
| B & K SOUTHCOMBE | 12 ROWLING PL | SUPPORT | PARENTS & CHILDREN ENJOY TRACK TOGETHER, TRACK USED MOST DAYS, CLUB MEMBERS CARE FOR GROUNDS, NO PROBLEM WITH NOISE | NO |
| N ROSS | 17 GRACE AVE | SUPPORT | BEST CLUB IN NZ, PLACE TO GO FOR CHILDREN, KEEPS YOUTH OUT OF TROUBLE | NO |
| D STEVENS | 269 LAMB ST | SUPPORT | CLUB MEMBERS RESPECTED NEIGHBOURS' RIGHTS DURING EVENTS, CLUB FACILITIES AN ASSET TO RESIDENTS, NO CONCERNS WHILE NEIGHBOURING BMX TRACK | NO |
| V GROOTSCHOLTEN | 34/2 GRACE AVE | SUPPORT | CLUB MEMBERS RESPONSIBLE & RESPECTFUL OF NEIGHBOURS, EVENTS GOOD TO WATCH, GOOD ATMOSPHERE AT TRACK - PARENTS & KIDS TOGETHER | IF NEEDED |

| | | | | |
|------------------|-----------------|---------|--|------------|
| A SOUTHCOMBE | 10 ROWLING PL | SUPPORT | CLUB MAKES A GOOD NEIGHBOUR, MINIMAL TROUBLE AT CLUB, LITTLE NOISE, KEEPS KIDS OUT OF TROUBLE, CLUB WELL ORGANISED, BEST IN NZ, CLUB CONSIDERATE DURING EVENTS, ENJOY SPECTATING AT CLUB EVENTS | NO |
| D NELSON | 9 RALEIGH ST | SUPPORT | GREAT FAMILY SPORT, RIDERS GET COACHING, CAMBRIDGE HAS INTERNATIONAL LEVEL RIDERS, GROUNDS KEPT NEAT, MINIMAL GRAFFITI & BREAK INS, GROUNDS USED FOR MANY DIFFERENT ACTIVITIES, TRACK USED CASUALLY BY MANY, KEEPS KIDS OFF THE STREETS, SEEKS SUPPORT OF COMMUNITY TO RELOCATE | IF NEEDED |
| M GUPWELL | 32 GROSVENOR ST | SUPPORT | CLUB & EVENTS ARE WELL RUN, PA NOISE IS MINIMAL, LIGHTING USE IS LIMITED, NO ANTI SOCIAL BEHAVIOUR AT TRACK, BMX BRINGS TOGETHER FRIENDSHIP & FITNESS, BENEFITS OF SPORT, SUCCESS OF CLUB RIDERS, CLUB PORTRAYS CAMBRIDGE IN BEST LIGHT DURING EVENTS, RESPECT IS SHOWN TO NEIGHBOURS NOTE: SUBMITTER DECLARES HIS ASSOCIATION WITH COUNCIL STAFF MEMBER | NO |
| C MCNALLY | ? | SUPPORT | PROVIDES ACTIVITY FOR YOUTH, BENEFITS OF SPORT, BMX IS OLYMPIC SPORT, LANDSCAPING WILL ENHANCE NEW SITE, TOWN BELT IS FOR RECREATIONAL ACTIVITY | NO |
| D EADY | 52 ARNOLD ST | SUPPORT | SUPPORT UPGRADE OF TRACK, ALL AGES CATERED FOR BY BMX, BENEFITS OF SPORT | NO |
| V BARTLETT | 7 DICKENS PL | SUPPORT | GOOD ACTIVITY FOR YOUTH, BENEFITS OF SPORT, CAMBRIDGE HAS FEW FACILITIES FOR CHILDREN | NO |
| R M & J B MCWHA | 112 LAMB ST | OPPOSE | LAND CONTOUR CHANGES, VISUAL IMPACT, PROPERTY VALUE IMPACT, USE OF PRE-USED BUILDINGS TO SITE, SOCIAL FUNCTIONS HELD ON SITE, LIGHTS, NOISE ON PUBLIC HOLIDAYS, PROXIMITY TO YOUNG HORSES, RUBBISH | NOT STATED |
| S M & T G STORER | 26A COWLEY DR | OPPOSE | NOISE, VISUAL IMPACT, PROPERTY VALUE IMPACT, CAR PARKING, TRAFFIC FLOW, VANDALISM, | NO |

