

Mayor and Councillors
COUNCIL

27 SEPTEMBER 2018

Meeting Status: **Public**

Purpose of Report: For Decision

GRAZING LEASE FOR NGĀWHAKANGUTU RESERVE

PURPOSE OF REPORT

- 1 This report seeks the Council's approval to enter into a new lease with W. Read, for grazing at Ngāwhakangutu Reserve.

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 show 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).
- 5 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.
- 6 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.
- 7 While the proposed lease area has been grazed by W. Read for some time by way of annual agreements, a five year lease is considered an appropriate lease term for grazing.
- 8 Council officers are working with the Ngāwhakangutu care group on restoration planting and planning for the reserve. If Council agrees to proceed with the proposed lease, the care group and the Peka Peka Guardians will be kept informed of when the public notification period starts.

ISSUES AND OPTIONS

Issues

- 9 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. The management plan does not identify that grazing of the reserve should occur for commercial purposes.

- 10 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 proposed lease to enable Council to terminate the lease with a three month notice period for this or any other purpose.
- 11 It is proposed that the high dune area which has been part of previous grazing agreements is excluded from the proposed lease area due 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.
- 12 The proposed lease area is fenced off from Te Kowhai Stream to exclude stock from the stream and to provide for walking, cycling, horse riding and stream maintenance.
- 13 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

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

Legal considerations

- 15 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.
- 16 Section 119 of the Act requires that Council give public notice for a period of 20 working days for proposed leases on recreation reserves. The Council must publically notify its intention to grant the lease and allow time for submissions to be received and considered.
- 17 The Council is able to grant a lease of local purpose reserve for grazing purposes under section 61(2A)(b) of the Act.
- 18 There is no requirement under section 61 of the Act for Council to give public notice for proposed leases on local purpose reserve. However, public notice will be given with the two recreation reserve parcels to avoid possible confusion of the proposed lease area.
- 19 If the proposal is approved, new lease documentation will be drafted and will be reviewed by the Council's legal counsel before being presented to the W. Read for signing.

Financial considerations

- 20 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 \$2,400.

Tāngata whenua considerations

- 21 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

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

Consultation already undertaken

- 23 The Waikanae Community Board Chair has been advised of this proposed lease and would like the funds gathered to be spent on the reserve.

Engagement planning

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

Publicity

- 25 As this is a new lease, a 20 working day public notification is required by the Act.

RECOMMENDATIONS

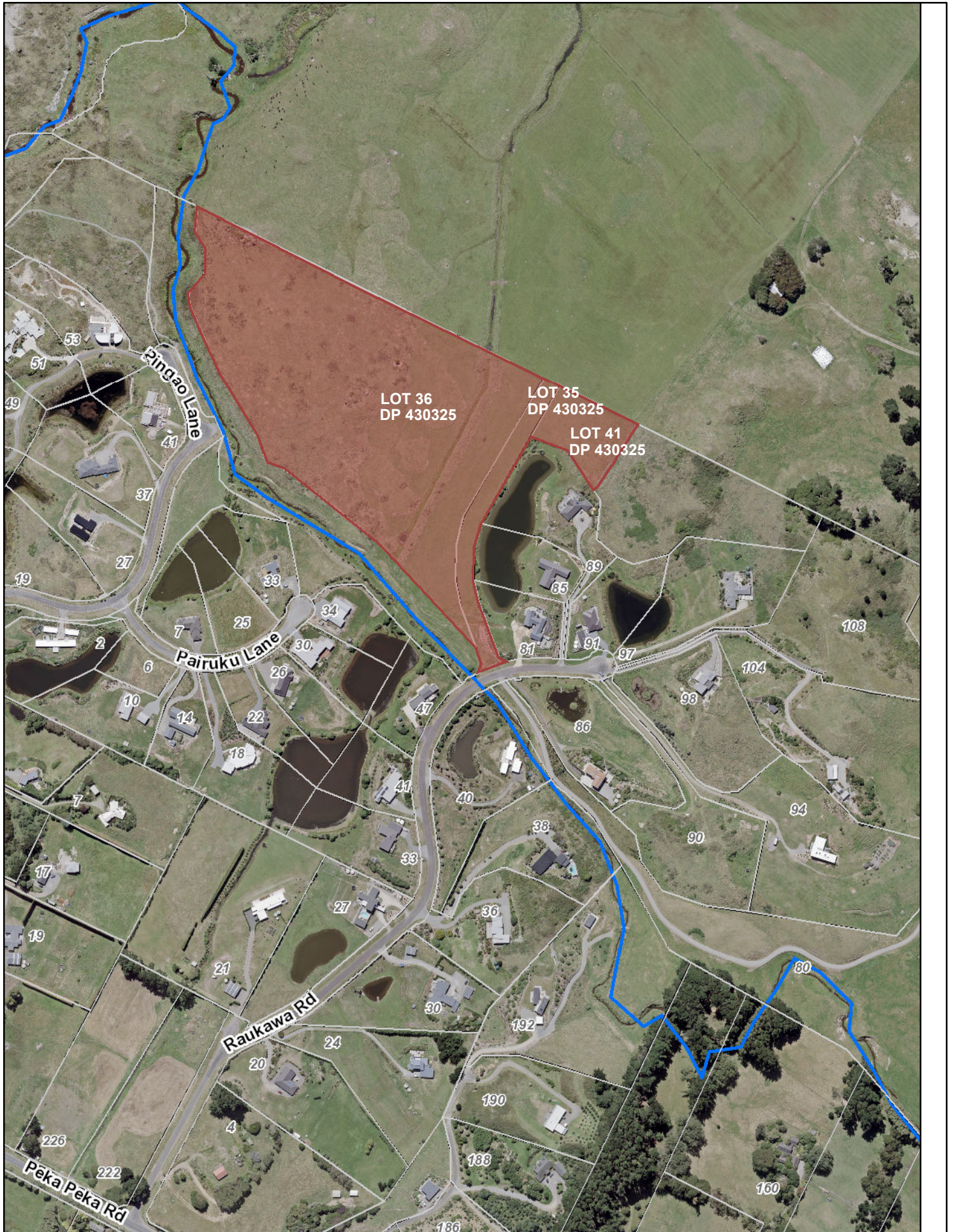
- 26 That the Kāpiti Coast District Council authorises the Chief Executive to undertake the required public notification process for the lease proposal as outlined in this report (CS-18-608) for the land at Ngāwhakangutu Reserve, Peka Peka, shown in Appendix 1, to W. Read.
- 27 If any objections are received, these are considered at the Kāpiti Coast District Council meeting of 6 December 2018.
- 28 If no objections are made, that the Kāpiti Coast District Council authorises the Chief Executive to enter into a lease for five years with no rights of renewal, commencing at the end of the public notification period, with W. Read, for the land at Ngāwhakangutu Reserve, Peka Peka, shown in Appendix 1 to report CS-18-608, at an annual rental of \$1,200.

Report prepared by	Approved for submission	Approved for submission
Kate Brown	Janice McDougall	Sean Mallon
Parks and Recreation Planning Officer	Acting Group Manager Corporate Services	Group Manager Infrastructure Services

ATTACHMENT

Appendix 1 Grazing lease area

APPENDIX 1 - PROPOSED LEASE AREA



Kapiti Coast District Council accepts no responsibility for incomplete or inaccurate information contained on this map. Use of this website is subject to, and constitutes acceptance of the conditions set out in our disclaimer. This publication is copyright reserved by the Kapiti Coast District Council. Cadastral and Topographic information is derived from Land Information New Zealand, CROWN COPYRIGHT RESERVED.

