

### 3. BURWOOD PLUNKET – CLARE PARK

RR 9935

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| <b>Officer responsible</b><br>Parks Manager              | <b>Author</b><br>Lewis Burn, Property Services Officer |
| Corporate Plan Output: Parks Unit (Leasing and Consents) |  |

This report was referred to the Burwood/Pegasus Community Board for recommendation direct to the Council for a decision.

#### **BACKGROUND**

The property which is the subject of this report is situated at 149 Burwood Road. Situated on this site is a building owned by the Plunket Society. From the early 1970s until mid-1997 this building had been occupied under a joint lease arrangement by the Burwood sub-branches of Plunket and Playcentre. On 7 June 1998 the Burwood Playcentre formally surrendered its interest in the lease and relocated its branch with the Council's approval to the former Burwood Voluntary Library building at 241 New Brighton Road. The initial term of the joint lease of the Burwood Road property given by the former Waimairi District Council expired in May 1994. The lease contains a right of renewal for a further term of 21 years. The renewal was put aside while the Playcentre looked at its options for relocation. Following surrender of the Playcentre's interest in the joint lease it was considered that a new lease to the Burwood Plunket as sole lessee of the Burwood Road property should be put in place rather than renew the existing agreement. The proper procedure to achieve this would be to firstly classify the area to be leased as local purpose (community buildings) reserve.

#### **CLASSIFICATION**

The title on which the Plunket Building sits, CT6B/785, is currently held as a public reserve being part of the total land that makes up Clare Park.

On 27 August 1997 the Parks and Recreation Committee resolved pursuant to Section 16 of the Reserves Act 1977, to request the Minister of Conservation to classify some 1046m<sup>2</sup> of CT 6B/785 as local purpose (community buildings) reserve and the balance title approximately 4.1890 ha as recreation reserve. The survey necessary for classification was completed in April 1999 and the Minister of Conservation has been requested to notify the classification in the New Zealand Gazette. At the date of writing this report the classification has yet to be published in the New Zealand Gazette.

Following gazettal the Council is empowered to grant a new lease to the Royal New Zealand Plunket Society of the plunket clinic site in terms of section 61 2(a) of the Reserves Act 1977. Public notification and the consent of the Minister of Conservation to a lease issued under this provision of the Reserves Act is not required.

## **LEASE**

The area of the ground lease, about 709m<sup>2</sup>, (*heavy black border on the plan attached*), is only part of the land to be classified local purpose (community buildings) reserve. The pedestrian access on the northern boundary and the existing ROW easement on the south boundary will not form part of the lease area. The lease conditions will provide the right for the Council to take back, without compensation, on giving three months notice in writing, the area of land at the back of the Plunket building shown cross hatched on the plan. This area has been identified as a possible future car park to serve the adjacent sports pavilion on Clare Park. Access to this car park could be obtained over the existing right of way on the south boundary. Until needed (if indeed required for car parking) Plunket have agreed to take a lease of the whole site and maintain the land.

The rental under the expired lease was ten cents per annum. It is considered that initially a minimum rental of \$100 plus GST per annum should be charged and be applied from 1 July 1999. This is in line with the proposed minimum rental being suggested in the discussion paper for developing a charging policy to apply to sports and community groups occupying reserve land. The rental review clause will provide for a three yearly adjustment in accordance with any leasing/licensing policy that the Council may have in place at the review date. To avoid creating subdivision in terms of the Resource Management Act 1991 the term will be for a maximum of 20 years less one day. The Plunket Society will accept the proposed ground lease on these terms.

## **CONCLUSION**

The granting of a new lease will formally recognise the occupation of this established community use and complete the entitlement the Plunket Society has to a renewal of the term under the expired agreement. It is expected that by or about the time of the Council's meeting the classification notice will be notified in the Gazette.

**Recommendation:**

1. That the Council, pursuant to section 61 of the Reserves Act 1977 grant the Royal New Zealand Plunket Society (Burwood Sub-branch) a lease for a maximum term of 20 years less one day from 1 July 1999 (on terms and conditions satisfactory to the Parks and Property Managers) of approximately 709m<sup>2</sup> shown as parcel A (heavy black border) on the plan attached subject to;
  - (a) The surrender of the lease agreement dated 1 August 1973.
  - (b) The Plunket Society meeting the Council's reasonable legal costs in preparing the lease.
2. That the Property Manager be the authorised officer of the Council to administer the terms and conditions of the lease as the Lessor's agent, including any changes resulting from changes in Council policy.