

MAKARA STREAM RESERVE: PROPOSED NEW LICENCE UNDER THE RESERVES ACT 1977 - 418 MAKARA ROAD

1. Purpose of report

To recommend the Committee approves a new grazing licence to Wei Lin and Nanyu Jiang (the Licensees) of 4,384m² at 418 Makara Rd, Makara.

2. Executive summary

This report recommends the Licensees are granted a new licence broadly consistent with the *Leases Policy for Community and Recreation Groups*. The land is held as Local Purpose Reserve under the Reserves Act 1977.

The proposed Licensees (Wei Lin and Nanyu Jiang) have recently purchased the adjacent site and are seeking a grazing licence under similar terms as the previous owner.

The Licensees propose to use the land for grazing stock and in return will maintain the area.

Given that the proposed Licensees are not an incorporated society, nor do they propose a public community activity, the proposed licence falls outside of the *Leases Policy for Community and Recreation Groups*. However, the proposed licence is to be consistent with similar occupation agreements over land held under the Reserves Act 1977.

The Makara/Ohariu Community Board was notified of this proposal at its meeting on 20 February 2014 (see appendix 2 for the resolution of the Board and appendix 3 for the report that the Board considered).

The Board requested officers investigate disposal options. On this basis, the proposed term is limited to three years.

Should the Committee agree with this course of action, officers will investigate disposal options with a view to reporting back at a later date.

3. Recommendations

Officers recommend that the Environment Committee:

- 1. Receive the information.*

2. *Agree to grant a new licence under the Reserves Act 1977 to Wei Lin and Nanyu Jiang of 4,384m² legally described as Lot 5 DP78002 WN45D/298 (subject to the usual terms and conditions noted below).*
3. *Note the terms of the licence are to be broadly consistent with Council's "Leases Policy for Community and Recreation Groups" except for rent.*
4. *Note that approval to grant the licence is conditional on:*
 - (a) *appropriate Iwi consultation*
 - (b) *public notification under s119 and s120 Reserves Act 1977*
 - (c) *no sustained objections resulting from the above consultation and notification; and*
 - (d) *legal and advertising costs being met by the respective lessee / licensee (where applicable)*
5. *Note that officers will investigate and consult on the option of revocation and divestment of the reserve in the Suburban Reserves Management Plan currently in development.*

4. Discussion

The land is located at 418 Makara Road, Makara and has been occupied since 1997 by the former adjoining owner, Mike Horsley. This licence had expired and so the licensee was holding over on a month to month basis. The licensee paid \$176pa + GST and was wholly responsible for all weed control along with repairs and maintenance to the land and fences etc.

As before, the proposed Licensee will be wholly responsible for weed control along with repairs and maintenance to the land and fences etc.

The *Leases Policy for Community and Recreation Groups* allows licence fees to be determined separately from the policy formula. In this case a rent of \$750.00 + GST per annum has been decided however, on the recommendation of the Makara Ohariu Community Board annual rental may be negotiated accordingly.

It was also the Makara Ohariu Community's Board recommendation that the initial proposed term of five years with a five year renewal be shortened to 3 years.

5. Conclusion

Officers recommend that the Environment Committee approves the licence to Wei Lin and Nanyu Jiang.

Contact Officers: *Grace Clapperton-Rees (Property Advisor) and Amber Bill (Open Space and Parks Manager)*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The proposed licences will be consistent with the objectives of the “Leases Policy for Community and Recreation Groups” which are:

-ensure maximum community benefit is derived from Council-owned land and buildings;

-strengthen participation and engagement in community and recreational activities; and

-ensure leases are managed fairly, processes are transparent and Council officers have the flexibility to respond to community needs.

2) LTP/Annual Plan reference and long term financial impact

The proposed licence will have no substantial long-term financial impact

3) Treaty of Waitangi considerations

There are no Treaty of Waitangi considerations

4) Decision-making

This is not a significant decision

5) Consultation

a) General consultation

Public consultation will be undertaken as required under the Reserves Act 1977

b) Consultation with Maori

Iwi will be consulted

6) Legal implications

The Licence will be subject to the provisions of the Reserves Act 1977

7) Consistency with existing policy

The proposed licence will be consistent with the “Leases Policy for Community and Recreation Groups”.