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| | | | RUBBISH, EARTH WORKS, PERMANENT BUILDINGS, LIQUOR LICENCE | |
| T E G BARRATT | 7 COWLEY DR | OPPOSE | VISUAL IMPACT, NOISE, ATTRACTION OF CRIMINAL ELEMENT | IF NEEDED |
| D & B COPP | 60 COWLEY DR | OPPOSE | ADVERTISING SIGNAGE, LOSS OF PEACE & QUIET, NOISE ON LONG WEEKENDS, EXTRA TRAFFIC & INCREASED LIKELIHOOD OF ROAD ACCIDENTS, CLOSE PROXIMITY TO DOMESTIC PETS & HORSES, PARKING FOR LARGE EVENTS, LIQUOR LICENCE, ALTERATION TO THE NATURAL LANDSCAPE OF TOWN BELT LAND, ENVIRONMENTAL CONSEQUENCES OF EXCAVATING & IMPORTING CLAY FOR TRACK, DISTURBANCE OF IMAGE & SPECIAL FEATURES OF THE 'GREEN' BELT. | NO |
| B & P MURDOCH | 6 MURRAY ST | OPPOSE | LOSS OF PEACE & QUIET, PROPERTY VALUE IMPACT, NOISE, INCREASED TRAFFIC, VISUAL IMPACT CAUSED BY TRACK INFRASTRUCTURE, VANDALISM, RUBBISH, LIQUOR LICENCE | NO |
| MR & MRS EMERY | 3 DE LA MERE DR | OPPOSE | NOISE, LIGHTS, INCREASED TRAFFIC, LOSS OF PEACE & QUIET, RISK TO PETS & OWNERS WALKING, LIQUOR LICENCE, VANDALISM & BURGLARY, UNSUPERVISED RIDERS ON ROAD, IMPACT ON PROPERTY VALUE & ATTRACTIVENESS. | YES |
| T & E RUST | 12 SHADBOLT DR | OPPOSE | IMPORTING CLAY FOR TRACK, FLOOD LIGHTING, PA SYSTEM USE ON LONG WEEKENDS, INCREASED TRAFFIC, SAFETY OF PEDESTRIANS, PARKING | NO |
| J BANNON | R D 3, CAMBRIDGE | OPPOSE | LIQUOR LICENCE, ABILITY FOR CLUB TO HIRE OUT LEASED AREA, NEW COMMITTEE & CLUB MEMBERS TO BE MADE AWARE OF RESOURCE CONSENT REQUIREMENTS | YES |
| R C & D G LUCAS | 9 DE LA MARE DR | OPPOSE | VISUAL IMPACT OF TRACK & INFRASTRUCTURE ON ENTRANCE TO CAMBRIDGE, INCREASED TRAFFIC, PARKING, NOISE, EFFECT ON RESIDENTS' QUALITY OF LIFE & AESTHETICS | NOT STATED |
| D & G NASH | 56 COWLEY DR | OPPOSE | TRAFFIC SAFETY ON MILTON/LAMB ST CORNER, NOISE, LOSS OF PEACE & PRIVACY, PROPERTY | NO |

