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**GRANTING OF A PREMISES LICENCE TO WELLINGTON  
TRIATHLON AND MULTISPORT CLUB INCORPORATED**

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**1. Purpose of report**

To recommend the Committee approves granting a premises licence to the Wellington Triathlon and Multisport Club Incorporated over Council owned land on Massey Road, Karaka Bay (outlined in red and shaded in red on Appendix 1).

**2. Executive summary**

The Wellington Triathlon and Multisport Club Incorporated have held a premises lease over Council owned land on Massey Road, Karaka Bay since 1991. The lease expired on 31 March 2007.

The land is primarily unformed legal road (outlined in red on Appendix 1), with a small portion being classified as recreation reserve (shaded in red on Appendix 1).

A premises licence would be granted over the unformed legal road in accordance with Section 45 of the Public Works Act 1981 and the recreation reserve land in accordance with Section 74(1)(b) of the Reserves Act 1977.

This report recommends the Committee grants a premises licence over the unformed legal road and recreation reserve land as shown on Appendix 1, for a five year term with a five year right of renewal.

**3. Recommendations**

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree, subject to the terms and conditions noted below, the granting of a licence to the Wellington Triathlon and Multisport Club Incorporated in accordance with the Public Works Act 1981 and the Reserves Act 1977.*
3. *Note that the terms of the licence are as follows:*
  - Location: Massey Road, Karaka Bay (outlined in red and shaded in red on Appendix 1)*
  - Term: 5 years plus a 5 year right of renewal*
  - Annual Rental: \$176.00 per annum plus GST*
  - Maintenance Fee: The maintenance fee will be applied as stipulated in the Leases Policy for Community and Recreation Groups.*

4. *Note that any approval to grant the licence is conditional on:*
  - (i) *appropriate consultation with Iwi being completed;*
  - (ii) *the licence being publicly notified in accordance with section 119 and 120 of the Reserves Act 1977;*
  - (iii) *there being no sustained objections resulting from the abovementioned consultation or notification; and*
  - (iv) *the legal and advertising costs associated with preparing the licence is met by the Licensee.*
  
5. *Agree that Council officers will finalise and negotiate the licence details.*

#### **4. Background**

The proposed licensed area is 110m<sup>2</sup> and is primarily unformed legal road, with a small portion being classified as recreation reserve. The building on the land was built in 1963 by the Scorching Bay Ladies Surf Lifesaving Club. Financial assistance was provided by Council and the New Zealand Surf Life Saving Council.

In 1978 the Scorching Bay Ladies Surf Lifesaving Club amalgamated with the Worsler Bay Lifesaving Club Incorporated who continued to use the building as a base for patrols of Scorching Bay until the lease expired in 1985. At this time, the building reverted to Council ownership. The building remained unused until 1991 when it was leased to Wellington Triathlon and Multisport Club Incorporated (Club). The Club had its beginnings in the 1980s when multisport was in its infancy and became incorporated in 1990.

The Club use the building to store equipment all year around which is used for events based at Scorching Bay and is loaned out to various other triathlon/multisport events held in the wider region (for example, Nationals which are held in March of every year and the Women's Triathlons held in Eastbourne). The building is used for the Scorching Bay Triathlons and specific training sessions (for example, Swimming, Transition Practice, Newbie's training and Youth Squad training. The Worsler Bay Surf Life Saving Club also uses the building as a patrol base over the summer.

The Club has grown over the years and now has over 250 members, some of whom represent New Zealand at a world class level.

Roading officers have been consulted as part of this process and have no concerns with the granting of a licence over the unformed legal road. There is no expectation that the land will be needed for road widening in the next 10 years. However, the licence provides for termination on six months notice if the Council requires the land or premises for another purpose.

## **5. Considerations when assessing a new lease**

### **5.1 Leases Policy for Community and Recreation Groups**

An application for a licence is made under the Council's Leases Policy for Community and Recreation Groups (Leases Policy) and is subject to assessment under its criteria.

The Leases Policy requires officers to assess new licence applications against the following criteria:

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

An assessment of the Club and how it fits within these criteria is outlined in section 6.

The granting of a licence to the Club is consistent with the provisions of the Council's Leases Policy.

