

**NEW LEASES UNDER RESERVES ACT 1977
(EXISTING/APPROVED OCCUPANTS): TOWN BELT AND
OTHER RESERVE LAND**

1. Purpose of report

To recommend the Committee approves new leases (summarised in appendix 1) to the following tenants in occupation:

- 1 Kelburn Municipal Croquet Club Inc, Kelburn Park
- 2 Wellington Softball Assn Inc, Hataitai Park
- 3 Island Bay Softball Inc & Island Bay United Assn Football Club Inc, Wakefield Park
- 4 Kilbirnie Tennis Club Inc, Crawford Road, Kilbirnie
- 5 The Scout Assn of NZ (Southern Cross), Rugby League Park
- 6 The Scout Assn of NZ (1st Island Bay Group), Martin Luckie Park
- 7 The City of Wellington Pipe Band Inc, Macalister Park
- 8 Netball Wellington Centre Inc, Hataitai Park
- 9 Makara Branch of Wellington Pony Club Inc, Makara
- 10 The Scout Assn of NZ (Newlands Group), Spenmoor Street Reserve
- 11 Makara Community Centre Assn Inc, Makara

To recommend the Committee approves a new lease to the following tenant (which has created a new incorporated society subsequent to the Committee's approval to lease 15 August 2012):

- 12 Capital BMX Club Inc, Ian Galloway Park, Karori

2. Executive summary

This report recommends the above groups are granted new leases consistent with the *Leases Policy for Community and Recreation Groups*.

The tenants listed 1-10 above are currently occupying the respective properties on either a current lease (due to expire shortly) or on a month-to-month basis (under recently expired leases).

The proposed tenant 11 (Makara Community Centre Assn Inc) is seeking to take over a ground lease on behalf of the Makara Playgroup (currently in occupation). The building is severely dilapidated and competing with a long list of Council funding priorities. However, it is held in such regard by the local community that the proposed tenant has offered to fully rebuild and refurbish it with the assistance of outside funding.

The proposed tenant 12 (Capital BMX Club Inc) is a new incorporated society with the same goals, aspirations, funding and aims as the group formally approved by Committee (Wellington BMX Club Incorporated). The former incorporated society made some technical errors with paperwork and was advised to start over with a new incorporated society.

3. Recommendations

Officers recommend that the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree to grant new leases under the Reserves Act 1977 (subject to the usual terms and conditions noted below).*
3. *Note the terms of the leases are proposed to be consistent with the Council's "Leases Policy for Community and Recreation Groups".*
4. *Note that any approval to grant the leases is conditional on:*
 - (a) *appropriate Iwi consultation*
 - (b) *public notification under s119 and s120 Reserves Act 1977*
 - (c) *no sustained objections resulting from the above consultation and notification; and*
 - (d) *legal and advertising costs being met by the respective lessees (where applicable)*

4. Discussion

A schedule summarising the tenancies is attached as appendix 1. Maps showing the various lease areas and locations are attached as appendix 2.

With the exception of Capital BMX Club Inc, the various clubs have been in occupation of the respective sites for 10 years or more and are currently holding over under existing lease arrangements. They each continue to satisfy the assessment criteria under section 7 of the *Leases Policy for Community and Recreation Groups*.

The proposed new lease terms and conditions are to be consistent with the *Leases Policy for Community and Recreation Groups* with the exception of the following groups for which officers propose rent reductions:

Makara Branch of Wellington Pony Club Inc

Given the large grazing area a rent of \$1,000 + GST is proposed. This area is earmarked for cemetery expansion. Given the tenant's activities benefit Council via reduction in maintenance fees, it is considered reasonable to accept this reduced rent (rent would be upwards of \$20,000 if calculated under the policy).

Makara Community Centre Assn Inc

The old school building (which is the subject of the lease) is severely dilapidated. Officers obtained a condition assessment in 2009 which showed the building required substantial repairs including; re-piling, re-wiring, re-

roofing, fire upgrade, and universal access upgrade. It is not heritage listed but local community spokespeople are very sentimental about it.

Given Council's lack of funding (combined with the limited range of alternative occupancies) the Association has offered to take over all liabilities in association with the building and surrounds, in exchange for rent set at \$1pa (if demanded).

