

Mayor and Councillors
COUNCIL

8 AUGUST 2019

Meeting Status: **Public**

Purpose of Report: For Decision

SENIORNET LEASE CONSIDERATION

PURPOSE OF REPORT

- 1 This report seeks approval to enter in to a new lease with SeniorNet at Matai Road Reserve, Raumati.

DELEGATION

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

BACKGROUND

- 3 This lease would be for part of the land known as Matai Road Reserve and more particularly the area shown in red in Appendix 1 and being part of land defined as 200 Matai Road, Raumati Lot 7 DP13045.
- 4 The land is owned by the Crown, vested in Kāpiti Coast District Council and is classified as Local Purpose Reserve (community use) subject to the Reserves Act 1977 (the Act), Sections 61(2A) and 61(2B).
- 5 SeniorNet has a current lease agreement which expires on 1 October 2019. Kāpiti Coast District Council owns the building that is associated with this lease. SeniorNet has advised Council they would like a new lease for 5 years with one right of renewal for 5 years.
- 6 SeniorNet has been established in Kāpiti since 1998. They have leased the Matai Road Reserve building since 2009. There have been no concerns raised in the time they have been lessees of the Council.

ISSUES AND OPTIONS

Issues

- 7 There are limitations on activities that are permitted on this site subject to the Act. The activities proposed are consistent with the Act. It is proposed that SeniorNet continues to occupy this space by way of a lease solely for the purposes associated with SeniorNet.

CONSIDERATIONS

Policy considerations

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

Legal considerations

9 This lease is issued pursuant to Sections 61(2A) and 61(2B) which states:

- (2A) In addition to the powers of leasing conferred by subsection (2), the administering body, in the case of a local purpose reserve that is vested in the administering body, may lease all or any part of the reserve to any person, body, voluntary organisation, or society (whether incorporated or not) for any of the following purposes:
- (a) community building, playcentre, kindergarten, plunket room, or other like purposes:
 - (b) farming, grazing, cultivation, cropping, or other like purposes.
- (2B) A lease granted pursuant to subsection (2A) shall be subject to the following provisions:
- (a) the lease shall be for a term not exceeding 33 years, with or without a right of renewal, perpetual or otherwise, for the same or any shorter term, but with no right of acquiring the fee simple, and, subject to paragraph (b), shall be on such other conditions as the administering body determines:
 - (b) the lease shall include a condition that the land leased shall be used solely for such purposes as are specified in the lease, and that upon breach of that condition the administering body may terminate the lease in such manner as is prescribed or implied in the lease, whereupon the land, together with all improvements, shall revert to the lessor without compensation being payable to the lessee for improvements or otherwise.

10 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 SeniorNet for signing.

Financial considerations

- 11 The lease will include annual rental to be paid at the appropriate rate set annually by the council in either the Long Term Plan or Annual Plan.
- 12 As Council is the owner of the building leased by SeniorNet, the cost of maintenance and renewal is included in existing budgets.

Tāngata whenua considerations

13 Te Ātiawa ki Whakarongotai have advised that they have no issues with the proposed lease.

SIGNIFICANCE AND ENGAGEMENT

Significance policy

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

Engagement

15 An engagement plan is not needed to implement this decision.

Consultation already undertaken

16 The Paraparaumu-Raumati Community Board chair has been advised of this proposed lease and has raised no concerns.

Publicity

17 As public notification is not required under section 61(2A) and 61(2B) of the Act no publicity needs to be undertaken.

RECOMMENDATIONS

- 18 That the Kāpiti Coast District Council authorises the Chief Executive to enter in to a lease for 5 years with one right of renewal for 5 years, commencing 2 October 2019 with SeniorNet, for the land at Matai Road Reserve, Raumati as shown in Appendix 1 to report PS-19-786 at an annual rental set by the Council in the Long Term Plan or Annual Plan.

Report prepared by **Approved for submission** **Approved for submission**

Alison Law

Sean Mallon

James Jefferson

**Parks and Recreation
Manager**

**Group Manager
Infrastructure**

**Group Manager Place and
Space**

ATTACHMENTS

- 1 Lease area