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| | | | VALUE IMPACT, ALTERATION TO TOWN BELT | |
| J H SOUTHERN | 33 COWLEY DR | OPPOSE | EARTH WORKS, ALTERATION OF 'GREEN' LOOK OF LAND, LIQUOR LICENCE, VISUAL IMPACT ON ENTRANCE TO CAMBRIDGE, NOISE, LIGHTING, RUBBISH, TRAFFIC. | NO |
| R A G & J B SLADE | 56A COWLEY DR | OPPOSE | VISUAL IMPACT OF TRACK & INFRASTRUCTURE, PARKING SEPARATED FROM TRACK BY BUSY ROAD, ROAD SAFETY FOR YOUNG, PERMANENT CHANGE OF LAND USE, DUST, NOISE | NO |
| A G EDGECOMBE | 73 COWLEY DR | OPPOSE | GRAFFITI, RUBBISH, ATTRACTION OF CRIMINAL ELEMENT, VISUAL IMPACT, POSSIBLE LACK OF MAINTENANCE OF AREA | NO |
| G FINDLAY & M SAPWELL | 2 SHADBOLT DR | OPPOSE | LIQUOR LICENCE, ABILITY FOR CLUB TO HIRE OUT LEASED AREA, RELOCATED BUILDINGS SHOULD BE OF 'HISTORICAL SIGNIFICANCE OR SPECIAL CHARACTER' | YES |
| T & J WILCOX | 69 COWLEY DR | OPPOSE | TRACK NOT IN KEEPING WITH NATURE OF AREA, ALTERATION TO 'GREEN' BELT, LOSS OF QUIET ENJOYMENT OF AREA, INCREASED TRAFFIC, NOISE, LIGHTING, INTRODUCTION OF PERMANENT STRUCTURES ON TOWN BELT, VANDALISM, BURGLARY, TAGGING, RUBBISH, ATTRACTION OF YOUTHS TO FACILITY, PROPERTY VALUE IMPACT, IMPACT ON LIVESTOCK | NO |
| D M G STRONGMAN | 64 COWLEY DR | OPPOSE | NOISE, TRAFFIC CONGESTION, VISUAL IMPACT | NOT STATED |
| C COOPER | 32 COWLEY DR | OPPOSE | INCREASED TRAFFIC, INCREASED VANDALISM IN AREA, NOISE, VISUAL IMPACT, PROPERTY VALUE IMPACT, LIGHTING, ALTERATION TO 'GREEN' BELT AGREES TRACK IS A GREAT AMENITY | NO |
| D DUNBAR & M MENZIES | 8 ROWLING PL | OPPOSE | CURRENT SITE MOST SUITABLE FOR CLUB (SAFE, WELL MAINTAINED, GOOD USE OF THE LAND). SITE WILL BECOME UNTIDY IF CLUB MOVES. NEW SITE ISSUES: PROPERTY VALUE IMPACT, VISUAL IMPACT, ROAD SAFETY, COST AND LOGISTICS OF RELOCATION, SECURITY | NOT STATED |
| S COOPER | 20 DE LA MARE DR | OPPOSE | INCREASED TRAFFIC, NOISE, VISUAL IMPACT, LOSS | NO |

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| | | | OF QUIET ENJOYMENT, ALTERATION TO 'GREEN' BELT, PROPERTY VALUE IMPACT | |
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APPENDIX 5