Capital BMX Club Inc

A previous committee report relating to the proposed lease is attached as appendix 3. The report details the works to be funded by the club in exchange for a nominal rent.

5. Conclusion

Officers recommend that the Regulatory Processes Committee approves the leases to the various groups.

Contact Officers: Tracy Morrah (Property Services Manager), Myfanwy Emeny (Manager Community Engagement & Reserves), Paul Andrews (Manager Park Sports and Recreation), and Jacqui Murray (Assets & Projects Manager).

SUPPORTING INFORMATION

1) Strategic fit / Strategic outcome

The proposed leases will be consistent with the objectives of the “Leases Policy for Community and Recreation Groups” which are:

- *ensure maximum community benefit is derived from Council-owned land and buildings;*
- *strengthen participation and engagement in community and recreational activities; and*
- *ensure leases are managed fairly, processes are transparent and Council officers have the flexibility to respond to community needs.*

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

The proposed leases will have no substantial long term financial impact.

3) Decision-making

This is not a significant decision.

4) Consultation

a) General consultation

Public consultation will be undertaken as required under the Reserves Act 1977..

b) Consultation with Maori

Iwi will be consulted.

5) Legal implications

The leases will be subject to the provisions of the Reserves Act 1977 and the Town Belt Management Plan (where applicable).

The lease templates to be used have been prepared by Council’s solicitors.

6) Consistency with existing policy

The proposed leases will be consistent with the “Leases Policy for Community and Recreations Groups”.

Summary of Proposed New Leases

	Lessee	Location	Type	Term (years)	Lease Area (m2)	Rent	Expiry	Legal description	CFR	Reserve Type	Cluster	Multi use	Since	Maint Charge (to be phased)
1	Kelburn Municipal Croquet Club Inc	Kelburn Park	Premises	10	130	208.00	30/09/13	Part Lot 1 DP 10086	WN19A/369	Recreation	Town Belt	No	1920	\$ 4,864.62
2	Wgtn Softball Assn Inc	Softball pavillion and surrounds, Hataitai Park	Premises & ground (maintenance)	10	352	522.40	30/09/09	Part Lot 1 DP 8519	WN48B/341	Recreation	Town Belt	No	1937	\$ 6,095.63
3	Island Bay Softball Inc & Island Bay United Assn Football Club Inc	Wakefield Park	Ground	10	260	412.00	30/06/13	Part Lot 1 DP10322	WN47B/388	Recreation	Town Belt	Yes	1973	N/A
4	Kilbirnie Tennis Club Inc	Crawford Road, Kilbirnie	Ground	10	2,970	1,906.92	30/06/13	Part Lot 1 DP 8914	WN46D/912	Recreation	Town Belt	No	1980	N/A
5	The Scout Assn of NZ - Southern Cross	Rugby League Park	Ground	10	211	337.60	30/06/13	Part Lot 1 DP10397	WN46D/915	Recreation	Town Belt	Yes	1993	N/A
6	The Scout Assn of NZ - Island Bay Group	Off Dover St, Martin Luckie Park	Ground	10	186	297.60	01/11/13	Pt DP 10181	WN19B/861	Recreation	Town Belt	Yes	1984	N/A
7	The City of Wgtn Pipe Band Inc	Macalister Park	Ground	10	285	442.00	31/05/12	Pt Lot 1-2 10397	WN46D/915	Recreation	Town Belt	Yes	1991	N/A
8	Netball Wgtn Centre Inc	Taurima St, Hataitai Park	Ground	10	430	616.00	30/06/13	Lot 1 DP 34024	WN15A/1225	Recreation	Town Belt	Yes	1975	N/A
9	Makara Branch of Wgtn Pony Club Inc	Makara Cemetery	Ground (grazing)	10 + 10	211,866	1,000.00	30/06/13	Part Lot 1 DP 16265 & Part Section 20 Makara District	WN776/40 & WN595/252	Cemetery	Cemeteries	No	2003	N/A
10	The Scout Assn of NZ - Newlands Group	Spenmoor St Reserve	Ground	10 + 10	452	642.40	30/04/13	Lot 12 DP 16648	WN806/52	Recreation	Northern Reserve	No	1958	N/A
11	Makara Community Centre Assn Inc	29 South Makara Rd, Makara Village Reserve	Ground	10 + 10	2,700	1.00	Early surrender	Sec 60 Makara District, Block V Port Nicholson SD	WN22C/710	Recreation	Cemeteries	Yes	2003	N/A
12	Capital BMX Club Inc	Ian Galloway Park, Karori	Ground	5 + 5	8,000	1.00	N/A	Section 1 SO 37014	WN12/1438	Recreation	Trelissick Park and Western Reserves	No	N/A	N/A

