

10. BLIGH'S GARDEN - SURRENDER OF DEED OF LEASE BY SOUTH BRIGHTON CROQUET CLUB

General Manager responsible:	General Manager City Environment, DDI 941-8608
Officer responsible:	Transport and Greenspace Unit Manager
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PURPOSE OF REPORT

1. The purpose of this report is for the Burwood/Pegasus Community Board to consider a written application from the South Brighton Croquet Club (the "Club") to surrender their lease over approximately 2,892 square metres of Bligh's Garden, on which they have a pavilion and greens as shown on **Attachment One**.

EXECUTIVE SUMMARY

2. The South Brighton Croquet Club have advised the Christchurch City Council that there are now only seven members in the Club and it no longer has the resources to maintain the Club. The Club intends to vacate the site by 30 September 2012. This report recommends acceptance of the group's application to surrender their lease.
3. Upon surrender of the lease the Club has indicated that they wish to cede ownership of their pavilion back to the Council for possible use by a suitable community group at the discretion of the Council. This future use will be determined following the development of a Parks Management Plan and an engineering assessment of the building through incorporating the building into the Council's Facilities Rebuild process.

FINANCIAL IMPLICATIONS

4. The Club does not have the resources to arrange for the pavilion to be removed from the site and have the previous building footprint area reinstated to lawn. The grounds were marginally impacted by the earthquake but could be readily used by another sports/community group with minor levelling work.
5. The pavilion of approximately 85 square metres appears to be in good condition, however upon the asset transferring to the Council on surrender of the lease a Detailed Engineering Evaluation will need to be undertaken, at the Council's cost, to determine if the building meets the new building standards as required by the Christchurch City Council's Earthquake Prone Building Policy (2010). This work would need to be undertaken prior to considering any future occupancy.
6. If the Council accepts the surrender of the existing lease it will be liable for maintaining the pavilion, including holding public liability insurance until a decision is made to either demolish the pavilion, or allow another suitable group to occupy the site, either renting the building from the Council, or the Council gifting the pavilion to any suitable incoming sports group in accordance with the requirements of the draft Parks Management Plan applicable for the site.
7. In accordance with the Council's Sports Ground Lease Charging Policy the current rental return from the Club is \$462.96 per annum.

Do the Recommendations of this Report Align with 2009-19 LTP budgets?

8. The proposal will impinge on LTP budgets, as there will be some time spent by the Area Contracts Manager in the Council's Greenspace Unit holding keys and administering security at the site until a decision is made on any new occupier, or the pavilion is demolished. As well, the Council will bear the costs of engineering evaluations and any identified works to ensure the building is safe to occupy.

LEGAL CONSIDERATIONS

9. The subject land is held as part of Part Reserve 1579 in the Canterbury Land Registry for recreation purposes, the total area of the reserve being 5.2609 hectares. There is currently no delegation to Community Boards with respect to the surrender of leases and licences on reserves, and any decision rests with the Council.
10. If the Council accepts the proposal of the Club to surrender their Deed of Lease then the Club will be required to complete a Deed of Surrender.

Have you considered the legal implications of the issue under consideration?

- 11 Yes.

ALIGNMENT WITH LTP AND ACTIVITY MANAGEMENT PLANS

12. The intended action by the Club to surrender the lease will potentially create an opportunity for another recreational group to occupy and use the resources at the site, or for the Council to remove the existing pavilion and hedges and open up the site as a green space area.

Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?

13. No.

ALIGNMENT WITH STRATEGIES

14. The intended action of the Club is not consistent with the alignment of any strategies.

Do the recommendations align with the Council's strategies?

15. No, however there may be opportunities created for future activities to align with Council strategies.

CONSULTATION FULFILMENT

16. The Council or the existing Lessee is not required to publicly advertise the Club's intention to surrender the existing lease.
17. The Council's City Environment Group is currently reviewing the Parks Management Plan for the South Brighton Reserves of Bligh's Garden, South New Brighton Park and Bridge Reserve, and the subject land will be included in the consultation process.

STAFF RECOMMENDATION

That Burwood/Pegasus Community Board recommend that the Council pass the following resolutions:

- (a) That the lease to the South Brighton Croquet Club for approximately 2,897 square metres of Part Reserve 1579, known as Bligh's Garden is surrendered.
- (b) That the Corporate Support Unit Manager is delegated authority to negotiate and conclude a Deed of Surrender of lease, including transfer of the South Brighton Croquet Club's assets to the Council.