

7. SPENCERVILLE HALL

Officer responsible Greenspace Manager	Author Lewis Burn, Direct Dial 941 8522 – File reference LO 017-002 -480
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The purpose of this report is to seek the Council's approval to firstly classify as Community Buildings Reserve, part of the Spencerville Reserve off Heyders Road currently held for recreation purposes and to subsequently grant a lease to the Spencerville Residents Association for the site on which the Spencerville Hall is located. Approval is also being sought at the same time to formally classify the balance of the reserve as a recreation reserve.

CONTEXT OF THE REPORT

The Council holds in Trust for recreation purposes (New Zealand Gazette 1962 page 1617) some 6938 square metres of land off Heyders Road, Spencerville. This land which is part of the area known as Spencerville Reserve, comprises Reserves 5011 and 4518 which were prior to 1962, administered by the Spencerville Resident's Association with the land at that time held by the Crown as recreation reserves. Neither of these reserves have been formally classified under the Reserves Act 1977. The proposal to classify these reserves as Local Purpose for Community Buildings purposes can be initiated by the Council. The Council does not however, have the delegation from the Minister of Conservation to gazette the classification but can request the Department of Conservation to place a notice in the New Zealand Gazette of the intended classification. The proposal to grant a lease to the Spencerville Resident's Association should also be approved by the Council as the grant of the lease is subject to the proposed classification being gazetted. Although essentially a local matter the delegations do not allow the Board to initiate classification under Section 16 of the Reserves Act 1977. The Council can itself classify the balance of Spencerville Reserve (Lot 37 DP 78706 4923 square metres) as recreation reserve.

BACKGROUND

Midway through 2003 the Spencerville Residents' Association approached Council about the possibility of using part of the Hall as a toy library. This request gave rise to look at the Reserve, how it was held, and if the Residents' Association had a formal lease of the site on which the Hall is situated. It is understood that this building (see description later in report) was built and funded by the Resident's Association. The building does not appear on the Council's asset register.

No trace has been found in Council's records of a formal lease agreement having been entered into with the Spencerville Resident's Association in relation to the Hall. When discussing the intended further use of this Hall as a venue for a toy library it was suggested to the Association that the use of the Hall be put on a proper footing by the granting of a formal lease. It is considered appropriate that the Hall and the surrounding area be classified as Community Buildings Reserve, so that the current community use fits with the reserve classification.

DESCRIPTION OF PROPOSAL

The action proposed by this report is to firstly classify pursuant to Section 16 (1) of the Reserves Act 1977, Reserves 5011 and 4518 as Local Purpose (Community Buildings) Reserve. As the land involved was derived from the Crown's estate the Council can only request the Department of Conservation to gazette this classification. Prior to classification as a Local Purpose Reserve, public notice is required informing the public of the intended classification and calling for submissions and or objections. The second part of the proposal involves the granting of a lease (subject to the classification) under Section 61 of the Reserves Act 1977. This section provides that the Council may grant leases under it's own authority to bodies or voluntary organisations provided that the Lease is in conformity with the classification of the land. Public notification of the lease (subject to classification) is not required. Contemporaneously with these actions it is intended to have the balance of Spencerville Reserve formally gazetted as recreation reserve.

Work has been carried out by the Resident's Association to convert part of a storage room in the Hall for a toy library. This new activity which goes under the name of FiddleStyx Toy Library, opened in February this year. Permission was given to the Association to proceed with the work and allow the new use, without prejudice to the Council's decision to classify the land appropriately and put in place a new lease. Prior to giving this permission it was established from Environmental Services Unit that neither a Building Consent nor a Resource Consent was required to allow the toy library activity and building changes.

