

Mayor and Councillors
COUNCIL

25 JANUARY 2018

Meeting Status: **Public**

Purpose of Report: For Decision

LEASE FOR RUSSELL RESERVE, WAIKANAЕ FREE KINDERGARTEN

PURPOSE OF REPORT

- 1 This report seeks Council's approval to enter into a lease agreement with Waikanae Free Kindergarten, for land at the Russell Reserve, Waikanae.

DELEGATION

- 2 Council has the authority to consider this matter.

BACKGROUND

- 3 This agreement would be for part of the land area known as Russell Reserve and more particularly shown as the area hatched white in Appendix 1 and being part of the land comprised and described in LOT 38 DP 14025, LOT 7 DP 14827, LOT 9 DP 18727, LOT 66 DP 14994, LOT 30 DP 19887, LOT 14 DP 20479, LOT 17 DP 21319. The land is classified as local purpose and is vested in Kāpiti Coast District Council under the Reserves Act 1977 (the Act).
- 4 Waikanae Free Kindergarten has previously occupied this site by way of a lease since 1998. This current lease expires on 31 March 2018, and subsequently the kindergarten has requested a new lease be entered into.
- 5 The reserve is classified as local purpose reserve under Section 61 of the Act. As this lease is for a kindergarten, Section 61(2A) of the Act applies and empowers Council to grant a lease for up to 33 years without public auction or public tender.

ISSUES AND OPTIONS

Issues

- 6 There are limitations on activities that are permitted on this site subject to the Reserves Act 1977. The activities proposed are consistent with the Act.
- 7 It is proposed the lease activity will continue to provide a space solely for the purposes associated with the kindergarten.
- 8 The proposed term of the lease is twenty years. This is consistent with other leases that have been granted for kindergartens.

CONSIDERATIONS

Policy considerations

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

Legal considerations

- 10 The Act empowers Council to grant a lease for up to 33 years for the purpose of a kindergarten, play centre etc or farming and grazing. A lease granted for these purposes does not need to be publicly notified or auctioned.
- 11 New lease documentation will be drafted and will be reviewed by the Council's legal advisor before being presented to Waikanae Free Kindergarten for signing.

Financial considerations

- 12 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. Costs associated with a new lease are required to be covered by the Lessee.

Tāngata whenua considerations

- 13 There are no known tāngata whenua considerations.

SIGNIFICANCE AND ENGAGEMENT

Degree of significance

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

Consultation already undertaken

- 15 The Waikanae Community Board Chair has been advised of this proposed lease and has raised no concerns.

Engagement planning

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

Publicity

- 17 Public notification in this instance is not required.

RECOMMENDATIONS

- 18 That the Kāpiti Coast District Council authorises the Chief Executive to enter into a lease for twenty years, commencing 1 April 2018 with Waikanae Free Kindergarten, for the land at Russell Reserve shown in Appendix 1 to report CS-18-416 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**

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ATTACHMENTS

Appendix 1: Plan of land area proposed for lease at Elizabeth Street Reserve.

Appendix 1:

