

Mayor and Councillors
COUNCIL

23 MAY 2019

Meeting Status: **Public**

Purpose of Report: For Decision

GRAZING LEASE FOR NGĀWHAKANGUTU RESERVE

PURPOSE OF REPORT

- 1 This report seeks Council's consideration of submissions received regarding a proposed grazing lease for Ngāwhakangutu Reserve and approval to enter into a new lease with W. Read.

DELEGATION

- 2 The Council has the authority to consider this matter for leases on local purpose reserves; and the authority, as a delegate of the Minister of Conservation through the 12 June 2013 Delegation of Powers under the Reserves Act 1977, to consider leases on recreation reserves.

BACKGROUND

- 3 This lease would be for part of the land known as Ngāwhakangutu Reserve and more particularly the area shown in red in Appendix 1 being part of the land defined as LOT 35 DP 430325, LOT 36 DP 430325 and LOT 41 DP 430325.
- 4 The land is owned by Kāpiti Coast District Council and is reserve land subject to the Reserves Act 1977 (the Act). LOT 36 DP 430325 and LOT 41 DP 430325 are held as Recreation Reserve. The proposed lease on recreation reserve land must be considered under section 73(1) of the Act. LOT 35 DP 430325 is Local Purpose Reserve (Road). The proposed lease on local purpose reserve land must be considered under section 61(2A)(b) of the Act.
- 5 The Ngāwhakangutu Reserve Management Plan 2012 identifies grazing as playing an important vegetation management role in the reserve. The management plan states that grazing of the large open area north of Te Kowhai Stream shall be considered until such time as the area is developed and formally maintained as passive recreation open space. There is no timeline for future development to happen.
- 6 Council approved public notification of the proposed lease at the 27 September 2018 Council meeting.

MOVED (Holborow/Elliott)

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-18-608) for the land at Ngāwhakangutu Reserve, Peka Peka, shown in Appendix 1, to W. Read.

ISSUES AND OPTIONS

Issues

- 7 A total of three submissions were received during the public notification period. Two are in support of the proposed lease and one is against. The full submissions are attached as Appendix 2.
- 8 The submission against the proposed lease requests the grazing area is made available for public use. The submitter would support the lease if the reserve land is available for public use for the majority of the time.
- 9 As the lease would be for grazing of cattle, Council officers do not consider it would be safe to have public access to the area of the Reserve being used for the grazing.
- 10 Option 1 is to not grant a lease for grazing to enable the reserve to be available for public use. Council would then be responsible for the on-going maintenance cost of the current grazing area at a cost of at least \$2,400 annually for mowing the area. It is likely that if the Reserve becomes available for public use there would be an expectation that further development is commenced and further additional budget would be required, dependant on what is agreed to by Council.
- 11 Option 2 is to grant a lease for grazing, noting the points below to be included in the lease. This is officer's preferred option.
- 12 If the lease is granted, Council may, during the proposed lease term, require the proposed lease area for the development and formal maintenance as passive recreation open space. Conditions will be included in the lease to enable Council to terminate the lease with a three-month notice period for this or any other purpose.
- 13 The high dune area which has been part of previous grazing agreements is excluded from the proposed lease area due to the steep and erosion prone topography and the edge with residential properties not being adequately fenced for stock. From a land management point of view, it is considered that the high dune area should be retired from grazing and regeneration encouraged.
- 14 The lease will require stock proof fencing to be maintained at all times throughout the lease. There will be no allowance of hay or baleage to be cut for commercial gain.

CONSIDERATIONS

Policy considerations

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

Legal considerations

- 16 The Council is able to grant a lease of recreation reserve for grazing purposes as part of a management programme under section 73(1) of the Act. The Council is able to grant a lease of local purpose reserve for grazing purposes under section 61(2A)(b) of the Act.
- 17 New lease documentation will be drafted and will be reviewed by the Council's legal counsel before being presented to W. Read for signing.

Financial considerations

- 18 The lease will be at an annual rental of \$1,200. This amount recognises the benefit to Council of not having to maintain an area of reserve that is not currently used (or required) for recreation purposes. If this area was not grazed the annual maintenance cost would be at least \$2,400 just for mowing the area.
- 19 The regeneration of the high dune area will happen over several years and can be managed within existing budgets for restoration planting.

Tāngata whenua considerations

- 20 Iwi have advised their interest in the Ngāwhakangutu Reserve including the proposed lease area. Iwi are supportive of the high dunes being retired from grazing. Concerns were raised about how the potential effects of grazing the land will be managed. Officers consider these concerns can be addressed through the lease agreement. Council officers will continue to discuss with iwi the ongoing management of the reserve separate to this lease process.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

- 21 This matter has a low level of significance under Council's Significance and Engagement Policy.

Consultation already undertaken

- 22 The Waikanae Community Board Chair has been previously advised of this proposed lease and would like the funds gathered to be spent on the reserve.
- 23 A 20 day public notification was undertaken as required by the Act and a total of three submissions were received.

Engagement planning

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

RECOMMENDATIONS

- 25 That the Kāpiti Coast District Council notes the three submissions received as a result of the public notification period as required by the Act.
- 26 That the Kāpiti Coast District Council authorises the Chief Executive to enter into a lease for five years with no rights of renewal, from 1 June 2019 with W. Read, for the land at Ngāwhakangutu Reserve, Peka Peka, as shown in Appendix 1 to report PS-19-785, at an annual rental of \$1,200.

Report prepared by

Approved for submission

Approved for submission

Alison Law

Natasha Tod

James Jefferson

**Parks and Recreation
Manager**

**Group Manager
Regulatory Services**

**Group Manager Place
and Space**

ATTACHMENTS

- Appendix 1 Lease area
- Appendix 2 Copy of full submissions