

**Mayor and Councillors**  
COUNCIL

15 DECEMBER 2016

Meeting Status: **Public**

Purpose of Report: For Decision

**LEASE FOR COUNCIL ADMINISTERED LAND AT WAIKANAĒ PARK, WAIKANAĒ RECREATION CENTRE INC**

**PURPOSE OF REPORT**

- 1 This report seeks approval to enter into a new lease agreement with the Waikanae Recreation Centre Inc on Council owned land at Waikanae Park, Waikanae.

**DELEGATION**

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

**Background**

- 3 The agreement would be for part of the land area known as Waikanae Park and more particularly shown as the hatched area in Appendix 1 and being part of the land comprised and described in LOT 1 DP 23513 LOT 3 DP 47449 LOTS 21 22 DP 42690. The land is owned and administered by Kāpiti Coast District Council under the Reserves Act 1977 (the Act).
- 4 The previous Waikanae Recreation Centre Inc lease to occupy expired on 30 April 2008 after a sixteen year term comprising of one eight year term and one eight year right of renewal. The terms of the expired lease have continued to apply with the consent of both parties.
- 5 The Waikanae Recreation Centre Inc owns the building which is currently the base of Waikanae Rugby and Waikanae Squash. Waikanae Cricket was formerly part of the organisation but is no longer associated with the centre.
- 6 New lease documentation was sent to the Centre to sign on 3 February 2009 and it appears that it was never returned. Follow up with the club did not locate any signed copies of the lease agreement. Due to the significant time lapse since the expiry of the earlier lease a new report to Council was prepared in 2013. Council resolved that a new ten year lease be entered into with two ten year rights of renewal to commence on 1 May 2008. It is believed this lease was never signed and returned either. A process is now in place to ensure this situation can't happen in the future.

**ISSUES AND OPTIONS**

**Issues**

- 7 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.

- 8 The Waikanae Recreation Centre Inc has had a lease to occupy land at Waikanae Park since 1992. It is proposed the lease activity will continue to provide a space solely for the purposes associated with the Waikanae Recreation Centre.

## **CONSIDERATIONS**

### Policy considerations

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

### Legal considerations

- 10 Section 54(2) 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.
- 11 New lease documentation will be drafted and will be reviewed by the Council's legal advisor before being presented to the Waikanae Recreation Centre Inc 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 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**

- 18 That the Kāpiti Coast District Council authorises the Chief Executive to undertake the required public notification process for the exclusive lease proposal as outlined in this report (CS-16-1916) for the land at Waikanae Park, Waikanae, shown in Appendix 1, to the Waikanae Recreation Centre.
- 19 If any submissions or objections are made, that these be considered at the Council meeting of 02 March 2017.
- 20 If no submissions or objections are received, that the Kāpiti Coast District Council enters into a lease for ten years with two further ten year rights of renewal with the Waikanae Recreation Centre from 1 March 2017, for the land at Waikanae Park shown in Appendix 1 to report CS-16-1916 at an annual rental set by the Council in the Long Term Plan or Annual Plan.

**Report prepared by**

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**Approved for submission**

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**Approved for submission**

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## **ATTACHMENTS**

Appendix 1: Plan of land area proposed for lease at Waikanae Park

Appendix 2: Reserve Land Rentals 2016/17

Appendix 1 - Waikanae Recreation Centre Inc Lease Area



**Appendix 2 - Reserve Land Rentals 2016/17**

<b>Reserve Land Rentals 2016/17</b>	
Clubs with alcohol licences	<b>\$827</b>
Clubs without alcohol licences	<b>\$415</b>
Craft, hobbies and other activities	<b>\$332</b>
Educational (standard)	<b>\$201</b>
Youth and service	<b>\$201</b>