

REPORT 8
(1215/53/IM)

GRANTING OF LICENCE TO MOKAI KAINGA MAORI CENTRE

1. Purpose of Report

To recommend the Committee approves a licence to Mokai Kainga Maori Centre for a community garden at Frobisher Street Reserve, in Happy Valley.

2. Executive Summary

Mokai Kainga Maori Centre is a charitable trust that was incorporated in 1998. Mokai Kainga intends to build a community garden of approximately 2,500m² located at Frobisher Street Reserve, Happy Valley. The garden will provide sustainable access to wholesome food for the group, and will also provide for community-building through skill-sharing and fostering cultural traditions.

The area of Frobisher Street Reserve that will be occupied by the community garden is held subject to the Local Government Act 2002.

3. Recommendations

Officers recommended that the Committee:

- 1. Receives the information.*
- 2. Approves, subject to the terms and conditions noted in recommendations 3 and 4, the granting of a new licence to Mokai Kainga Maori Centre in accordance with the Local Government Act 2002.*
- 3. Notes that the terms of the licence are:*

Location:	<i>Frobisher Street Reserve, Happy Valley</i>
Term:	<i>5 years, with one renewal of 5 years</i>
Annual Rental:	<i>\$1 + GST (if demanded)</i>

4. *Notes that any approval to grant the licence is conditional on:*
- (a) *Appropriate consultation with iwi.*
 - (b) *The licence being publicly notified in accordance with the Local Government Act 2002.*
 - (c) *There being no sustained objections resulting from the abovementioned consultation or notification.*
 - (d) *Mokai Kainga Maori Centre pays for the legal and advertising costs associated with preparing the licence.*

4. Background

The Council leases and licenses land and buildings to a wide range of groups undertaking various activities. These are important to provide certainty for the Council and groups in regard to their property obligations and to provide a framework for asset management.

The licence for community gardens is on land situated on Frobisher Street Reserve. The land is accessed via 72 Happy Valley Road which is private property owned by Mokai Kainga. The licensed areas are marked in red on the aerial photograph in Appendix 1.

City Communities has a long relationship with the group, which also holds a licence with the Council at Tanera Park in Brooklyn for a community garden. The Tanera Park community garden provides produce for residents at the Pukehinou Flats on the corner of Aro Street and Ohiro Road. Mokai Kainga is well-established in the community and has a large membership base, meaning that it has access to large numbers of people to assist with the construction and maintenance of the gardens.

4.1 The Site

The land is designated Open Space B, and was originally held for housing purposes. The land is currently fee simple, and it is managed as reserve. The site is unsuitable for this purpose as any properties developed on the site would not have legal frontage to Happy Valley Road.

While the land does not fit within a specific management plan at this stage, it is likely that the land will be incorporated into the Inner City Management Plan in the future, and then classified as reserve under the Reserves Act 1977.

4.2 The Licensee and its Structures

Mokai Kainga was established in 1998 and provides health, education, welfare and employment services to Maori. Mokai Kainga exists to empower Maori and engender the principles of the Treaty of Waitangi.

Work is underway to prepare the site, tracks have been established over the land, and stonework edging has been laid to create planting areas. A sign will be installed at the front of number 72 Happy Valley Road and will highlight the location of the community garden. Gardens, tracks, and stone edging will be built and maintained by Mokai Kainga.

5. Considerations when assessing a new licence

5.1 Leases Policy for Community and Recreation Groups

An application for a new licence is made under the Council's Leases Policy for Community and Recreation Groups 2001 (Leases Policy) and is subject to assessment under its criteria. Notes on the assessment criteria are set out in Appendix One of the Leases Policy.

Criteria

Appendix One of the Leases Policy requires that the assessment of a new lease or licence is considered against the following criteria:

- strategic fit
- activity sustainability
- optimal use of resources
- environmental impact
- a demonstrated need from the community, and
- the need for a licence.

An assessment of Mokai Kainga and how it fits within these criteria is outline in section 6.1.

This licence is consistent with the provisions of the Social and Recreation Strategy.

5.2 Legislation

The land at Frobisher Street Reserve is not classified as reserve and therefore the licence will be governed by the Local Government Act 2002.

Section 83 of the Local Government Act 2002 sets out the requirement for public consultation. The granting of this licence is subject to there being no sustained objections from any party.