CLARIFICATION

Attached to this report is drawing SM 1344-01 showing the boundary of the area (6938 square metres, reserves 5011 and 4518) proposed to be classified as Local Purpose (Community Buildings) Reserve. Sited on Reserve 4518 which also has access out to Styx River Place is the Spencerville Hall, a public tennis court, children's play equipment and a barbeque. Reserve 5011 is entirely laid out as car park with access to Heyders Road. By classifying all of both these reserves the expense of survey will be avoided. The classification as Local Purpose (community buildings) will not prohibit continued use of either reserve for passive recreation as currently is the case. The intended classification will however prevent recreational activity being put on a formal basis ie by lease or licence but use of any of Reserves 5011 and 4518 on this basis is highly unlikely. It would also be appropriate to have the balance of Spencerville Reserve (Lot 37 DP 78706) which was vested in Council on subdivision and is held in a title with separate access/frontage to Heyders Road, formally classified in the same gazette notice as recreation reserve. This action is a formality and does not require public notice nor the consent of the Minister of Conservation.

SPENCERVILLE HALL AND CURRENT USE

The hall was built in the 1960s and is constructed of concrete block, iron roof with a wooden floor. The building has an approximate floor area of 280 square metres and is in a good state of repair. Current use includes school holiday programmes, after school use, civil defence, general hire, community meetings, social events for the community, polling booth and Toy library. On average the hall is used two to three times a week. Potential exists for sports use of the hall for volleyball, badminton basketball and pool. Spencerville Residents Association is an incorporated society with some 40 members.

PROPOSED LEASE

The Association have requested a ground lease for a term of 10 years with two rights of renewal of 10 years each, a total term of 30 years. This request is supported as the hall should (subject to maintenance) still have an economic life within this time frame. The maximum term permitted without subdivision consent is now 35 years. Rental will be set at the minimum annual charge applied to not for profit organisations of \$100 plus GST pa (under the Sports Body charging policy) subject to three yearly review. Currently there is no equivalent Council policy for community groups with improvements on Council land. All outgoings (except rates) and maintenance costs will be the responsibility of the Association as is the current situation. No rates are levied under the Council's rates remission policy. The lease will take the form of the generic deed for community groups (bare land) prepared by Buddle Findlay. The terms of this lease have been discussed with the Association, have not yet been finalised, but will be contingent on the Association continuing to provide appropriate community related activities from the hall.

CONCLUDING REMARKS

The actions as described, will essentially acknowledge and reflect the current use being made of majority of the Reserves 5011 and 4518 and allow to be put on a proper footing, the Residents' Association's right to use this building for the activities currently conducted including that of the toy library. The classification for "community buildings" as proposed will not prevent informal recreational use of the balance of reserve 4518. The balance of Spencerville Reserve immediately adjacent to the east (Lot 37 DP 78706, 0.4923 square metres) which is held as recreation reserve is not affected by the lease proposal but as a tidy up action should be formally classified for its current primary use as recreation reserve. The present management committee comprise long standing residents of Spencerville who are enthusiastic about the continued use and potential of the hall as a valuable amenity to the community.

Staff

Recommendation: 1. That pursuant to Section 16 (1) of the Reserves Act 1977 and subject to prior public notification, the Council resolve to request the Minister of Conservation to classify as Local Purpose (Community Buildings) Reserve within the meaning of Section 23 of the said Act, all that land legally described as Reserve 5011 (693m²) and Reserve 4518 (6,245m²).

2. Subject to recommendation 1 the Council resolve pursuant to Section 61 of the Reserves Act 1977 to grant the Spencerville Residents Association, a lease of approximately 318m² comprising the Spencerville Hall foot print paths and railed ramp shown as 'A' on SM 1344-01 for a total term including renewals of 30 years.
3. That the Facility Assets Manager in consultation with the Greenspace Manager (or their designates be authorised to conclude and administer the terms of the lease.
4. That pursuant to Section 16 (2A) of the Reserves Act 1977 the Council resolve to classify as recreation reserve under Section 17 of that Act, Lot 37 DP 78706 containing 4923 square metres being all of the land comprised in CT 45B/ 84.

Chairperson's

Recommendation:

Staff recommendations 1 to 4 be adopted.