

**11. CANTERBURY MODEL AND EXPERIMENTAL ENGINEERS CLUB
ANDREWS CRESCENT**

RR 9384

Officer responsible Parks Manager	Author Property Services Officer, Lewis Burn LA-1-8-8
Corporate Plan Output: Parks – Leases and Consents.	

The purpose of this report is to rescind a previous Council resolution and to pass a new resolution to enable the granting of a lease to the Canterbury Model and Experimental Engineers Club of its premises off Jerrold Street.

The land occupied comprises an area held for recreation purposes under the Reserves Act 1977 and a parcel of land acquired by the Council in 1986 with a contribution by the Society (surplus to the southern motorway requirements) held as recreation ground under the Local Government Act 1974 (refer attached plan).

BACKGROUND

The Council back in September 1994 resolved to rationalise the way this land is held by the Council and to facilitate the grant of a formal lease of the club's premises to recognise their long established use. The club has occupied these premises since 1948.

The resolution passed provided for the declaration as Recreation Reserve, the land held as recreation ground under the Local Government Act and the formal classification of the land held under the Reserves Act as Recreation Reserve.

The resolution adopted by the Christchurch City Council at its meeting on 28 September 1994 was as follows:

1. Pursuant to Sections 12 and 24 of the Reserves Act 1977 the Christchurch City Council hereby resolves to declare the land described in the First Schedule a Recreation Reserve and to classify the land described in the Second Schedule a Recreation Reserve.

First Schedule

All those parcels of land containing 1538 square metres or thereabouts being Section 1 SO 16505 and Section 1 SO 16504 being part of the land in New Zealand Gazette 1986 page 3322.

Second Schedule

All those parcels of land containing 3078 square metres or thereabouts being Part Lot 1 DP 12113 and part Lots 51 and 52 DP 8335.”

2. That the Council issue a lease to the Canterbury Society of Model and Experimental Engineers over its existing premises off Jerrold Street for a maximum term of 33 years on the standard terms, conditions and rental for Council leases over recreation reserve subject to:
 - (a) A resource consent (subdivision) being granted if a lease for a term over 20 years is sought.
 - (b) The lease being publicly notified and no sustainable objections being received.
 - (c) The consent of the Minister of Conservation.
 - (d) That costs being met on the following basis:
 - (i) Reserve classification and gazettal – Council.
 - (ii) Subdivision – lessee.
 - (iii) Advertising, Minister of Conservation’s consent, preparing, executing and stamping – lessee.
3. That the Property Manager be authorised to administer the lease under the terms of the lease document and general practices at the time.

The Council’s resolution was not followed through at the time as at that stage it was contemplated the club would go through a subdivision process to obtain a longer term lease. A subdivision of the land in question was at that time not possible pending formal legalisation by the Crown of the Jerrold Street frontage.

The legalisation action has since been completed and the club advises that it will not be seeking a resource subdivision consent but will accept a lease from the Council for a term less than 20 years so that the provisions of the Resource Management Act in relation to subdivision do not apply.

The Council’s resolution provides for both declaration and classification as recreation reserve of certain parcels of land and also the intention to grant a formal lease pursuant to Section 54(1)(b) of the Reserves Act 1977 to the Model Engineers Club. The club’s premises takes in both recreation ground under the Local Government Act and recreation reserve, subject to the Reserves Act.

NEW RESOLUTION

On re-examining the 1994 Council resolution it has been found that the resolution is incorrect in its legal description of the land parcels concerned which were intended to be declared and classified a recreation reserve. Further, the Council's resolution refers to Section 24 (a change of purpose) when in fact this is the first classification under the Reserves Act of the land in question in terms of Section 16 of that Act.

To correct this situation and to proceed with formalising a lease to the club as always was intended it will be necessary to pass a fresh resolution. (Refer recommendation 2 below.) Public notification of the intended declaration and classification is not necessary as the recreation classification conforms with the city plan.

LEASE

The Canterbury Society of Model and Experimental Engineers first established on the site in undeveloped state in the late 1940's. Over the past 50 years the club (including financial contribution to Council for the purchase of CT 2D/628) has developed the site. Substantial improvements have been made to the site including a clubhouse, boathouse and station buildings, 325 metres of model railway track, 600m² boating pond, landscaped tunnel and bridges, as well as fencing and planting to the value of probably in excess of \$500,000. While it has been the intention of Council for many years to formalise the occupancy with a deed of lease, title ownership, motorway legalisation and classification issues have considerably delayed a lease being finalised. Although the lease deed has not been completed a lease has effectively been in place as the club has been paying a ground rental for many years.

ACCESS

Vehicle access to the club premises is gained by Andrews Crescent/Rowallan Lane through the Council's EPH complex adjacent to the club. This accessway is not a legal road. Pedestrian access only is available off Jerrold Street South (SH 73). The Andrews Crescent Complex comprises the older weather board style units and it would not be appropriate to grant a formal right of way through the complex as this could well compromise any future redevelopment or options for the future use of this land. Access for club members and tradesmen vehicles (ie no general public access) will be maintained at Council's pleasure and the wording of the lease document can reflect this position.

- Recommendation:**
1. That the resolution of the Council dated 28 September 1994 be rescinded.

2. That the following resolution be adopted:

Resolution

Pursuant to Sections 14 and 16 of the Reserves Act 1977 the Christchurch City Council hereby resolves to declare the land described in the First Schedule a Recreation Reserve and to classify the reserve described in the Second Schedule a Recreation Reserve.

First Schedule

- (i) All those parcels of land containing 1538 square metres or thereabouts being Section 1 SO plan 16504 and Section 1 SO plan 16505 being all of the land comprised in CT 35A/172 Canterbury Registry.
- (ii) All that parcel of land containing 607 square metres or thereabouts being Part Lot 1 DP plan 12113 being all of the land comprised in CT 2D/628 Canterbury Registry.

Second Schedule

All those parcels of land containing 2362 square metres or thereabouts being Part Lot 2 DP plan 12113, Part Lot 52 DP plan 8335 and Part Lot 51 DP plan 8335 being all of the land comprised in CT 481/224 Canterbury Registry.

3. That subject to the 1 and 2 above the Council issue a lease to the Canterbury Society of Model and Experimental Engineers over its existing premises off Jerrold Street for up to a maximum term of 20 years less a day on the standard terms, conditions and rental for Council leases over recreation reserve subject to:
- (a) The lease being publicly notified and no sustainable objections being received.
 - (b) The costs being met on the following basis:
 - (i) Reserve classification and gazettal – Council.

(ii) Advertising, Minister of Conservation's consent, preparing, executing and stamping the lease – lessee.

4. That the Property Manager be authorised to administer the lease under the terms of the lease document and general practices at the time.

Chairman's

Recommendation: That the above recommendation be adopted.