6. Discussion

6.1 Assessment

The proposed licence for Mokai Kainga has been assessed according to the criteria set out in the Leases Policy. Please see a summary of this assessment below:

Criteria		Assessment
1. Strategic Fit	Social and Recreation Strategy	<p>Mokai Kainga’s activities on the site are mainly creation of community gardens and growing of produce. The gardens will also provide wider benefits to the community through opportunities to teach, learn, and meet. These activities are consistent with the Social and Recreation Strategy which aims to build strong, safe and healthy communities for a better quality of life.</p> <p>Mokai Kainga’s members span the whole Wellington area, demonstrating a need for this activity within the community.</p>
2. Activity Sustainability	Membership	Mokai Kainga has a membership of 328.
	Financial Position	Mokai Kainga is in a strong financial position; as a well-established group, Mokai Kainga is in a good position to obtain community grants.
3. Use of Resources	Land Utilisation	Mokai Kainga will use the land daily, tending the garden and planting as required. Neighbouring properties (owned by Mokai Kainga) are utilised for social and cultural gatherings.
4. Environmental Impact	Location	<p>The site was covered in gorse and blackberry, which has been cleared to allow for growing fruit and vegetables.</p> <p>The site cannot easily be used for its current purpose – housing – and is therefore well-utilised by establishing a community garden. The soil is suitable for vegetable and fruit vegetation; the tracks and edging can easily be removed if the Council wishes to use the land for another purpose in the future.</p>
5. Demonstrated Need and Support from the Community	People	Mokai Kainga draws its members from a wide area all over Wellington. The large membership base and geographical spread demonstrates a need within the community for such a resource.
6. Need for a Licence	Capability	<p>It is recognised that such recreational/community activities could not occur in an environment that provides for charging market rental for land.</p> <p>A licence is appropriate as it provides for Mokai Kainga’s and the Council’s obligations in relation to property maintenance and certainty.</p>

6.2 Rental

The Leases Policy sets out a calculation to determine an annual rental to community groups. However, the Leases Policy does not directly address licences of this nature, and permits some discretion in decision-making. In this case, officers recommend the rental be waived as the activities are for a public good and because Mokai Kainga must maintain public access to the land.

6.3 Tenure

The standard lease tenure or term set out in the Leases Policy is ten years plus one further term of ten years. However, a licence is being proposed in this case. A licence allows use of the land without exclusive possession. Given the nature of the activities (community gardens without significant structures) officers consider that more appropriate term of this nature is 5 years with a renewal of 5 years. This term is consistent with other community gardens in the city.

7. Conclusion

Mokai Kainga Maori Centre has demonstrated a good fit with the Council's strategic direction and existing policies, a community need for its services and activities, and viability in terms of membership numbers and financial sustainability. Therefore a standard licence is considered appropriate for this group.

Contact Officer: *Heather Cotton, Property Advisor; Amber Bill, Manager, Community Engagement and Reserves.*

Supporting Information

1) Strategic Fit / Strategic Outcome

The provision of this licence is consistent with the Council's Social and Recreation Strategy which aims to build strong, safe and healthy communities.

The facilitation, provision and funding of community participation and support contributes to the Council's long term outcomes of a city that is:

- *more liveable*
- *more inclusive*
- *more actively engaged*
- *better connected.*

2) LTCCP/Annual Plan reference and long term financial impact

The structures are owned by Mokai Kainga and it is responsible for maintaining the structures and all outgoings. Therefore there is no impact on the LTCCP.

3) Treaty of Waitangi considerations

There are no known considerations.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Public consultation will be undertaken as required by the Local Government Act 2002, and consultation with the Brooklyn Residents' Association.

b) Consultation with Maori

Iwi have been consulted.

6) Legal Implications

Council's lawyers have been consulted during the development of this report.

7) Consistency with existing policy

The provision of this licence is consistent with the Leases Policy for Community and Recreation Groups.

APPENDIX 1

Aerial photograph of Licensed Site



Disclaimer
 Property boundaries Land Information NZ
 Licence WN0853547/2 Crown Copyright Reserved
 Accuracy in urban areas: +/-1m
 Accuracy in rural areas: +/-30m
 Other information generally +/- 1m accuracy.

Other data has been compiled from a variety of sources and its accuracy may vary.
 Any contours displayed are only approximate and must not be used for detailed engineering design.
 Census 2006 - Statistics NZ.

Colour Orthophotography 1:500 flown March 2006 owned by Wellington City Council
 Topographic data: Wellington City Council WCC Copyright Reserved.

Absolutely POSITIVELY
 HE HEKIO KI PŌHŌHE
 WELLINGTON CITY COUNCIL **Wellington**



Scale 1:1000