

New Lease - Thames Small Gauge Railway Society Inc.

TO	Thames Community Board
FROM	Jan McNeil - Property Officer
DATE	26 August 2015
SUBJECT	New Lease - Thames Small Gauge Railway Society Inc.

1 Purpose of Report

For consideration to recommend to Council to approve a new lease and licence between the Thames Coromandel District Council (Council) and the Thames Small Gauge Railway Society Incorporated over part of the land located at Victoria Park, Thames.

2 Background

The Thames Small Gauge Railway Society Incorporated (Society) is a society incorporated under the Incorporated Societies Act 1908.

In 1995 Council approved a 20 year lease commencing 13 October 1995 and expiring 12 October 2015 over part of Victoria Park for the purpose of establishing and operating a small gauge railway and associated facilities.

The Society applied for resource and building consent that were both granted in 1995 for the construction of a railway station, railway track and turntable, confirming the buildings and structures on the land are owed by the Society.

In 2007 the Society was granted resource and building consent for the construction of a storage shed in accordance with the Victoria Park Reserve Management Plan (**Attachment A**). The storage shed is not included as part of this new lease as it is constructed on land leased to the Thames Squash Racket Club Incorporated.

In 2012 the Society was granted resource and building consent for the construction of a water tank adjacent to the existing station building. It is noted that the water tank structure is not in accordance with the Victoria Park Reserve Management Plan.

The Society also requested a further storage shed as part of the new lease. We have advised the Society the Victoria Park Reserve Management Plan prohibits the construction of any further buildings, however they may wish to discuss with Council's planning department as per the process with the other structures that have been constructed on the land.

3 Issue

The Society has requested a new lease for a further 20 year term over part of Victoria Park. The land is held for the purpose of recreation reserve therefore Council approval is required.

The Land at Victoria Park is held for recreation purposes and is managed in accordance with the Victoria Park Reserve Management Plan. There is no evidence that the land has been classified pursuant to the Reserves Act 1977 (Act) however the proposed new lease

and licence will be drafted using the provisions of the Act that provides for and authorises Council to approve the ongoing activity that the land is being used for now.

A lease grants the Society a legal right of exclusive possession to a specific area, the railway station building, as shown outlined on the plan appended to **(Attachment B)**. The lease area is comprised in SA13B/144, SA46B/513 and SA45A/757 and part Council road. Council's Roding Manager has approved the encroachment over Council's road.

A licence grants the Society the right to undertake an activity on the reserve which would otherwise be unlawful, the rail tracks and associated structures, as shown outlined on the plan appended to **(Attachment C)**. The licensed area is comprised in SA45A/757, SA46B/513 and part Council road. Council's Roding Manager has approved the encroachment over Council's road.

The current "*Leases of Council Owned and Administered Land and Buildings*" adopted 22 November 2006 determined Community Groups to be Category 2 with a rental of \$350 per annum plus GST. The policy provides for legal costs for the drafting of the Deed of Lease to be met by the Lessee.

The Society have requested a new lease for a further term of 20 years to continue operating a small gauge Railway and associated facilities that was constructed by the Society in the 1990's. The following term is suggested and a draft lease is appended to **(Attachment D)**.

Term:	20 years
Commencement:	13 October 2015
Final Expiry:	12 October 2035
Rental:	\$350 + GST per annum
Rent Review:	Every 3 years

The annual rent payable from each rent review date shall be determined in accordance with any prevailing Council policy relating to leases of council owned and administered land and buildings, current at the date of each rent review.

The TCDC Thames Area Manager supports the renewal of the lease as proposed due to the nature of community benefit provided by this activity.

The revenue will be credited to account - Parks and Reserves - GL code - 212.12212.

4 Suggested Resolution(s)

That the Thames Community Board:

1. Receives the New Lease - Thames Small Gauge Railway Society Inc report.
2. Recommends to Council to approve a new lease and Licence between Thames-Coromandel District Council and the Thames Small Gauge Railway Society Incorporated over part of the land located at Victoria Park, Thames more particularly; the lease area is comprised in SA13B/144, SA46B/513 and SA45A/757 and part Council road. The licensed area is comprised in SA45A/757, SA46B/513 and part Council road.

Term:	20 years
Commencement:	13 October 2015
Final Expiry:	12 October 2035
Rental:	\$350 + GST per annum
Rent Review:	Every 3 years
3. Acknowledge that the lease and licence is in accordance with the Thames and Thames Coast Reserve Management Plan for specific reference to the Victoria Park Reserve Management and Concept Plans.
4. Declares all land comprised in SA13B/144, SA46B/513 and SA45A/757 as recreation

- reserve in accordance with the Reserves Act.
5. Instructs the Chief Executive to take all steps necessary to classify the land comprised in SA13B/144, SA46B/513 and SA45A/757 as recreation reserve in accordance with the Reserves Act 1977

References-Tabled/Agenda Attachments

- Attachment A** *Victoria Park Reserve Management Plan*
Attachment B *Map - Lease Area*
Attachment C *Map - Licence Area*
Attachment D *Draft Deed of Lease*

Attachment A
Attachment A - Victoria Park Reserve Management Plan

Attachment B - Map - Lease Area

Attachment C - Map - Licence Area

Attachment D

[Attachment D - Draft Deed of Lease - Thames Small Gauge Railway Societ...](#)