



2. MACFARLANE PARK PLUNKET BUILDING

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Corporate Plan Output: Leases and Applications	

The purpose of this report is to submit an application for the surrender of the Plunket Society's existing lease and an application from the Shirley Community Trust to lease the old plunket building on Macfarlane Park. The proposal also includes a change in classification for part of the reserve.

INTRODUCTION

The Plunket Society has not used the existing building and leased area for some time and in a letter dated 26 April 2000 gave formal notice of its wish to surrender its lease and financial interest in the building. The Shirley Community Trust has expressed an interest in taking over the facility and has received some financial assistance to achieve this from the Shirley/Papanui Community Board.

The Parks Unit has also taken this opportunity to tidy up some procedural and housekeeping matters associated with this part of Macfarlane Park, namely, the amalgamation of the three separate titles under which this part of the reserve is held into one title, and a change in reserve classification for the area of the reserve leased to the kindergarten and the Plunket Society.

RESERVE CLASSIFICATION

The existing Kindergarten and Plunket lease areas are situated on land classified as Recreation Reserve.

The Council is only able to lease parts of recreation reserves to groups or organisations associated with some type of recreational activity on the park e.g. rugby, cricket etc.

It is necessary therefore to reclassify the existing areas leased to Kindergarten and Plunket to Local Purpose Reserve (Community Buildings) to accurately reflect their present usage. This area is approximately 1443m² being part of Lot 2 DP 17482 of 4186m².

Normally the reclassification would require public notification. However, Section 16 of the Reserves Act 1977 provides for this requirement to be waived in certain circumstances. Sub-section 5 states:

(5) Notwithstanding subsection (4) of this section, no such public notice shall be necessary where..

(a) The classification proposed for any reserve is substantially the same as the purpose for which the reserve was held and administered immediately before the commencement of this Act; or

[(b) The intended use of the land is in conformity with the relevant operative district plan under the Resource Management Act 1991].

The procedure for issuing the new lease will be streamlined if the reclassification is completed first as the granting of a lease to a community group on land classified as Local Purpose Reserve (Community Buildings) only requires a Council resolution, without the requirement for public notification.

PROPOSAL TO GRANT NEW LEASE

The Shirley Community Trust recently responded to the advertising for “registration of interest” in the Plunket building and lease area, presenting their proposal to the Shirley/Papanui Community Board for use of the building. Agreement has been reached between the Plunket as the outgoing lessee and the Shirley Community Trust as the incoming lessee on the consideration to be paid for the improvements allowing the facilities to be transferred to the ownership of the Shirley Community Trust. The Board has given the Shirley Community Trust some financial assistance to acquire the plunket building.

BUILDING UPGRADE

Preliminary discussions with the Environment Services Unit indicate that the Shirley Community Trust activities will be a “change of use” thereby activating the 1991 Building Code requirement that the building be upgraded to current standards which will require the provision of disabled access and toilets etc. The Shirley Community Trust is aware of this requirement and has previously indicated to the Shirley/Papanui Community Board that they have the labour resources to undertake much of the work required. However, they may require some assistance from the Board with some of the material costs associated with the necessary upgrading.

Once the initial work is completed the group is well resourced to maintain the building in the future without the need to rely on continued financial support from the Council.

CONCLUSION

Officers believe this proposal is a very good outcome for the future use of the building and for the Shirley Community Trust, which would have otherwise been unable to finance and resource the construction of a new facility.

The Shirley Community Trust has also indicated that there may still be opportunities for Plunket Society to have access to the building in the future. This is also a very good outcome for the Plunket Society which has been keen to cease any interest or ownership in the existing facility for some time and had requested the Council to assist it through the relevant process. The current proposal does not rule out use of the building by the Plunket Society in the future if circumstances change.

Accordingly, the Parks Unit recommends that the Council accept the surrender of the Plunket Society's existing lease and grant a new lease to the Shirley Community Trust subject to a number of standard conditions as outlined below.

The above report was before the Shirley/Papanui Community Board at its meeting on 31 May 2000. The Board supported the new leasing arrangements for the Plunket Society building.

- Recommendation:**
1. That the Council accept the surrender of the deed of lease to the Royal New Zealand Society for Health of Women and Children Christchurch Branch (Inc) dated 25 October 1962 with effect from 30 June 2000 subject to the following conditions:
 - (a) The surrender being without prejudice to the Council's rights and remedies under the lease.
 - (b) The ownership of the building being transferred to the Shirley Community Trust upon the Shirley Community Trust paying Plunket the agreed consideration for the existing building.
 2. That Lot 1 of 374m² and Lot 2 of 4186m² DP 17482 be amalgamated with DP 16155 of (5.2371ha) as shown on the attached plan.
 3.
 - (a) That, pursuant to Section 16 of the Reserves Act 1977, the Council resolve to classify 1440m² or thereabouts of Macfarlane Park, being part Lot 2 DP 17482 (shown as section 2 on plan 22471/1a attached) as Local Purpose Reserve (Community Buildings) as defined in Section 23 of the Act.
 - (b) That the Council ask the Minister of Conservation to gazette the classification of the reserve as resolved by the Council.
 4. That the Shirley Community Trust's application for a lease of the area of Macfarlane Park previously leased to the Plunket Society be approved subject to the following conditions.

- (a) The Council granting a lease to the Shirley Community Trust, as allowed by Section 61(2A)(a) of the Reserves Act 1977, for a period of one day less than 20 years (non-registered lease period) 481m² (or thereabouts) of Macfarlane Park.
- (b) The applicant obtaining all necessary Resource and Building Consents for any alterations to the existing facility.
- (c) Any landscaping of the building required by the Parks Manager being completed by the applicant at its expense.
- (d) The lease terms and conditions being negotiated by the Property Manager in consultation with the Area Parks Officer Consents.
- (e) The leased area being maintained in a safe and tidy condition at all times.
- (f) All costs associated with the preparation and issue of the lease, site development and subsequent maintenance of associated buildings and structures being the responsibility of the Shirley Community Trust.
- (g) The colour scheme for the exterior of the building being approved by the Parks Manager prior to painting.
- (h) The Shirley Community Trust showing proof of having a Health and Safety Management Plan in place to the Area Parks Officer (Consents) prior to commencing operation.
- (i) Approval lapsing if the development is not completed within two years of approval being granted.
- (j) In the event of condition (i) becoming effective all improvements on the site being surrendered to the Council with no compensation payable to the Shirley Community Trust.