

# Variation to land leased and approval for a new construction - Whitianga Community Services Trust

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TO	Mercury Bay Community Board
FROM	Jan McNeil - Property Officer
DATE	20 July 2015
SUBJECT	<b>Variation to land leased and approval for a new construction - Whitianga Community Services Trust</b>

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## 1 Purpose of Report

For consideration and recommendation to Council to approve a variation to part of the Local Purpose (Community) Reserve (Land) leased and for an approval for an additional facility to be constructed on part of the Land to further develop the services provided to the community by the Whitianga Community Services Trust (Lessee) located at 2 Cook Drive, Whitianga

## 2 Background

The Lessee has been leasing part of the Land since 1 April 2009 in accordance with the Service Delivery Committee resolution below and as shown hatched on the aerial appended to (**Attachment A**).

### **Resolved**

*That the Service Delivery Committee:*

1. *(Abridged).*
2. *(Abridged).*
3. *Approves a new lease pursuant to the Reserves Act 1977 for Whitianga Community Services Trust to occupy part of the site at 2 Cook Drive, Whitianga, being pt. Lot 1, DPS 2150, for a term of 19 years, 364 days commencing 1 April 2009 at the rental of \$350.00 plus GST pa with 3 yearly rent reviews with the revenue being credited to the Mercury Bay Reserves activity.*

**Moved/Seconded By:** *Minogue/Hewlett*

## 3 Issue

The area of the existing development (**Attachment B**) is outside the Land leased and approved and as shown hatched on (**Attachment A**). The Land area needs to be varied to ensure all the existing development and the proposed new building is within the approved Land area.

## 4 Discussion

The Lessee has requested Council approval prior to undertaking a feasibility study for an additional facility to provide for increased demands for community services. For example, the after school Out of School Care and Recreation (OSCAR) programme currently provides for 20 children, however with the additional facility a further 20 children could be catered for.

The current lease does not expire until 31 March 2029 providing the Lessee with a legal exclusive possession area over the Land for a further 13 years 7 months for the purpose of offices and a social service centre. However the existing development on the Land (**Attachment B**) is outside the leased area as documented in the Lease and as shown hatched on (**Attachment A**). Therefore the Lease needs to be varied to ensure all current and the proposed new buildings will be within an approved Land area as proposed and appended to (**Attachment B**).

Any buildings or proposed new buildings on the Land are or will be owned by the Lessee, further condition 9 of the Lease states;

*"It is further agreed and declared that any such building so built or erected shall at the termination of the Lease under the termination provisions of the Lease or by effluxion of time, surrender, breach of conditions or otherwise be removed within six months or become the absolute property of the Lessor and no compensation shall be payable".*

The proposed new building is approximately 8m x 24m (192m<sup>2</sup>), a single level building and is planned to be constructed on the southern end of the existing buildings and as shown hatched black and white on (**Attachment C**).

It is noted that there is water and wastewater pipes laid under the area of the Land where the proposed building is planned to be constructed. It is the Lessee's responsible to ensure there is no damage to the infrastructure under the Land. Staff will instruct the Lessee that any damage to Council infrastructure will be the Lessee's liability.

## **5 Suggested Resolution(s)**

That the Mercury Bay Community Board:

1. Receives the report.
2. Recommends to Council to approve a variation to the footprint on the Land leased as delineated light blue on aerial described as "Existing Development and Proposed New Footprint - Whitianga Community Services Trust".
3. Recommends to Council to approve the proposed new building as shown hatched black and white on the aerial described as "Approximate location - proposed new building - Whitianga Community Services Trust".

## **References-Tabled/Agenda Attachments**

**Attachment A** *Aerial of existing land area leased*

**Attachment B** *Existing development and proposed new area of land leased*

**Attachment C** *Approximate location - proposed new building*

**Attachment A - Aerial of existing land Leased**

**Attachment B**

**Attachment B - Existing development and proposed new area of land leas...**

[Attachment C - Approximate location - proposed new building](#)