Kelburn Municipal Croquet Club Leased Area



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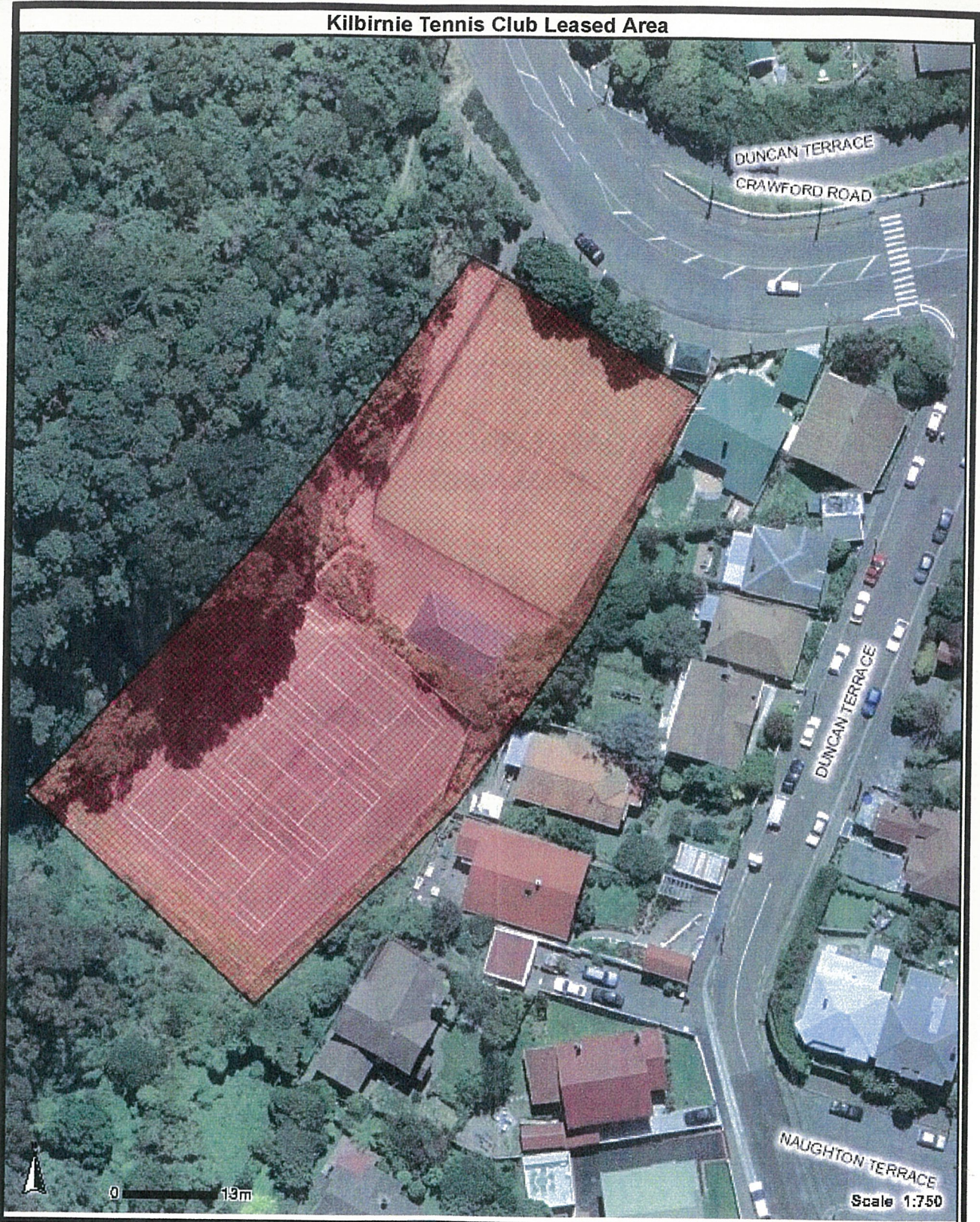
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Kilbirnie Tennis Club Leased Area



