



13. MACFARLANE PARK PLUNKET BUILDING – LEASED AREA

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Corporate Plan Output: Leases and Applications	

The purpose of this report is to enable the Shirley/Papanui Community Board to comment on the proposal for the Macfarlane Park Plunket building prior to the report going onto the Parks and Recreation Committee and Council for approval.

The report covers the Plunket's Society's application to the Council for the surrender of its current lease and the proposal to grant a new lease to the Shirley Community Trust over the surrendered lease area. There is a necessity to change the classification of part of the reserve occupied by the kindergarten and the area proposed to be leased to the Shirley Community Trust.

INTRODUCTION

Members will recall that the Plunket Society has not used its building and leased area for some time and wishes to surrender its lease and financial interest in the building. The Shirley Community Trust has expressed an interest in taking over the facility, the details for this being dealt with in a separate report to 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.

SURRENDER OF EXISTING LEASE

The Royal New Zealand Plunket Society, Christchurch North East Branch (Inc), wrote to the Council on 26 April 2000 formally advising that they wish to surrender the existing lease and ownership of the building on Macfarlane Park.

Under the terms and conditions of their lease the surrender requires formal acceptance by the Council before it can become effective. The surrender of the lease will be covered in the first part of the recommendation.

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 eg: 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. There is a certain irony in that this part of the park was originally vested as a “Reserve for a site for a community centre” under the previous Reserves and Domain Act 1953, prior to being changed to Recreation Reserve through a gazette notice on 11 January 1962.

Normally the reclassification would require public notification. However, there is provision in Section 16 of the Reserves Act 1977 whereby public notification is not required in certain circumstances.

It will not be necessary for public notification of the Council’s intention to change the classification, as required by Section 16 (4) of the Act. The reason being that Section 16, (5) (a) or (b) states the following:

(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 resolution of Council, without the requirement for public notification.

AMALGAMATION OF TITLES

This part of Macfarlane Park is currently held in three separate titles. Officers intend to amalgamate Lot 1 of DP 17482 (374 m²), and Lot 2 of DP 17482 (4185m²), and Lot DP 16155 of 5.2371 ha to tidy up the land holdings that make up this part of Macfarlane Park.

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. This has been separately reported to the Board which is recommending the Shirley Community Trust as the preferred occupants of the Plunket 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.

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 the Shirley Community Trust, who would have otherwise been unable to finance and resource the construction of a new facility on their own.

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 who have been keen to cease any interest or ownership in the existing facility for some time and had requested the Council to assist them 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 will be recommending 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.

Recommendation: That it be recommended to Parks and Recreation Committee that the changes in lease be approved subject to the following conditions:

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 Councils rights and remedies under the lease.
 - (b) The ownership of the building be 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 the Council resolve to classify 1443 m² or thereabouts of Macfarlane Park know as Reserve 4745 part Lot 2 DP 17482 of 4186m² (shown as area "A" on attached plan) as Local Purpose Reserve (Community Buildings) pursuant to section 17 of the Reserves Act 1977.
 - (b) That the Council ask the Minister of Conservation to gazette the classification of the reserve as resolved by Council.
4. That the Shirley Community Trust application for a lease of the area previously leased to the Plunket Society on MacFarlane Park 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 obtain all necessary Resource and Building Consents for any alterations to the existing facility.
 - (c) Any landscaping of the building required by the Parks Manager is to be completed by the applicant at their 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 to be 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 are to be the responsibility of the Shirley Community Trust.
 - (g) The colour scheme for the exterior of the building be approved by the Parks Manager prior to painting.
 - (h) The Shirley Community Trust is to show proof of having a Health and Safety Management Plan in place to the Area Parks Officer (Consents) prior to commencing operation.

- (i) Approval to lapse 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 will be surrendered to Council with no compensation payable to the Shirley Community Trust.

Chairperson's

Recommendation: That the officer's recommendation be adopted.