

Mayor and Councillors
COUNCIL

27 SEPTEMBER 2018

Meeting Status: **Public**

Purpose of Report: For Decision

**WAIKANAЕ MONTESSORI PRE SCHOOL INCORPORATED
LEASE VARIATION**

PURPOSE OF REPORT

- 1 This report seeks Council's approval to amend the lease area for Waikanae Montessori Pre School Incorporated on Council owned land at Elizabeth Street Reserve.

DELEGATION

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

BACKGROUND

- 3 The current lease for Waikanae Montessori Pre School Incorporated was approved at the Council meeting on 2 March 2017. Report CS-17-124 and minute is attached as Appendix 1.
- 4 The current lease area extends from the reserve boundary on Seddon Street to the rear of Waikanae Montessori Pre School Incorporated's enclosed playground area as shown in Appendix 1.
- 5 The grass area behind the playground area, as shown in Appendix 2, was part of the previous lease area. This grass area was not included in the lease area proposed in Report CS-17-124 through an administrative error. This report seeks to correct the error.
- 6 The grass area would be used by Waikanae Montessori Pre School Incorporated for activities allowed under their lease.
- 7 The revised lease area would be for part of the land area known as Elizabeth Street Reserve and more particularly shown as the hatched area in Appendix 3 and being part of the land comprised and described in LOT 8 9 DP 1031. The land is classified as local purpose reserve and is owned by Kāpiti Coast District Council under the Reserves Act 1977 (the Act).

ISSUES AND OPTIONS

Issues

- 8 There are limitations on activities that are permitted on this site subject to the Act. The activities proposed are consistent with the Act's land classification which is designated Local Purpose Reserve.
- 9 Officers have reviewed the amendment and have no concerns with the proposed change to the lease area.

CONSIDERATIONS

Policy considerations

- 10 There are no policy issues arising from their decision.

Legal considerations

- 11 The Council is able to consent or decline consent to variations or amendments to leases under Section 114 of the Act.
- 12 A memorandum of variation will be drafted and will be reviewed by the Council's legal advisor before being presented to Waikanae Montessori Pre School Incorporated for signing.

Financial considerations

- 13 There will be no additional charge added to the current annual rental paid under the existing lease which is set annually by the Council in either the Long Term Plan or Annual Plan.

Tāngata whenua considerations

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

SIGNIFICANCE AND ENGAGEMENT

Significance policy

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

Consultation already undertaken

- 16 As this is a continuation of an existing occupation no other consultation has been undertaken.

Engagement planning

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

Publicity

- 18 No public notification is required as this lease variation is being treated as a variation of lease under the Reserves Act 1977.

RECOMMENDATIONS

- 19 That Council approves a variation to the lease with Waikanae Montessori Pre School Incorporated for the use of the land at Elizabeth Street Reserve as shown in Appendix 3 to the report CS-18-609.

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**

ATTACHMENTS

Appendix 1	Report CS-17-124 and minute
Appendix 2	Additional area for proposed lease variation
Appendix 3	Proposed lease area including additional area

Mayor and Councillors
COUNCIL

2 MARCH 2017

Meeting Status: **Public**

Purpose of Report: For Decision

LEASE FOR ELIZABETH STREET RESERVE, WAIKANAЕ MONTESSORI PRE SCHOOL

PURPOSE OF REPORT

- 1 This report seeks Council's approval to enter into a lease agreement with the Waikanae Montessori Pre School, for land at the Elizabeth Street 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 Elizabeth Street Reserve and more particularly shown as the area in red in Appendix 1 and being part of the land comprised and described in LOTS 8 9 DP 1031. The land is classified as local purpose and is owned by the Kāpiti Coast District Council under the Reserves Act 1977 (the Act).
- 4 Waikanae Montessori Pre School has previously occupied this site by way of a lease since 1997. This current lease expires on 31 March 2017, and subsequently the Club have 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 pre-school.
- 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 Montessori Pre School 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 as shown in Appendix 2. 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 10 April 2017 with Waikanae Montessori Pre School, for the land at Elizabeth Street Reserve shown in Appendix 1 to report CS-17-124 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**

Mark Hammond

**Parks and Recreation
Planner**

Sean Mallon

**Group Manager
Infrastructure Services**

Max Pedersen

**Group Manager
Community Services**

ATTACHMENTS

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

Appendix 2: Reserve Land Rentals 2016-17

COPY

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



Appendix 2: Reserve Land Rentals 2016-17

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

MINUTES	MEETING	TIME
KĀPITI COAST DISTRICT COUNCIL	THURSDAY 2 MARCH 2017	10.05 AM

KCDC 17/03/065

LEASE FOR ELIZABETH STREET RESERVE, WAIKANAE MONTESSORI PRE SCHOOL (CS-17-124)

Cr Vining had declared an interest.

Max Pedersen and Mark Hammond introduced the report.

MOVED (Holborow/Howson)

That the Kāpiti Coast District Council authorises the Chief Executive to enter into a lease for twenty years, commencing 10 April 2017 with Waikanae Montessori Pre School, for the land at Elizabeth Street Reserve shown in Appendix 1 to report CS-17-124 at an annual rental set by the Council in the Long Term Plan or Annual Plan.

CARRIED

Cr Vining abstained from voting.

KCDC 17/03/066

LEASE FOR ŌTAKI DOMAIN, RAHUI RUGBY CLUB (CS-17-125)

Max Pedersen and Mark Hammond introduced the report.

The annual rental was clarified. Ongoing discussions with the Club had resolved who was responsible for which areas of the property.

MOVED (Cardiff/D Scott)

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-17-125) for the land at Ōtaki Domain, Paraparaumu, shown in Appendix 1, to the Rahui Rugby Club.

That if any submissions or objections are made, these be considered at the Council meeting of 29 June 2017.

That if no submissions or objections are received, that the Kāpiti Coast District Council authorises the Chief Executive to enter into a lease for ten years with two further ten year rights of renewal commencing 10 April 2017 with the Rahui Rugby Club, for the land at the Ōtaki Domain shown in Appendix 1 of this report (CS-17-125) at an annual rental set by the Council in the Long Term Plan or Annual Plan.

CARRIED

KCDC 17/03/067

HEALTH AND SAFETY LEADERSHIP CHARTER (CE-17-131)

Dianne Andrew spoke to this report and answered questions. There was a general discussion about the issue of community volunteer workers being involved in, for example, the renovation of council-owned toilets. The CE clarified that under the new

APPENDIX 2 - ADDITIONAL AREA FOR PROPOSED LEASE VARIATION



Scale @ A4 - 1:564

0 5 10 20 m

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.

APPENDIX 3 - PROPOSED LEASE AREA INCLUDING ADDITIONAL AREA



Scale @ A4 - 1:564
0 0.0075 0.015

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. Cadastre and Topographic information is derived from Land Information New Zealand. CROWN COPYRIGHT RESERVED.