RESOURCE CONSENT CONDITIONS FOR PROPOSED TRACK

APPENDIX 6

LESSEES OF TOWN BELT

| Club Name | Property Address | Valuation No. | Liquor Licence |
|--|--|--|---------------------|
| Leamington Rugby Sports Club Inc (form Leamington Rugby Football Club Inc) | Carlyle Street, Cambridge | 04521/447.00 & 04521/448.00 (formerly 04521/446.00 through 449.00) | Full Club Licence |
| Cambridge Pony Club (Leamington Branch) | Carlyle Street, Cambridge | 04521/450.00 to 04521/452.00 | |
| Cambridge (Adult) Riding Club Inc | Carlyle Street, Cambridge | 04521/453.00 & 04521/454.00 | |
| Cambridge Polo Club Incorporated | Lamb Street, Cambridge | 04530/790.00 04530/796.00 | |
| Cambridge Motorcycle Club Inc | Shelley Street, Cambridge | 04530/178.00 | |
| Cambridge Amateur Athletic & Cycling (Incorporated) | Hamilton Road, Cambridge | 04351/940.00 | |
| Lions Club of Cambridge (Inc) | 26B Vogel Street, Cambridge | 04351/940.00 | |
| Cambridge Municipal Brass Band | 26A Vogel Street, Cambridge | 04351/940.00 | |
| Waikato Playcentre Association Inc | Cambridge Playcentre, 26 Vogel Street, Cambridge | 04351/940.00 | |
| Cambridge Football Club (Soccer Club) | Vogel Street, Cambridge | 04351/400.00 04351/401.00 04351/402.00 | Full Licence |
| Cambridge Rugby Sub-Union (incl Hau Rugby Club & old United clubrooms) | Taylor Street, Cambridge | 04361/624.00 04361/625.00 | Full Club Licence |
| Cambridge Softball Sub-Association | Taylor Street, Cambridge | 04361/626.00 04361/627.00 | Full Club Licence |
| Cambridge Dog Obedience Club | Taylor Street, Cambridge | 04361/628.00 | |
| Cambridge Tree Trust | Thornton Road, Cambridge | 04361/999.11 | |
| The Scout Association of New Zealand | MacLean Street, Cambridge | 04361/999.08 | |
| Te Kohanga Reo National Trust Board | MacLean Street, Cambridge | 04361/999.08 | |
| Cambridge Judo Club | MacLean Street, Cambridge | 04361/999.08 | |
| Veteran & Vintage Car Club (Waikato Incorporated) | MacLean Street, Cambridge | 04361/999.08 | |
| Cambridge Badminton Club Inc | MacLean Street, Cambridge | 04361/999.08 | Special (12 events) |
| Cambridge Golf Club | State Highway 1, Cambridge | 04370/750.00 | |
| Cambridge Riding for the Disabled | Vogel Street, Cambridge | 04351/934.00 | |

APPENDIX 7

| Property | Comment | Summary |
|---------------------------|---|--|
| Motocross Track | The area of land not utilised by the Motocross Club was deemed unsuitable for BMX due to the swampy nature of the land and the need to move vast amounts of earth to develop a track. There are also no designated car parking facilities and BMX Club members would have to push their bikes across the motocross track to reach the BMX track, which would be unsuitable. | Deemed Unsuitable due to restrictions on use of shared site. |
| Motocross Parking Paddock | The site was deemed too small for use as a track that would require associated facilities and parking. The use of this site would also cause problems for the Motocross Club who currently use this land for parking at race meetings. | Deemed Unsuitable due to limited size of track. |
| Milton Street | This site has been deemed the most suitable for use by the BMX club. The land is of sufficient size and contour to be developed into a BMX track with sufficient room for facilities and parking. The site will have minimal interruption to residential areas and provides easy access to all club members. This site also allows for the use of the adjacent paddock for additional parking when large events are held at the track. | Deemed most Suitable for BMX Club. |
| Arnold Street | These sites lead to the former landfill and there was uncertainty about whether the land was of sufficient quality for development. There is also some uncertainty about whether boundary changes may be imposed in the future if land quality issues arise. | Deemed Unsuitable due to future issues over quality of land. |
| Shelley Street | The land to the left of the Shelly Street site has been sold and earmarked for residential development in the near future. With residential properties surrounding the entire site, this location is not considered favourable. | Deemed Unsuitable due to impact on expanding residential area. |
| Bracken Street | The land to the left of the Bracken Street site has been sold and earmarked for residential development. | Deemed Unsuitable due to impact of expanding residential area. |
| Goldsmith Street | The site is too small to accommodate the track and required facilities. It is also situated in the centre of residential housing and next to the proposed new retirement development. | Deemed Unsuitable due to size of land and location. |

