

REPORT 3
(1215/53/IM)

**GRANTING OF A GROUND LICENCE TO INNERMOST
GARDENS INCORPORATED OVER PART OF TOWN
BELT LAND AT 141 ELIZABETH STREET, MT VICTORIA**

1. Purpose of report

To recommend the Committee approves the granting of a Ground Licence to Innermost Gardens Incorporated over part of the Town Belt land known as 141 Elizabeth Street, Mount Victoria (outlined in red on Appendix 1).

2. Executive summary

Innermost Gardens Incorporated was formed in 2006 and consists of a multicultural group of people working together to create a vegetable garden and Orchard which is made available to the public in central Wellington.

Innermost Gardens has held a licence over the land as outlined in red on Appendix 1 since January 2010. This licence expired in January 2013. During the tenure of this licence, Innermost Gardens Incorporated has utilised and maintained the land to satisfactory levels.

The land is managed as Recreation Reserve and forms part of the Town Belt. Therefore the provisions of the Town Belt Deed, the Town Belt Management Plan and the Reserves Act 1977 apply.

This report recommends the Committee grants a ground licence for a five year term.

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 ground licence to Innermost Gardens Incorporated in accordance with the Reserves Act 1977.*

3. *Note that the terms of the licence are as follows:*
Location: *Part of the land known as 141 Elizabeth Street, Mount Victoria (outlined in red on Appendix 1)*
Term: *Five years*
Annual Licence Fee: *\$225.00 per annum plus GST*
Special Conditions: *Wellington City Council to pay up to \$300.00 per annum (exclusive of GST) of the metered water. Innermost Gardens Incorporated will pay metered water charges above \$300.00 per annum (exclusive of GST).*
4. *Note that any approval to grant the licence is conditional on:*
 - (i) *appropriate consultation with Iwi, Friends of the Town Belt and Action for the Environment 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 Innermost Gardens Incorporated.*
5. *Agree that Council officers will finalise and negotiate the licence details.*

4. Background

Innermost Gardens Incorporated (Group) was formed in 2006 and has held a licence over the Town belt land at 141 Elizabeth Street, Mt Victoria (outlined in red on Appendix 1) since January 2010.

The Group has created 18 raised beds which include kid's beds for the local primary school and a community orchard. A compost system has also been installed on the land. The Group has created a path and placed seating areas on the land to enable people to walk through and enjoy the site.

Currently the group is in the process of remediating the Southern field of an insecticide which inhibits the Group from growing more organic gardens.

The Group has twelve committed members, a large number of the community using the compost bin on the land, 20 people on the Group's watering roster, and five people on the coffee husk collection roster. The Group has a mailing list of 260 people who often attend the Groups community events, workshops and gardening days.

The Group intends on working with local community organisations and making the land available to them. The Group has secured a grant from the Tindall foundation in order to assist them with this.

The land is managed as Recreation Reserve and forms part of the Town Belt. Therefore the provisions of the Town Belt Deed, the Town Belt Management Plan and the Reserves Act 1977 (Reserves Act) apply.

The licensed area is 249m² and is legally described as Part Lot 1, Deposited Plan 33290 and is contained in Computer Freehold Register WN10A/1025.

5. Considerations when assessing a new licence

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.

Appendix one of 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 Group and how it fits within these criteria is outlined in section 6.

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

5.2 Legislation

The land is held subject to the Town Belt Deed and Basin Reserve Deed of 1873 (Deed) and managed in accordance with the Reserves Act.

The Wellington Town Belt was vested in the Council by the Deed which remains the governing authority by which the Council controls the Town Belt. The Deed provided for the Town Belt land to be kept forever 'as a public recreation ground for the inhabitants of the city of Wellington'.

Sections 119 and 120 of the Reserves Act 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 Group has been assessed against the criteria set out in the Leases Policy.

Please see a summary of this assessment below:

Criteria		Assessment
Strategic Fit	Social & Recreation Strategy	The Group's activities are consistent with other permitted activities on Town Belt land and satisfy the criteria of recreational/community use.
Activity Sustainability	Membership	The Group has twelve committed members, a large number of the community using the compost bin on the land, 20 people on the Group's watering roster, and five people on the coffee husk collection roster.
	Financial Position	The Club's financial position is satisfactory.
Use of Resources	Land Utilisation	The Group has utilised the land sufficiently and intends on increasing utilisation by working with local community organisations which will allow these organisations to access the land.
Environmental Impact	Location	The activity does not have the potential to adversely affect open space values.
Demonstrated Need & Support from the Community	People	The Group has a mailing list of 260 people who often attend the Groups community events, workshops and gardening days.
Need for a Licence	Capability	A licence is the appropriate instrument to use as the Group will not have exclusive use of the land.

6.2 Licence Fee

The annual licence fee is in line with what is charged to Groups who maintain community gardens and orchards on Council owned land and Town Belt land. The annual licence fee has been assessed at \$225.00 per annum plus GST.

6.3 Tenure

The Town Belt Management Plan allows for leases on Town Belt land for a term of up to 10 years. Officers propose granting a term of five years to ensure that optimal use and community benefit is derived from the Group having a licence over the land.

7. Conclusion

Innermost Gardens Incorporated has demonstrated that it is a good fit with the Council's strategic direction and existing policies. The Group's proposed utilisation levels of the land are satisfactory. The Group's financial position will enable it to fulfil its obligations under the licence.

Council officers recommend that the Regulatory Processes Committee approves the granting of a ground licence to Innermost Gardens Incorporated.

Contact Officer: *Hanita Shantilal, Senior Property Advisor, Property Services and Myfanwy Emeny, Manager Community Engagement and Reserves, Parks and Gardens*

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

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

Innermost Gardens Incorporated plans to continue fostering community involvement and creating opportunities for enjoyment, education and cooperation of its members and the wider community, which reflects the outcomes the Council aims to achieve.

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. Friends of the Town Belt and Action for the Environment will also be consulted.

b) Consultation with Maori

Iwi will be consulted.

6) Legal implications

The licence will be subject to the provisions of the Reserves Act 1977.

7) Consistency with existing policy

The provisions of the licence are consistent with the Leases Policy for Community and Recreation Groups.