

Chairperson and Committee Members

ENVIRONMENT AND COMMUNITY DEVELOPMENT COMMITTEE

7 AUGUST 2014

Meeting Status: **Public**

Purpose of Report: For Decision

LEASE CONCESSION TO OCCUPY LAND AT RUSSELL RESERVE, THE SCOUT ASSOCIATION OF NEW ZEALAND (WAIKANAĒ)

PURPOSE OF REPORT

- 1 This report seeks approval to renew the lease concession with the Scout Association of New Zealand (Waikanae Scout Group) on land at Russell Reserve, Waikanae.

SIGNIFICANCE OF DECISION

- 2 The Council's Significance Policy is not triggered by this report.

BACKGROUND

- 3 The agreement is for the land shown hatched in Appendix 2, being part of the land comprised and described in Lot 38 DP 14025 and known as Russell Reserve.
- 4 The land is owned and managed by Kāpiti Coast District Council under Section 28 of the Reserves Act (1977). The Council's role under this section is to provide areas for recreation and sporting activities and the physical welfare and enjoyment of the public, and for the protection of the natural environment. Under the Act the land described is classified Recreation Reserve.
- 5 The Waikanae Scout Group lease concession to occupy expired on 30 June 2013 after a 9 year, 364 day year term commencing 01 July 2003 with no right of renewal. The Scout Association has continued to pay the annual rental since the concession expired.
- 6 The Scout Association of New Zealand (Waikanae Scout Group) has advised The Council they would like to renew the expired concession for land use at Russell Reserve for a further 10 year term commencing 01 September 2014, with two further 10 year rights of renewal. The current rental cost is \$193 per annum, with an annual review. This aligns with charges set out in the Long Term Plan and the current policy on Reserve Land Rentals shown in Appendix 1.
- 7 The Council may terminate the lease under Clause 14 of the standard lease if applied (Appendix 3).

CONSIDERATIONS

Issues

- 8 A “concession” by definition is a permit, lease or licence which allows any activity authorised by the concession document under the provisions of Section 59A of the Reserves Act 1977.
- 9 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’s land classification which is designated Local Purpose Reserve.
- 10 The Waikanae Scout Group has had concessions to occupy land at Russell Reserve since July 1993. The area to be occupied is shown in Appendix 2.
- 11 It is proposed the concession activity will continue to provide a space solely for the purposes associated with The Scouting Association of New Zealand (Waikanae Scout Group).

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 preparing a new lease are required to be covered by the Lessee.

Legal Considerations

- 13 New lease documentation will be drafted and will be reviewed by the Council’s legal advisor before being presented to the Scout Association of New Zealand (Waikanae Scout Group) for signing.

Delegation

- 14 The Committee may make a decision under the following delegation in Section B.1. paragraph 7.3 of the Governance Structure:

“Authority to exercise the functions, powers and duties of the Council under the Reserves Act 1977 or any other statute, regulation or bylaw relating to the management and control, maintenance and operation of parks and reserves, except as delegated to Community Boards or officers. This authority encompasses the power to: grant leases for reserve land.”

Consultation

- 15 As this is a renewal of an existing occupation since 1993 neither Community Boards, community or other agencies have been consulted in this matter. The Chair of the Waikanae Community Board has provided informal feedback and is entirely supportive of the renewal.

Policy Implications

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

Tāngata Whenua Considerations

- 17 There are no known issues for consideration relating to iwi or the Treaty of Waitangi.

Publicity Considerations

- 18 No public notification is required as this concession is being treated as a reissue of permit under the Reserves Act 1977.

RECOMMENDATIONS

- 19 That the Committee gives approval to enter into a concession for 10 years with two further 10 year rights of renewal, commencing 01 September 2014, with The Scout Association of New Zealand (Waikanae Scout Group) for the land at Russell Reserve shown in Appendix 2 to report CS-13-786 at an annual rental set by the Council in the Long Term Plan or Annual Plan.

Report prepared by:	Approved for submission by:	
Nathan Mourie Leisure and Open Space Planner	Alison Law Acting Group Manager Community Services	Sean Mallon Group Manager Infrastructure Services

