

# STAFF REPORT

**TO:** The Chairperson and Members of the Community Services Committee

**FROM:** Manager Property

**REFERENCE:** 10002

**DATE:** 7 June 2006

**SUBJECT:** Collingwood Museum Lease

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## PURPOSE

To inform the Committee of the situation with the Collingwood Museum lease.

## BACKGROUND

The Council previously owned the land on which the Collingwood Museum, playground and fire station is constructed. In compliance with the provisions of the Fire Service Act, the land was vested in the fire service as part of an agreement which enabled the old fire station in Takaka to remain in Council ownership. A lease was entered into for the museum and playground and the area of the lease was varied when the new fire station was built. The old lease referred to a common access way which was the old entrance to the fire station and was adjacent to the museum building. This access disappeared when the new fire station and entrance was constructed. In 2004 the Museum Society requested a formal sublease for the area of the museum and a very simple document was prepared which essentially required the museum to comply with the same terms and conditions that the Council has to comply with, with its lease from the fire service.

The Aorere Trust wishes to erect a building adjacent to the museum site. The fire service has agreed to the proposal but the Museum Committee have objected to the proposal.

## DISCUSSION

The lease with the museum does not specify a specific area and the lease with the fire service still contains reference to the common access even though this is now only used as a pedestrian way. The fire service agree with the writer's opinion that the common access ceased to exist when the new fire station was built and have offered to prepare a variation to the lease recording this. At the same time it would be a simple matter to clarify the area which is subject to the sublease to the museum.

This would clarify the museum boundaries and the area which is subject to their sublease and would leave the way clear for the Aorere Trust building to be erected nearby.

While the process to clarify the position of the museum lease is straightforward, it is the writer's opinion that while this action is necessary to clearly define the museum lease it will create disharmony with part of the Collingwood community. The writer recently met with members of the museum who are adamant that they do not wish to have another building erected alongside the museum. While the Museum Committee may not have the final say in this issue, the Committee needs to be aware of these concerns by albeit a small part of the community.

## **AFFECTED PARTIES**

The fire service, as owner of the property, have indicated that they are willing to execute a variation to the lease with Council as indicated earlier in this report. The Museum Society as a tenant of the property may be considered to be affected parties pursuant to the Local Government Act 2002 as are the users of the adjoining playground. Any proposal to enter into a sublease with the Aorere Trust should include a measure of consultation with affected persons and perhaps the local community.

## **OPTIONS**

The ideal option in the writer's opinion would be for the Museum Society and the Aorere Trust to merge but this seems unlikely to occur. The only other land the Council owns in the vicinity is the Collingwood Camping Ground and staff do not see this as an acceptable alternative site. Therefore the options appear to be to allow the sublease of land adjacent to the museum or not to.

## **RECOMMENDATION**

That a variation of the Council lease with the New Zealand Fire Service be sought to clarify the area subleased to the Collingwood Museum Society and the shared access; and

That a consultation of affected persons be undertaken regarding the proposal and that the outcome of that consultation be reported back to the Community Services Committee.

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Manager Property