APPENDIX 1



APPENDIX 2

Wellington City Council
Te Kaunihera o Poneke

EXTRACT OF MINUTES

MAKARA/OHARIU COMMUNITY BOARD

MEETING OF THURSDAY 20 FEBRUARY 2014

MAKARA STREAM RESERVE: PROPOSED NEW LICENCE UNDER RESERVES ACT 1977 – 418 MAKARA ROAD

Report of Grace Clapperton-Rees – Property Advisor and Amber Bill – Open Space Parks Manager. (REPORT 1)

NOTED:

Amber Bill – Open Space Parks Manager was in attendance for this item.

Moved Christine Grace, seconded Judy Liddell, the substantive motion, with the addition of a new recommendation 3 and 4 as follows:

THAT the Makara/Ohariu Community Board:

- New 3. Request that officers investigate the option of revocation and divestment of the reserve.
- New 4. Request that the terms of the license be 3 years with no right of renewal and flexibility of the annual rental be negotiated accordingly.

The substantive motion with a new recommendation 3 and 4 was put and declared **CARRIED.**

RESOLVED:

THAT the Makara/Ohariu Community Board:

1. *Receive the information.*
2. *Endorse the recommendations contained in the report to be considered by the Environment Committee at the meeting of 20 March 2014, and provide feedback to be included in the report if necessary.*
3. ***Request that officers investigate the option of revocation and divestment of the reserve.***
4. ***Request that the terms of the license be 3 years with no right of renewal and flexibility of the annual rental be negotiated accordingly.***

NOTED:

The resolution differs from the recommendations in the officer's report as follows:
The Community Board added the text in **bold**.

MAKARA/OHARIU COMMUNITY BOARD 20 FEBRUARY 2014



REPORT 1

MAKARA STREAM RESERVE: PROPOSED NEW LICENCE UNDER RESERVES ACT 1977 – 418 MAKARA ROAD

1. Purpose of report

To obtain the Makara/Ohariu Community Board's endorsement and feedback (if any) on officers' recommendation to Council grant a new grazing licence of 4,384 square metres to Wei Lin and Nanyu Jiang (the Licensees) at 418 Makara Rd, Makara.

This matter is to be considered by the Environment Committee at its meeting on 20 March 2014 (see appendix 2 for draft report).

2. Executive summary

This report recommends the Licensees are granted a new licence broadly consistent with the *Leases Policy for Community and Recreation Groups*. The land is held as Local Purpose Reserve under the Reserves Act 1977.

The proposed Licensees (Wei Lin and Nanyu Jiang) have recently purchased the adjacent site and are seeking a grazing licence under similar terms as the previous owner.

The Licensees propose to use the land for grazing stock and in return will keep the area tidy and maintained for Council.

Given that the proposed Licensees are not an incorporated society, nor do they propose a public community activity, the proposed licence falls outside of the *Leases Policy for Community and Recreation Groups*. However, the proposed licence is to be consistent with similar occupation agreements over land held under the Reserves Act 1977.

The *Leases Policy for Community and Recreation Groups* allows licence fees to be determined separately from the policy formula. In this case a rent of \$750.00 + GST per annum has been decided.

3. Recommendations

Officers recommend that the Makara/Ohariu Community Board:

1. *Receive the information.*
2. *Endorse the recommendations contained in the report to be considered by the Environment Committee at the meeting of 20 March 2014, and provide feedback to be included in the report if necessary.*

4. Discussion

The land is located at 418 Makara Road, Makara and has been occupied since 1997 by the former adjoining owner, Mike Horsley. This licence had expired and so the licensee was holding over on a month to month basis. The licensee paid \$176pa + GST and was wholly responsible for all weed control along with repairs and maintenance to the land and fences etc.

The proposed licence is for a term of five years with a five year renewal option and an annual rental of \$750 + GST. As before, the proposed Licensee will be wholly responsible for weed control along with repairs and maintenance to the land and fences etc.

5. Conclusion

Council officers are seeking support from the Makara/Ohariu Community Board for the proposal and will include the Board's feedback in their report to the Environment Committee as necessary.

Contact Officer: *Grace Clapperton-Rees (Property Advisor) and Amber Bill (Open Space Parks Manager)*