

11. MOUNT PLEASANT TENNIS CLUB LEASE

| | |
|---|---|
| Officer responsible Parks and Waterways Manager | Author Warwick Scadden, Parks and Waterways Area Advocate, DDI 941-6614 John Allen, Policy and Leasing Administrator, DDI 941-8699 |
|---|---|

The purpose of this report is to request that the Board approves the granting of a lease to the Mount Pleasant Tennis Club (The Club) over its present site at King Park, over which it currently has a licence to occupy. The Board is also requested to approve an application by The Club to replace its present elderly pavilion with a new building, as is required by section two of The Club's present licence agreement.

CONTEXT OF REPORT

The Club has held a licence over its site at King Park since 1965, under the old 1953 Reserves and Domains Act. This licence allows the Club to make alterations to its present building, but not to replace it with a new structure. Furthermore, a lease of the site is required to give greater security of tenure over the site, and to enable The Club to raise a loan for building purposes should that be necessary.

DESCRIPTION OF THE PROPOSAL

The Club has an aged clubhouse building upon the area over which it holds a licence. The Club is planning to remove the present building and erect a new clubhouse, in a similar location (shifted approximately 3 metres). The licence area is not adequately defined under the present licence agreement, other than the existing building, courts and paths. It is therefore necessary that any new area The Club wishes to build upon, be leased to it, requiring Council approval, public notification and Department of Conservation approval.

The area being considered for lease to the Club is identical to the present area which it occupies measuring 2750 square metres, containing four tennis courts, a volley area, the clubhouse and minimal surrounds to that building. (See attached plan.) The facilities are an asset to the surrounding community, in that they are very well maintained, the courts being in excellent condition and very tidy. Two of the courts are available for use by non-club members at times outside of The Club's match time.

At the time of preparing this report the final plans and elevations of the proposed new clubhouse have not been prepared, and therefore officers request the Board to delegate the responsibility for the approval of the plans of the proposed clubhouse to the Parks & Waterways Manager or her designate. The Club is a strong one with 135 financial members, made up of 60 seniors and 75 juniors (all are active). Coaching classes are held by a professional and The Club has an active junior section with good committee / parent support. During the past five years, The Club has been growing.

LEGAL ISSUES

The licence which The Club currently holds over the site gives The Club authority to occupy the site for the playing of the game of tennis. However, it is questionable whether The Club has authority to lock up part of the site for the exclusive use of members, at the exclusion of members of the general public (2 tennis courts, and clubhouse) under a licence. A lease is the appropriate land tenure instrument issued pursuant to the Reserves Act 1977 to give The Club an interest in the land, enabling it to lock up parts of its leased area for the exclusive use of club members.

CONCLUSION

The current licence held by The Club for its site at King Park is not adequate for The Club's present use of the site, and does not allow for the building of the new clubhouse on an altered site. A lease will bring The Club's tenure into line with the requirements of the Reserves Act 1977, thereby providing The Club with a greater security of tenure of the site.

Officers are recommending that the Board lease the site to The Club, and grant it approval to construct a new building subject to the conditions outlined as follows:

1. Public notification.
2. The lease term being for an initial period of 10 years, with a further period of 1 day less than 10 years subject to The Club being a viable entity at the end of the first 10 year period.
3. The lease terms being negotiated by the Property Manager in consultation with the Parks and Waterway Policy and Leasing Administrator.
4. The Club is to show evidence to the Parks and Waterways Policy and Leasing Administrator of having obtained \$1,000,000 public liability insurance. This is to be kept current for the duration of the lease.
5. The Club making available 2 tennis courts for general public use when not being used for club competition, upon the paying of a fee into an honesty box, or payment of an hourly rate to The Club.
6. The Club is to obtain all necessary Resource and Building consents before any development commences on the site.
7. The plans and elevations for the proposed new clubhouse and any required associated car-parking being submitted to the Parks & Waterways & Waterways Manager or her designate for approval as to the style of building, and how it fits into the overall context of the park, prior to application being made for resource or building consent.
8. The Club is to submit a landscape plan for the outside of the new building to the Parks and Waterways Manager or her designate for approval, prior to commencing work upon the site. The applicant is to complete the implementation of the work at their cost.
9. The Club is to submit a colour scheme for the new building to the Parks and Waterways Manager or her designate for approval, prior to commencing work upon the site.
10. The lease / construction area is to be maintained by The Club in a safe and tidy condition at all times.
11. All costs associated with the development and subsequent maintenance of the associated buildings and structures upon the site are to be paid by The Club.
12. Before any tenders are let or work commences upon the site in relation to the new building, discussions are to be held with the Parks Manager's designate, the Parks and Waterways Area Advocate - Linwood Service Centre, to ascertain the Council's requirements through the development phase of the construction of the facility.
13. A bond of \$2000.00 is to be paid by The Club or successful principal contractor to the Council – Parks and Waterways Area Advocate, Linwood Service Centre before work commences upon the site. The bond, less any expenses incurred by the Council will be refunded to the payee upon the completion of the work.

Staff

Recommendation:

1. That the Board resolve to lease approximately 2750 square metres of King Park to the Mount Pleasant Tennis Club, on which the Club presently has four courts, and a clubhouse pursuant to section 54(1)(c) of the Reserves Act 1977 for a maximum term of 1 day less than 20 years, subject to conditions 1 to 5 outlined above.
2. That the Board resolve to grant the Mount Pleasant Tennis Club permission to construct a new pavilion to replace its existing building, subject to conditions 6 to 13 outlined above.

Chairman's

Recommendation:

That the recommendations be adopted.