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1st Island Bay Scout Group



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City of Wellington Pipe Band (Inc)



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Netball Wellington Centre Inc Leased Area



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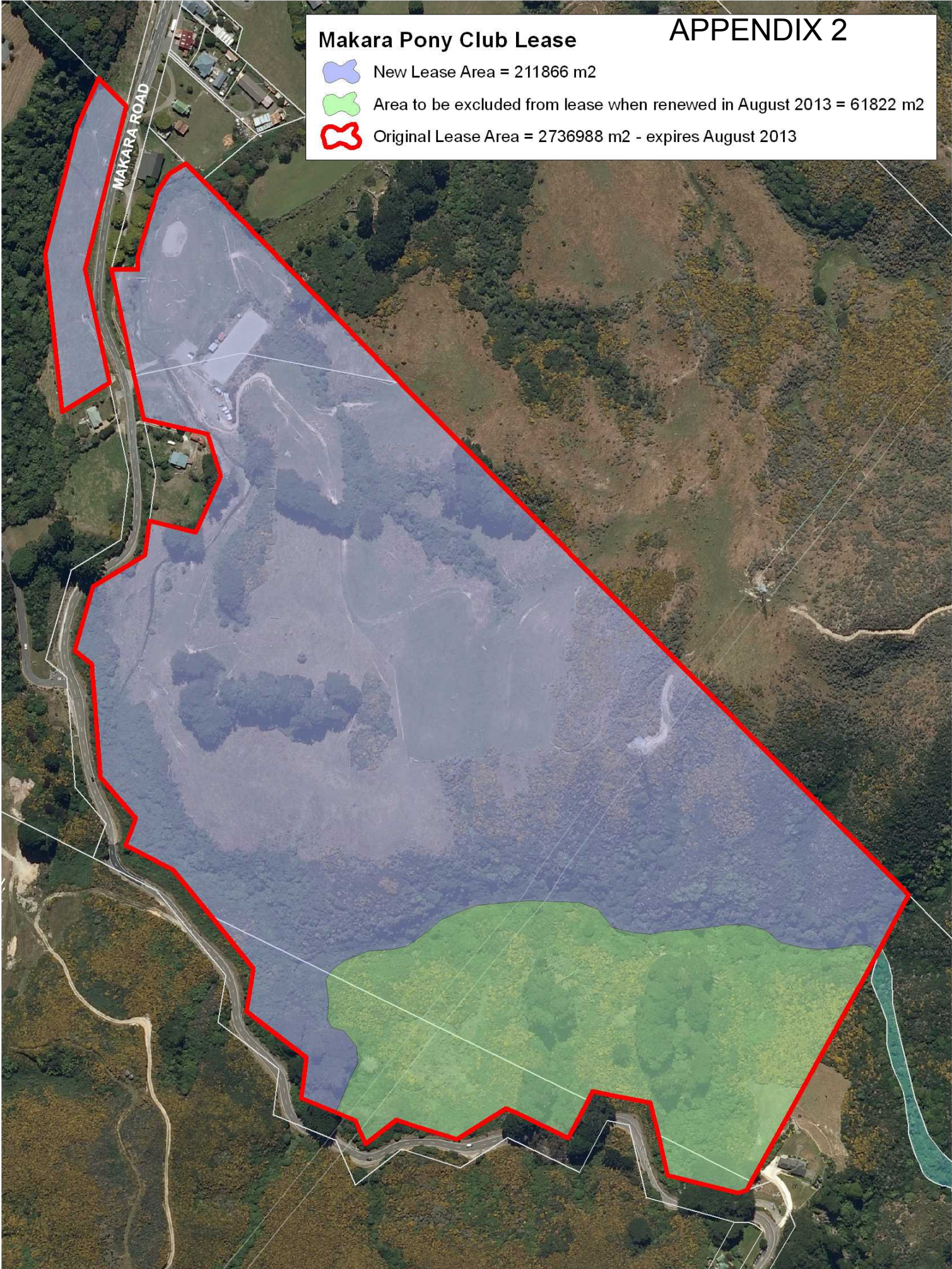
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Makara Pony Club Lease

