

**REPORT 2**  
(1215/53/IM)

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## **GRANTING OF A LICENSE FOR A COMMUNITY ORCHARD TO BROOKLYN TRANSITION TOWN INC**

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### **1. Purpose of Report**

To seek the Committee's approval to grant a license over fee simple land to the Brooklyn Transition Town Inc for a community orchard.

### **2. Executive Summary**

Brooklyn Transition Town group is associated with the Transition Town Movement and are currently in the process of becoming incorporated. The licence will be granted to Brooklyn Transition Towns subject to their incorporation.

The Brooklyn Transition Town group has been active in the Brooklyn area, creating opportunities for community gardens on private land. The proposed land forms part of the Brooklyn Community Centre and Play Area, and is zoned Open Space A in the District Plan, under which planting and horticulture are a permitted activity.

### **3. Recommendations**

Officers recommend that the Committee:

- 1. Receive the information.*
- 2. Approve subject to the conditions below, the granting of a license to Brooklyn Transition Town Inc under the Local Government Act 2002:*

<b>Location</b>	<b>Term</b>	<b>Annual Rental</b>
<i>Brooklyn walkway Between Harrison St and Garfield St</i>	<i>10 years plus one 10 year right of renewal</i>	<i>\$1, if demanded</i>

*Any approval to grant a license is conditional upon:*

- (a) Appropriate consultation with iwi;*
- (b) Appropriate consultation in accordance with section 138 of the Local Government Act 2002;*
- (c) There being no objections or sustained objections resulting from the abovementioned consultation or notification.*
- (d) The lessee pays for the legal and advertising costs associated with preparing the license.*

## **4. Background**

### **4.1 Overview of Community & Recreation Leases and Licenses**

The Council offers leases and licenses on land 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 where appropriate.

### **4.2 Strategic Context and Direction**

The assessment criteria under the Leases Policy for Community and Recreation Groups (the Policy) provides the Council with an opportunity to evaluate a group's community value and contribution to the various Council strategies and policies relevant to recreation and community groups. These strategies and policies are:

- Social and Recreation Strategy;
- Environmental Strategy;
- Leases Policy for Community and Recreation Groups;
- Reserve Management Plan(s) (if appropriate).

#### ***Social and Recreational Strategy***

Community group leases and licenses fit under the Social and Recreation Strategy. This strategy aims to build strong, safe and healthy communities for a better quality of life. The Council has committed to provide greater leadership to promote a high level of social cohesion and participation.

The Social and Recreational Strategy encourages collaborative partnerships with our recreation and community groups to ensure the best delivery of services and programmes and maximise use of amenities and resources.

#### ***Environment Strategy***

Community group leases/licenses also fit within the context of the Environment Strategy, which emphasises sustainable development and the protection and enhancement of our natural environment. The Strategy recognises the inter-relationship between social and cultural well being and the environment. It aims to make Wellington more liveable, where our natural environment is more accessible to all for a wide range of social and recreation opportunities while not compromising our environmental values.

#### ***Recreation Policy***

The Recreational Policy identifies quality recreation and leisure opportunities which enhance the city as a place to live and visit, and contributes to community well-being. It aims to offer a diverse range of accessible and affordable recreation activities, enhance the contribution of recreation activities to the city's economy, and encourage an increase in participation.

The Council understands that recreation is provided to a wide section of the population via organisations like the sports, recreation, and community groups. The Council plays a pivotal leadership role and aims to establish strong partnerships with these organisations and groups to provide recreation opportunities for the city's people.

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

The Leases Policy also reinforces Council's significant role in fostering the well-being and strength of communities by facilitating networks, providing recreation opportunities and supporting community facilities. The objectives of the Leases Policy are:

- strengthen communities through licensing land and buildings to groups;
- ensure that the provision of licenses is fair, equitable and responsive to community needs;
- formally standardise the requirements of the license.

The Policy outlines the process for a new lease.

The Council's Leases Policy does not refer to the granting of licenses, but it is concerned with the management of Council owned land and associated buildings through leases to recreation and community groups. As the proposed licensee is a community group using Council land, the Leases Policy for Community and Recreation Groups has been applied in assessing their requests for a license, in accordance with the process for other recreational and community groups.

#### ***4.3 Assessment of new licenses***

Consideration of a new license follows the same assessment criteria as a lease in the Leases Policy. New licenses are those where there is no current license in place, and the group or the Council seeks to formalise this relationship. The Council recognises that most groups have made investments in assets and this is a key consideration in the evaluation of any license. The process for a new license is as follows:

1. Applicant provides Council officers with relevant information including financial information, historical patterns of use, and future prospects.
2. Officers evaluate information and assess whether the group will be sustainable (membership numbers and financially), their activities are consistent with the Council's strategic direction and objectives.
3. Communicate officers' decision to the applicant. If a new license is recommended then the officer negotiates license tenure, rental and terms and conditions.
4. Seek approval in principle from the Regulatory Processes Committee.
5. Public notification as set out in the Local Government Act 2002.
6. If all approvals are granted and no objections are sustained, license documents will be prepared.

#### **4.4 License agreement and documentation**

The Leases Policy provides guidance and a framework for the license agreement process and documentation. This includes license rental, tenure, procedural matters, and the responsibilities and requirements of the licensee and the Council.

The Council may offer a license for the land only.

Leases and licenses offered to community groups are a standard format in accordance with Leases Policy and Committee's resolution of 7 February 2007. The standard license covers the following terms and conditions:

- reporting requirements
- allocation of responsibilities between licensee and licensor
- maintenance of vegetation and land
- insurance
- subleasing
- granting security against a license
- termination of licenses
- external signs
- external commercial advertising within licensed areas.

