

Mangawhai Community Park Governance Committee – Mangawhai Museum Daring Ship Proposal

Meeting: Mangawhai Community Park Governance Committee
Date of meeting: 7 December 2020
Reporting officer: Jenny Rooney, Funding Advisor

Purpose/Ngā whāinga

To seek Mangawhai Community Park Governance committee support for the temporary storage of the Daring ship within the Mangawhai Museum leased area.

Executive summary/Whakarāpopototanga

The decision to grant permission for a temporary shelter on the Museum's leased footprint is on the agenda for 16 December 2020 Council meeting.

Council will seek advice from the Committee as to whether the application should be rejected or accepted.

It is noted that

- There is a legal risk to Council, as the landlord with the proposal outlined in the correspondence from the Museum dated 20 November 2020. The Museum has stated they do not want to take any responsibility or be accountable whilst the Daring is stored temporarily on their leased land. However, under Property law this isn't something the Museum can do without Council agreement and subsequent approval of a variation to the Museum lease.
- The Mangawhai Community Master Plan needs to be considered when MCPGC are making decisions regarding the activities within the Park.
- A contingency plan will need to be in place for the relocation of the Daring to a permanent location, either to the Mangawhai Historic Village or an alternative location which is not situated within the Park.
- A funding plan for external funding will need to be in place and potential funders identified.

Recommendation/Ngā tūtohunga

That the Mangawhai Community Park Governance Committee

- a) Receives the report, and
- b) Recommends that Council decline the Mangawhai Museums proposal at this stage and continue to work with group, or
- c) Recommends to Council, the landlord, that they approve the Mangawhai Museum's proposal to sublet to the Daring Trust, who will erect a temporary shelter for the Daring Ship within their Leased area, subject to the conditions outlined in this report being resolved including a variation to the Museums lease.

Context/Horopaki

On 31 August 2020 The Daring Trust wrote to the Chair of Mangawhai Community Park Governance Committee requesting the committee agree in principal to the Daring being located in the Community Park.

At the Mangawhai Community Park Governance Committee meeting held on 07 September 2020 Jim Wintle, Chair of the Daring Trust, presented an overview of the proposal. At the meeting the following motion was carried, that the Mangawhai Community Park Governance committee:

- a) *notes the Daring shipwreck is not a Council project and Council does not have funds to pay for or contribute to the project.*
- b) *writes to the Daring Trust to emphasise that the Daring trust must solely instigate, lead, and co-ordinate all required Council applications and related processes.*
- c) *notes that the ship must not be placed on Council land (temporarily or permanently) until the full planning, application, and approval process has been completed, with the appropriate approvals have been given by the Council.*

On 14 September the committee received a letter from the Mangawhai Museum formally requesting permission to allow the Mangawhai Daring Trust to erect a temporary shelter for the Daring on the Museum's Licence to Occupy footprint. A copy of the letter is in **Attachment A**. The Committee needs to consider the request and make a decision to approve or decline the proposal.

As the landlords of the Mangawhai Community Park, the Council has to consider the request from the Mangawhai Museum for permission to allow The Daring Trust to erect a temporary shelter, a letter was received dated 20 November 2020 formally requesting permission. This can be found in **Attachment B**. A report detailing the proposal will be presented to the Council on 16 December 2020.

Discussion/Ngā kōrerorero

Options

- Option 1 - The Committee recommends to Council that they approve the Mangawhai Museum's proposal in the letter dated 4 November 2020 with the following conditions, that the Mangawhai Museum together with the Daring Trust:
 - a) provide a viable contingency plan for the relocation of the Daring to a permanent location
 - b) provide a plan to address the policy, financial, risk and legal implications identified below

- Option 2: - The Committee recommends that Council decline the Mangawhai Museum's proposal at this stage and for staff to continue to work with the group.

There is key policy, financial, risks and legal implications associated with the two options:

Policy and planning implications

The Mangawhai Community Park Master Plan needs to be considered when decisions are made regarding the activities within the park.

The Daring Trust will need to have a contingency plan in place for an alternative permanent location of the Daring if the Mangawhai Historic Village is not deemed a suitable position within the Park.

Financial implications

The Daring Trust will need to provide a funding plan on how they propose to raise the funds from external funding sources to relocate the Daring to its permanent location. There has currently been no external funding received or applications made funding for the project

Legal Implications

The Museum stated they do not want to take any responsibility or be held accountable whilst the Daring is temporarily stored on their leased land. However, under property law this isn't something they can do without Council agreeing to and approving a variation to the Museum lease. Therefore, Council staff cannot recommend the temporary storage is approved by the Committee.

Risks and mitigations

The potential risks are the:

- Daring Trust will not be able obtain permission from the Council to relocate the Daring within the Mangawhai Historic Village License to Occupy footprint
- Daring proposal will not meet the Resource Consent conditions and therefore be unable to obtain Building Consent
- Daring Trust will not be able to raise the funds to relocate the Daring ship to its permanent location
- Mangawhai Museum and the Daring Trust would need a viable contingency plan in place to relocate the Daring elsewhere outside of the Mangawhai Community Park footprint.
- Mangawhai Museum and the Daring Trust would need a viable contingency plan in place to relocate the Daring elsewhere.

Significance and engagement/Hirahira me ngā whakapāpā

The decisions or matters of this report do not trigger the significance criteria outlined in Council's Significance and Engagement Policy, and the public will be informed via agenda on the website.

Next steps/E whaiake nei

The MCPGC recommendation will be presented to the Council for consideration at the meeting being held on 16 December 2020.

Attachments/Ngā tapiritanga

	Title
A	Mangawhai Museum Letter dated 14 September 2020
B	Mangawhai Museum letter to Council dated 20 November 2020