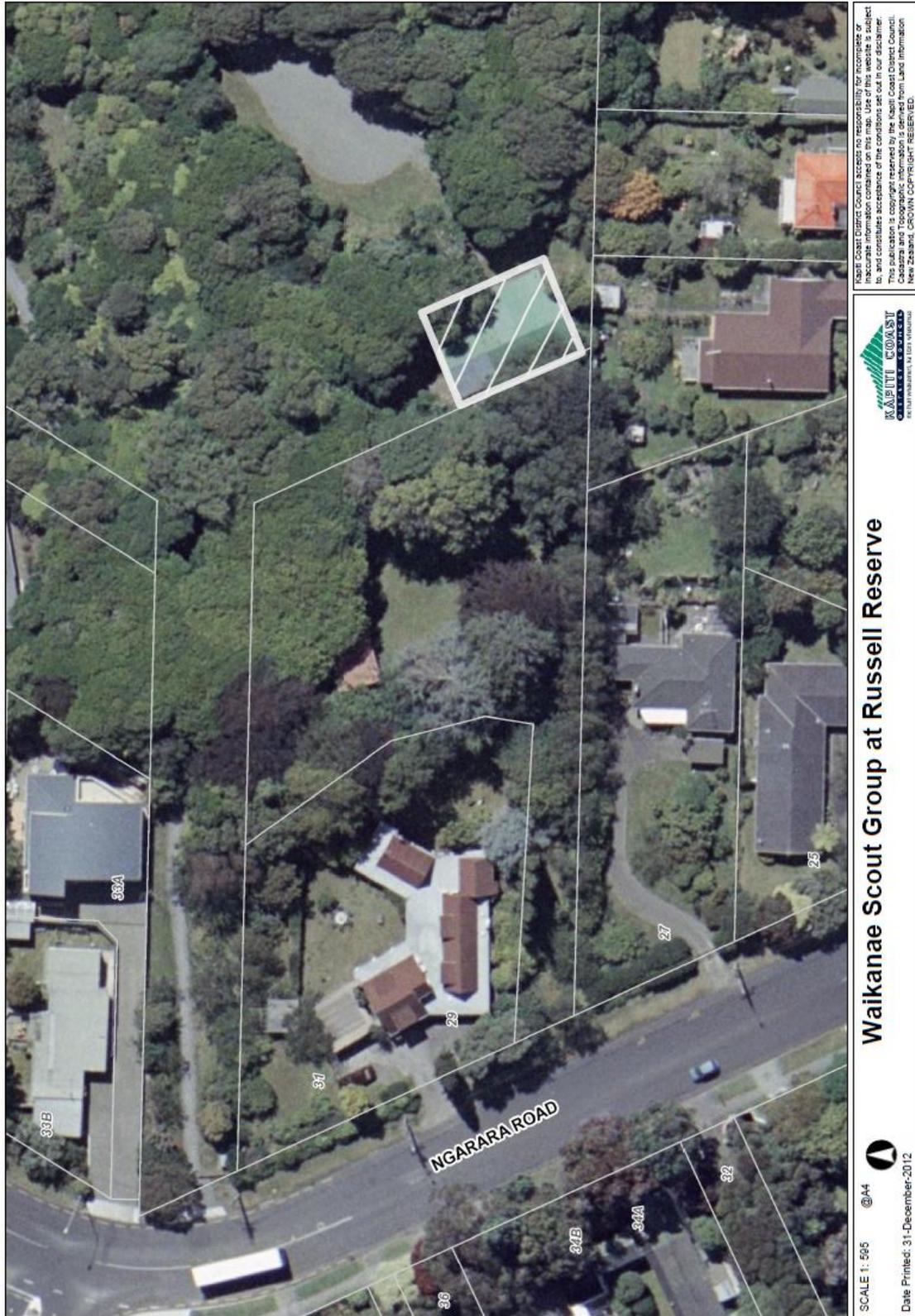
ATTACHMENTS:

- Appendix 1: Reserve Land Rentals
 Appendix 2: Plan of land area proposed for concession at Russell Reserve.
 Appendix 3: Standard Termination Clause

Appendix 1

KĀPITI COAST DISTRICT COUNCIL Reserve Land Rentals	
Reserve Land Type	Charges Effective 1 July 2014 (incl. GST)
Clubs with Liquor Licences	\$794
Clubs without Liquor Licences	\$398
Craft, Hobbies and Other Activities	\$319
Educational (Standard)	\$193
Youth and Service	\$193

Appendix 2



Appendix 3

14 Termination

- 14.1 The Lessor may terminate this Lease:
- 14.1.1 if the rent is in arrears for one (1) month; or
 - 14.1.2 if the Lessee is in default of its obligations under the Lease and that default is continued for one (1) month after notice in writing stating the nature of the default has been given; or
 - 14.1.3 if at any time the Lessor is of the opinion that the Land and Building is not being sufficiently used for the purposes specified in clause 4.1 and after making such enquiries as the Lessor thinks fit and giving the Lessee an opportunity of explaining the usage of the Land and Building the Lessor is satisfied that the Land and Building is not being used sufficiently for the purposes specified in clause 4.1; or
 - 14.1.4 if the Lessor has guaranteed the repayment of any advance made to the Lessee and demand is made of the Lessor under such guarantee; or
 - 14.1.5 upon default by the Lessee as outlined in clause 13; or
 - 14.1.6 if the Lessee (being a company or corporation):
 - a) is wound up or goes into voluntary liquidation (other than for the purpose of reconstruction); or
 - b) enters into any composition with or assignment for the benefit of its creditors; or
 - c) ceases to function; or
 - d) is dissolved by Declaration of the Registrar of Incorporated Societies; or
 - e) is the subject of an order made, or an effective resolution passed, for winding up; or
 - f) has a receiver appointed in respect of the whole or part of the activity or property of the Lessee; or
 - 14.1.7 any assignment of the Lessee's property is made for the benefit of creditors; or
 - 14.1.8 the interest of the Lessee in or under this Lease or in the Building are attached or taken in execution or under any legal process.