### **5.2 Legislation**

A licence will be granted to the Club under Section 45 of the Public Works Act 1981 in relation to the unformed legal road and Section 74(1)(b) of the Reserves Act 1977.

As Council cannot impede the public's right to access unformed legal road, a licence as opposed to a lease is the appropriate legal instrument to use.

Sections 119 and 120 of the Reserves Act 1977 set out the requirement for public notification of any licence on reserve land. The granting of the licence is subject to there being no sustained objections from any party.

## **6. Discussion**

### **6.1 Assessment**

The proposed licence for the Club has been assessed against the criteria set out in the Leases Policy.

Please see a summary of this assessment below:

<b>Criteria</b>		<b>Assessment</b>
<b>Strategic Fit</b>	<b>Social &amp; Recreation Strategy</b>	The Club's activities are consistent with other activities permitted under the Leases Policy and satisfy the criteria of recreational use.
<b>Activity Sustainability</b>	<b>Membership</b>	The Club has utilised the land since 1991 and has over 250 members.
	<b>Financial Position</b>	The Club's financial position is satisfactory.
<b>Use of Resources</b>	<b>Land Utilisation</b>	The Club uses the building all year around and makes it available to other recreational groups. The building is also used by the Worser Bay Surf Life Saving Club as a patrol base over the summer.
<b>Environmental Impact</b>	<b>Location</b>	The activity does not have the potential to adversely affect open space values.
<b>Demonstrated Need &amp; Support from the Community</b>	<b>People</b>	Scorching Bay is the main multi-sport event site in Wellington. The building is needed to help coordinate these events and to store the equipment that is required. The Club allow other recreational groups to use the building, including Worser Bay Surf Life Saving Club.
<b>Need for a Licence</b>	<b>Capability</b>	A licence is appropriate as a large proportion of the land is unformed legal road as shaded in red on Appendix 1.

## **6.2 Lease Rental**

The lease rental has been assessed in accordance with the rental framework outlined in the Leases Policy. The annual rent has been assessed at \$176.00 per annum plus GST.

As the Club are subject to a premises licence, they will also be required to pay an annual maintenance fee as set out in the Leases Policy.

## **6.3 Lease Tenure**

The Leases Policy for Community and Recreation Groups allows for a lease to be granted for a 10 year term with a 10 year right of renewal.

Officers recommend granting an initial term of 5 years with a 5 year right of renewal as a licence granted over recreation reserve under Section 74(1)(b) of the Reserves Act 1977 can only be granted for a maximum of 5 years.

## **7. Conclusion**

The Wellington Triathlon and Multisport Club Incorporated has demonstrated that they are a good fit with the Council's strategic direction and existing policies, as well as showing that there is a community need for its activities. The financial position of the Club shows it is in a sustainable position.

Council officers recommend that the Regulatory Processes Committee approve the granting of a premises licence to the Wellington Triathlon and Multisport Club Incorporated.

Contact Officer: *Hanita Shantilal, Senior Property Advisor, Property Management and Jacqui Murray, Assets & Project Manager*

## SUPPORTING INFORMATION

### 1) Strategic fit / Strategic outcome

*The Leases Policy for Community and Recreation Groups supports Council's role as a facilitator of recreation partnerships and provider of recreation services. The recreational activities that will be provided by the Wellington Triathlon and Multisport Club Incorporated will contribute to the outcome of 'offering a diverse range of quality recreation and leisure activities' (see outcome 7.1 Recreation Opportunities).*

### 2) LTP/Annual Plan reference and long term financial impact

*There is no financial impact.*

### 3) Treaty of Waitangi considerations

*No Treaty implications have been identified.*

### 4) Decision-making

*This is not considered a significant decision.*

### 5) Consultation

#### a) General consultation

*Public consultation will be undertaken in accordance with the Reserves Act 1977.*

#### b) Consultation with Maori

*Iwi will be consulted.*

### 6) Legal implications

*The licence will be subject to the provisions of the Public Works Act 1981 and the Reserves Act 1977.*

### 7) Consistency with existing policy

*The provisions of the licence will be consistent with the Leases Policy for Community and Recreation Groups.*