-  New Lease Area = 211866 m2
-  Area to be excluded from lease when renewed in August 2013 = 61822 m2
-  Original Lease Area = 2736988 m2 - expires August 2013

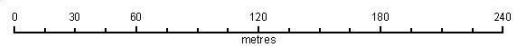


Makara Cemetery - Makara Branch of Wellington Pony Club Lease

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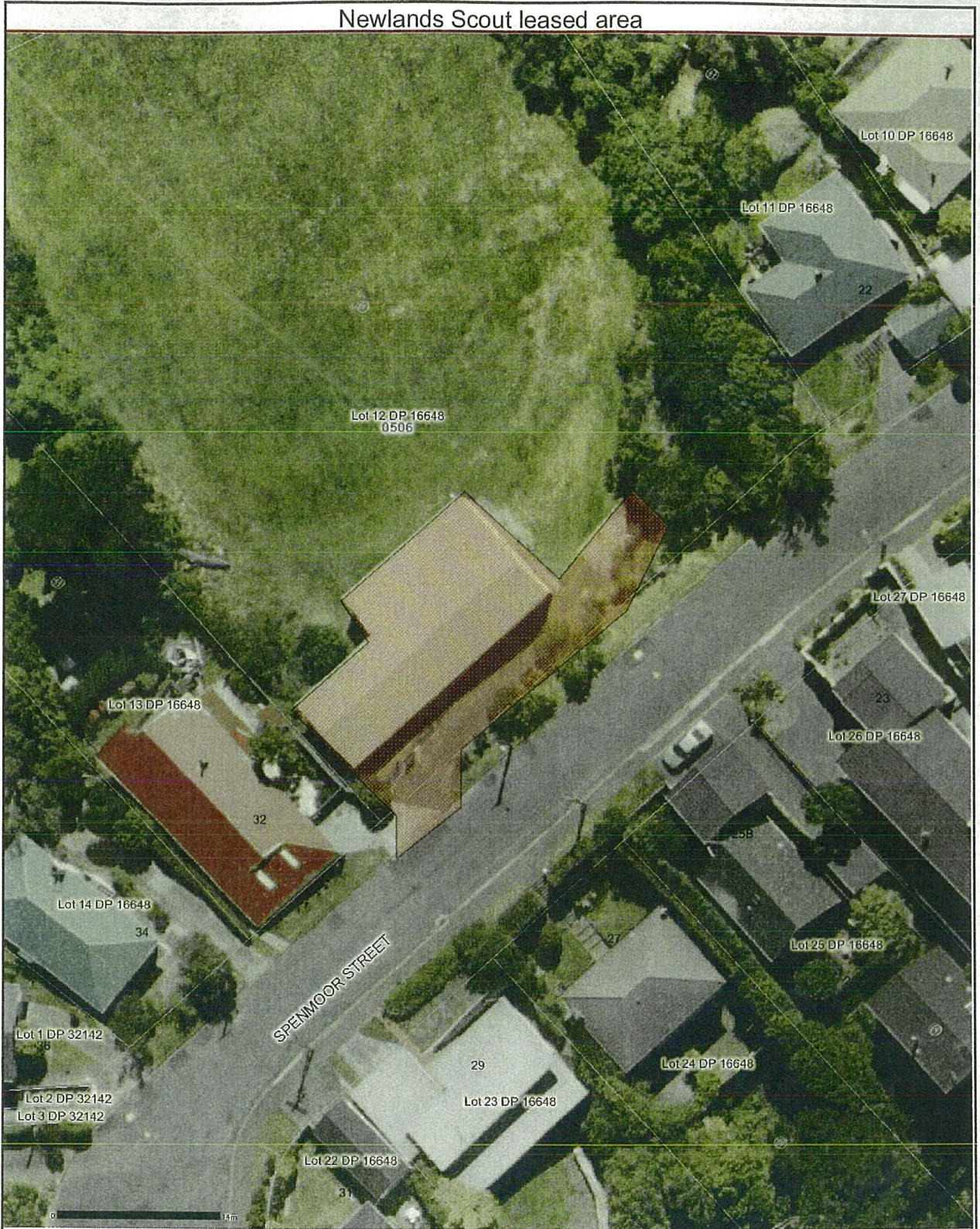
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Newlands Scout leased area



