

**Mayor and Councillors**  
COUNCIL

13 APRIL 2017

Meeting Status: **Public**

Purpose of Report: For Decision

**LICENCE TO OCCUPY LAND AT TAKEHE DRIVE, WAIKANAĒ ESTUARY CARE GROUP**

**PURPOSE OF REPORT**

- 1 This report seeks approval to enter into a licence agreement with the Waikanae Estuary Care Group on Council owned land at Takahe Drive, Paraparaumu.

**DELEGATION**

- 2 Council has the delegation to consider this matter.

**BACKGROUND**

- 3 The agreement would be for part of the land area described on Takahe Drive, Paraparaumu and more particularly shown as the area highlighted in Appendix 1 and being part of the land comprised and described in Lot 13 DP 431964. The land is administered by Kāpiti Coast District Council under the Reserves Act 1977 (the Act).
- 4 The Waikanae Estuary Care Group (WECG) is a voluntary organisation that has occupied a lot within the adjoining Takahe Drive subdivision for approximately ten years. The developer of the subdivision has instructed the group to move from the lot by June 2017. WECG is not-for-profit and grows plants to aid its restoration projects along the Waikanae Estuary.
- 5 The WECG has advised Council that it would like to obtain a licence to occupy a small portion of the reserve for a ten year term, commencing 01 May 2017.
- 6 The reserve is classified as Recreation Reserve, which means that the power to grant a licence is provided by section 74 of the Act. The maximum term that can be offered is ten years.

**ISSUES AND OPTIONS**

**Issues**

- 7 There are limitations on activities that are permitted on this site subject to the Act. The activities proposed including the growing of plants are consistent with the Act.
- 8 It is proposed that the group occupy the space by way of a licence for the purposes associated with the WECG.
- 9 The Waikanae Estuary is a significant ecological asset to the Kāpiti District, and is classed as an Outstanding Landscape in the District Plan. The proposed licence location would enable WECG to continue to base a volunteer restoration service in close proximity to the restoration sites they work on.

- 10 The licensed area is in close proximity to the access way off Hana Udy Place which is used informally by members of iwi for the purpose of white baiting. The proposed lease will not have an impact on this current arrangement. Council Officers have informed iwi about the proposed lease and no concerns have been raised.
- 11 Council has two options. Option 1 would be that Council proceed with a licence as outlined in this report (CS-16-2042). Option 2 would be that Council does not proceed with a licence. The latter would mean that the WECG would not be permitted to occupy the land for a plant nursery operation which would have a negative impact on the work they do within the Waikanae Estuary. Council Officers recommend option 1.

## **CONSIDERATIONS**

### **Policy considerations**

- 12 There are no policy issues arising from this decision.

### **Legal considerations**

- 13 Section 74(2) of the Reserves Act allows a licence to be granted for grazing, gardening or other similar purpose on a recreation reserve. The draft licence documentation will be reviewed by the Council's Legal Advisor before being presented to the WECG for signing.
- 14 The Act requires that Council give public notice of the new licence proposed to be granted. A period of not less than one calendar month must be provided by the Council for objections or submissions to be received. Council must consider any submissions opposing the licence. Any submissions received would be considered at the Council meeting on 15 June 2017.

### **Financial considerations**

- 15 Council has two options in how it intends to seek rent from WECG. Option 1 is Council apply the reserve land rentals set and reviewed annually by Council in either the Long Term Plan or Annual Plan. The current rental charge is \$201. Option 2 is an annual peppercorn rental of \$1 given that WECG is a voluntary group and the valuable contribution they make to the district including growing plants for the immediate Waikanae Estuary area in addition to donating plants to fellow care groups who work within other Council reserves. Council Officers recommend option 2 as the most appropriate financial arrangement for this lease.

### **Tāngata whenua considerations**

- 16 Te Ātiawa Charitable Trust have been consulted on the proposed license. It was acknowledged that members of iwi will continue to have access to whitebait off Hana Udy Place and that WECG will keep iwi informed about the work they undertake. There are no further tāngata whenua considerations.

## **SIGNIFICANCE AND ENGAGEMENT**

### **Degree of significance**

- 17 This matter has a low level of significance under Council policy.

## Consultation already undertaken

- 18 Both the Chair of the Waikanae Community Board and Paraparaumu-Raumati Community Board have been advised of this proposed licence and no concerns have been raised.

## Engagement planning

- 19 An engagement plan is not needed to implement this decision.

## Publicity

- 20 As this is a new licence on Reserve land, one month public notification is required. The requirements of the Act define public notice to be: publishing the notice once in a newspaper circulating in the area in which the reserve is situated and in such other newspapers (if any) as the administering body decides.

The appropriate Council communication channels will be used to ensure key stakeholders and audiences are aware of the process and outcome.

## RECOMMENDATIONS

- 21 That the Kāpiti Coast District Council authorises the Chief Executive to undertake the required public notification process for the licence proposal as outlined in this report (CS-16-2042) for the land at Takehe Drive, Paraparaumu, shown in Appendix 1, to the Waikanae Estuary Care Group.
- 22 If any submissions or objections are made opposing the licence, these will be considered at the Council meeting of 15 June 2017.
- 23 If no submissions or objections are received, that the Kāpiti Coast District Council authorises the Chief Executive to enter into a licence for ten years commencing 1 May 2017 with the Waikanae Estuary Care Group, for the land at the Takehe Drive, Paraparaumu shown in Appendix 1 of this report (CS-16-2042) at a peppercorn rental of \$1 per annum.

<b>Report prepared by</b>	<b>Approved for submission</b>	<b>Approved for submission</b>
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## ATTACHMENT

Appendix 1: Plan of land area proposed for lease for land adjacent Takahe Drive, Paraparaumu.

**Appendix 1 – Waikanae Estuary Care Group Area**  
(Dimensions: 26 metres by 20 metres)

