

Mayor and Councillors
COUNCIL

15 DECEMBER 2016

Meeting Status: **Public**

Purpose of Report: For Decision

LEASE FOR COUNCIL OWNED HOWARTH BARN AT OTARAUA PARK, PARAPARAUMU

PURPOSE OF REPORT

- 1 This report seeks to enter into a three year lease agreement with Mr Maurice Bly for the Council owned Howarth Barn, at Otaraua Park.

DELEGATION

- 2 Only Council has the authority to consider this matter.

BACKGROUND

- 3 The agreement would be for the building on part of the land area described as Otaraua Park, and more particularly shown as the hatched area in Appendix 1 and being part of the land comprised and described in Sec 3 SO 449746. The land is owned and administered by Kāpiti Coast District Council under the Reserves Act 1977 (the Act).

ISSUES AND OPTIONS

Issues

- 4 There are limitations on activities that are permitted on this site subject to the Act. The activities proposed are consistent with the Act.
- 5 Mr Bly has had short term leases with Council since 2014, and uses this barn for the purposes of storing equipment such as empty bee hives. A three year lease has been proposed as Mr Bly would like more certainty and is willing to abide by the terms and conditions outlined.
- 6 The Otaraua Park Development Plan process is currently underway, with public engagement starting early next year. This plan will also determine the future use of the Howarth Barn. Mr Bly has been advised that any future lease agreement for the barn would include a three month out – clause for Council use, should the building be reassigned to sport and recreational purposes within the three year lease period.

CONSIDERATIONS

Policy considerations

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

Legal considerations

- 8 This proposed lease is granted under Section 73 of the Act 'Leasing of recreation reserves for farming, grazing, afforestation, or other purposes'. Section 73 (4) of the Act requires that Council give public notice of the new lease proposed to be granted in accordance with section 119 of the Act. A period of not less than one calendar month must be provided by the Council for objections or submissions to be received. Under section 120 of the Act, Council must consider any submissions received and review its recommendation in light of the submissions. Any submissions received will be considered at the Council meeting of 02 March 2017.
- 9 New lease documentation will be drafted and will be reviewed by the Council's legal advisor before being presented to Mr Bly for signing.

Financial considerations

- 10 Existing agreements with Mr Bly have required a rental of one hundred dollars per week to be paid to Council. The proposed weekly rental for this three year lease is one hundred dollars per week, and will be subject to annual CPI adjustment. Costs associated with a new lease are required to be covered by the lessee.

Tāngata whenua considerations

- 11 There are no known issues for consideration relating to iwi or the Treaty of Waitangi.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

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

Consultation already undertaken

- 13 The Paraparaumu-Raumati Community Board Chair and the Waikanae Community Board Chair have been advised of this proposed lease, and no concerns were raised.

Engagement planning

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

Publicity

- 15 As this is a new lease on Reserve land, one month public notification is required. The requirements of the Act which 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

- 16 That the Kāpiti Coast District Council authorises the Chief Executive to undertake the required public notification process for the lease proposal as outlined in this report (CS-16-049) for the building at Otaraua Park, Paraparaumu, shown in Appendix 1, to Mr Maurice Bly.
- 17 If any submissions or objections are made, that these be considered at the Council meeting 02 March 2017.
- 18 If no submissions or objections are received, that the Kāpiti Coast District Council enters into a lease for three years with no rights of renewal with Mr Maurice Bly from 1 March 2017, for the building at Otaraua Park, Paraparaumu, shown in Appendix 1 to report CS-16-049 at a \$100 weekly rental.

Report prepared by Approved for submission Approved for submission

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ATTACHMENT

Appendix 1 Plan of the building area proposed for lease at Otaraua Park

Appendix 1: Proposed lease area for Mr Bly, Howarth Barn Otaraua Park.



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Howarth Barn Lease Area, Otaraua Park

SCALE 1: 1,858 @A4
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