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Wellington BMX Club - Ian Galloway Park
Lease Area

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REPORT 4
(1215/53/IM)

**GRANTING OF A LEASE TO WELLINGTON BMX CLUB
INCORPORATED OVER LAND AT IAN GALLOWAY PARK,
KARORI**

1. Purpose of report

This report recommends that the Committee approves the granting of a ground lease to the Wellington BMX Club Incorporated over recreation reserve land at Ian Galloway Park, Karori (hatched in grey on Appendix 1).

2. Executive summary

The Wellington BMX Club Incorporated has applied for a lease over part of Council owned land known as Ian Galloway Park which is situated in Karori.

The land is currently used as a bike jump park but there has been very little improvement on the site since work was undertaken by a group of volunteers in 2010. The area is poorly maintained and not user friendly, with only a select few who can actually utilise the track.

The Wellington BMX Club Incorporated proposes to build an international standard track for both the BMX and local community.

This report recommends the Committee grants a ground lease of the land hatched in grey on Appendix 1 to the Wellington BMX Club Incorporated for a five year term, with a five year right of renewal.

The land is held as fee simple land but is treated by officers as recreation reserve and is therefore, subject to the Reserves Act 1977. A ground lease would be granted under section 54(1) (c) of the Reserves Act 1977.

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 lease to the Wellington BMX Club Incorporated in accordance with the Reserves Act 1977.*

3. *Note that the terms of the lease are as follows:*
Location: *Part of the land known as Ian Galloway Park, Karori and hatched in grey on Appendix 1)*
Term: *5 years with a right of renewal of 5 years*
Annual Rental: *\$1 per annum plus GST. A rent review will be undertaken annually and may be increased if free public access to the site is restricted by the Wellington BMX Club Incorporated.*
4. *Note that any approval to grant the lease is conditional on:*
 - (i) *appropriate consultation with Iwi being completed;*
 - (ii) *the lease 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 lease is met by the Lessee.*
5. *Agree that Council officers will finalise and negotiate the lease details.*

4. Background

The Wellington BMX Club Incorporated (Club) approached Council for permission to build an international standard BMX track to replace the existing bike jump park located on part of Ian Galloway Park which is situated in Karori. To best meet the needs of the Club, Council officers proposed that the Club leases the area. This will give the Club greater control over the development, management and maintenance of the track, and will provide an opportunity for wider community consultation as part of the Leases Policy process. The area of land they wish to lease is approximately 8000m² and is legally described as Part Section 1 SO 37014 and held in Computer Freehold Register WN12/1438.

The land is currently used as a bike jump park. Some work was carried out on the jumps by volunteers in 2010, and although further works were planned, these never eventuated. Unfortunately the result was that the track is difficult to use with very steep jumps and only a select few can access it. There is an existing smaller children's track, however, this was never properly finished and is not well used.

The Club propose to build an international standard track for both the BMX and local community. The intention is that the track will be utilised for approximately 75% of the time by the public and 25% of the time by Club members, with training nights once or twice a week, race events up to once a month, and two major events during the BMX season (September – April). The Club expect the track to be used by children as well as adults from the wider Wellington region. It will also be used by mountain bikers. The Club also plan to host a national event in the next five years.

If a lease is granted, the Club will complete the majority of the track works by December 2012 at which stage they will be ready to open the club and commence racing on the track. These works include:

- Flattening the land and removing unwanted materials (i.e. vegetation waste). The start ramp area will be built up and the three major corners will be formed.
- Drainage requirements will be undertaken.
- Main design and build phase will be undertaken.
- The land will be moulded and shaped and the ramp will be completed.
- Installation of a start gate.

The development project will be run by a committee of Club members. A track manager has been appointed who will be on site regularly and will liaise with members of the committee and contractors involved to ensure the development works run smoothly.

The Club has been granted a fund from New Zealand Community Trust for \$100,000 to go towards the majority of the development. This funding will ensure that the track is developed to a point where it is useable, of better quality and will provide greater accessibility than the current facility. The Club is currently in the process of applying for more funding to help cover future works on the land.