#### **4.5 Term of license**

A standard term under the Leases Policy is ten years and one further term of ten years (the renewal).

However, there are occasions where it may be appropriate to use a degree of flexibility in the term of a license. This flexibility is at the Council's discretion and is designed to allow Council to respond to changing community needs and expectations. The reasons a shorter or longer term may be offered are limited to the following circumstances:

*Table 1: Reasons for a shorter or longer term may be offered.*

<b>Shorter Tenure</b>	<b>Longer Tenure</b>
Declining trends in an activity	Recognition of past asset investment
Evolution of activities that will compete for assets	Proposed asset investment
Alternative uses are planned by the Council for the license asset (for example, demolition of the buildings in a number of years)	To provide certainty for external funding purposes
Life expectancy of facility/ assets is less than license tenure	Dependence by community or membership on continuity of a key activity

#### **4.6 Monitoring and reporting requirements**

The Council is interested in the ongoing performance of community and recreation groups so it can monitor the achievement of strategic objectives for the city. The reporting requirements in the license are not intended to be a control mechanism, rather a means of communication between the groups and the Council. Reporting will in this case include requirements for:

- numbers of trees
- numbers of volunteers/members of the group
- level of activity of the group
- destination of the produce

#### **4.7 Community Gardens**

Community gardens involve residents in sharing in the creation, maintenance and rewards of gardening. They provide an excellent tool for building and strengthening communities, giving the opportunity for individuals and groups to work cooperatively in ways which optimise the sense of belonging and participation in a community. These are key building blocks of social cohesion. Gardening communally also promotes environmental awareness, skill sharing, community education and an opportunity for the integration of more marginalised community members. The production of healthy food, in uncertain economic times, is an additional bonus.

As such, community gardening fulfils many of the goals outlined in the Social and Recreation Strategy.

### **5. Discussion**

The Brooklyn Transition Towns Food Group is a sub group of the Brooklyn Transition Towns Inc. The international Transition Town movement aims to bring people together to explore how communities can respond to the twin challenges of climate change and peak oil. The focus is on local initiatives, using local resources in an innovative and sustainable way.

This proposal is to use a presently unused strip of land to plant fruit and nut trees and to underplant these with herbs and companion plants. Many of the trees will be espaliered on fences either side of the walkway. The produce will be available to any member of the community. The group has the support of the local Community Centre, the Scout Troop, the local primary school and wishes also to engage with residents at the nearby City Housing units.

Given the length of time required for fruiting trees to become productive, it is recommended that the group be offered a 10 year lease with right of renewal for another 10 years.

At present the land is unmanaged. This proposal gives an opportunity to use this redundant piece of land for the positive benefit of the community.

Lease history	This is the first license agreement this group has sought.	
Background	The Brooklyn Transition Towns Food Group consists of volunteers and exists to encourage the growing of fruit and vegetables, the composting of material previously destined for landfill, and the strengthening of the local community through shared activity.	
Term	10 years plus right of renewal for another 10 years.	
Rental	\$1 (if demanded) per annum.	
Strategic Fit	Contributes to More Liveable, Stronger Sense of Place, More Actively Engaged, More Sustainable and Better Connected Outcomes.	
Group Sustainability	Member numbers	Approximately 60
	Financially viable	Yes

The land has no reserve classification and therefore the license to the group is granted under the Local Government Act 2002 (LGA).

Section 138 of the LGA stipulates that any license for a term of 6 months or more over a Local Authority's land constitutes 'disposal' and therefore requires consultation with the public. This will be undertaken after formal approval from Council is granted.

Council must also consider whether the proposed license will exclude or substantially interfere with the public's access to the land. It is considered that this license will not interfere with the public's access because:

- Currently, the public has access to this land and there will be no change to that
- The orchard is alongside the current walkway and does not interfere with it
- The group plans to add steps to make the walkway more accessible to the public

## 6. Conclusion

Officers recommend that the Committee exercise its delegated authority to approve the granting of a license to the Sustainability Trust Inc, subject to the conditions identified in section 3 (Recommendations) and the attainment of Incorporated Society status.

Contact Officers: *Lucy Ross, Team Leader, Property Management, Amber Bill, Manager, Community Engagement and Reserves, and Eleanor Doig, Senior Advisor, City Communities.*

## **Supporting Information**

### **1) Strategic Fit / Strategic Outcome**

*This report recommends a license to the Brooklyn Transition Town Inc which is consistent with the Council's LTCCP strategic vision in regard to Strategy 6: Social and Recreation. Directly related to:*

- *More liveable*
- *More sustainable*
- *Stronger sense of place*
- *More actively engaged*
- *Better connected*
- *Healthier.*

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

*This report recommends a license with the Brooklyn Transition Town Inc which is consistent with the Council's LTCCP in regard to Strategy 6: Social and Recreation.*

*All costs associated with preparing the license are met by the Licensee.*

### **3) Treaty of Waitangi considerations**

*Iwi will be consulted.*

### **4) Decision-Making**

*As the land in question is fee simple; decisions regarding licenses over the land are delegated to the Council as Local Authority.*

### **5) Consultation**

#### **a) General Consultation**

*The Council will call for submissions as required by the Local Government Act 2002.*

#### **b) Consultation with Maori**

*Iwi will be consulted.*

### **6) Legal Implications**

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

### **7) Consistency with existing policy**

*The provision of a lease to the Brooklyn Transition Town Inc supports Council's overall vision of Creative Wellington – Innovation Capital. The Leases Policy supports Council activities as a facilitator of recreation partnerships and provider of recreation and social opportunities.*