Upon completion of the track, expenses associated with the site will be covered by club membership fees and proceeds from hosting BMX race events.

The Parks and Gardens business unit is in support of this proposal, subject to approving the detailed development plans.

5. Considerations when assessing a new lease

5.1 Leases Policy for Community and Recreation Groups

An application for a lease is made under the Council's Leases Policy and is subject to assessment under its criteria.

Appendix one of the Leases Policy requires officers to assess new lease applications 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 lease.

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

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

5.2 Legislation

The land is held as fee simple land but is treated by officers as recreation reserve and is therefore subject to the Reserves Act 1977 (Reserves Act). The land will be formally classified as recreation reserve in the future.

Sections 119 and 120 of the Reserves Act set out the requirement for public notification. The granting of a lease to the Club is subject to there being no sustained objections from any party.

6. Discussion

6.1 Assessment

The proposed lease for the Club 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 Club's activities are consistent with other permitted activities on recreation reserve land and satisfy the criteria of recreational use.
Activity Sustainability	Membership	The Club currently has 20 members. The Club anticipates having a minimum of 50 members within the first year and a minimum of 150 members by the end of their second year.
	Financial Position	The Club has the funds to develop the track. Ongoing revenue will be put towards track maintenance and will be generated through membership fees, club racing days and fundraisers. The Club also intends on applying for gaming trusts on an annual basis to help source revenue.
Use of Resources	Land Utilisation	It is expected that land utilisation levels will be high as the track will be available not only to Club members but to the wider public at no cost. The Club also plans to hold special events on a regular basis.
Environmental Impact	Location	The activity does not have the potential to adversely affect open space values.

Criteria		Assessment
Demonstrated Need & Support from the Community	People	<p>The only other BMX facility in Wellington is in Tawa, which is built more as an 'off-road' track and is too small to hold events or to race on. There are only four other tracks in the Wellington region located in the Hutt Valley, Wainuiomata, Kapiti Coast and Levin – none of which can hold a national event.</p> <p>The chosen location at Ian Galloway Park is seen as an ideal site for a BMX track due its proximity to 13 primary schools and the fact that it is surrounded by heavily populated suburbs including Wadestown, Wilton, Khandallah, Crofton Downs, Ngaio, Kelburn, Northland and Kaori.</p>
Need for a Lease	Capability	A lease is appropriate as the Club will have exclusive responsibility and ownership of the BMX track.

6.2 Lease Rental

As the Club will not have any clubrooms on the land and the BMX track will be available for public use at no cost, it is proposed that rental is set at \$1 per annum. The lease provisions will include a special condition requiring the Club to report on club use and annual events held each year. If these remain consistent with the Club's current proposal and public access is readily available at no cost, then rental will remain at a 'peppercorn' rate. Any reduction in public accessibility or change in exclusivity would result in applying the rental model in accordance with the Leases Policy.

6.3 Lease Tenure

The Leases Policy allows for leases on recreation reserve for a term of 10 years with a 10 year right of renewal. Officers propose granting a shorter term in order to assess progress on the development of the land as well as club health.

It is recommended that a lease for an initial term of five years with a five year right of renewal be granted.

7. Conclusion

The Wellington BMX Club Incorporated has demonstrated that they are a good fit with Council's strategic direction and existing policies. Their proposal will result in improved facilities for the general public. The financial position of the Wellington BMX Club Incorporated shows it is in a position to fund the initial development of the facility and membership forecasting would place it in a sustainable position.

Council officers recommend that the Regulatory Processes Committee approves the granting of a ground lease to the Wellington BMX Club Incorporated.

Contact Officer: *Hanita Shantilal, Senior Property Advisor, Property Management & Rebecca Ramsey, Reserves Planning Officer, Parks & Gardens*

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 BMX 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

The project will have no substantial long term 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 as required by the Reserves Act 1977.

b) Consultation with Maori

Iwi will be consulted.



6) Legal implications

The lease will be subject to the provisions of the Reserves Act 1977. Legal advice will be sought in the preparation of the lease.

7) Consistency with existing policy

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



 Lease Area - 8000m²
 Ian Galloway Park Boundary

Wellington BMX Club - Ian Galloway Park
 Lease Area

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