

---

**REPORT 5**  
*(1215/53/IM)*

## **GRANTING OF GRAZING LICENCES TO TWO GROUPS OCCUPYING RESERVE AND OPEN SPACE LAND**

---

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

To seek the Committee's approval to grant a grazing licence over recreation reserve land to Newlands/Paparangi Horse Riding Society Incorporated and to grant two separate licences to Wellington City Light Horse Club Incorporated.

### **2. Executive Summary**

This report provides a description of the groups requesting licences and officers' recommendations to grant the licences.

The Newlands/Paparangi Horse Riding Society Incorporated has been using the site on Middleton Road in Glenside (see appendix 1) since the early 1980s for grazing and a pony club. The land is classified as recreation reserve and is subject to the Reserves Act 1977.

The Wellington City Light Horse Club Incorporated occupies two sites (see appendix 1) for grazing and a pony club; one on Houghton Bay Road, and one at Preston's Gulley closed landfill in Happy Valley. The site in Houghton Bay has been used informally for the last 5 years, and the Happy Valley site has been licensed to Wellington City Light Horse Club since 1980. The site on Houghton Bay Road is designated Open Space B, and the site at Preston's Gulley is designated Open Space A, therefore these licences are granted under the authority of the Local Government Act 2002.

Existing walking tracks, continued public access to the land, and use for grazing purposes necessitates the use of a licence rather than a lease to formalise occupation; a licence does not give exclusive use of the land to the licensee. The Council's Leases Policy for Community and Recreation Groups does not refer to the granting of grazing licences, but it is concerned with the management of Council owned land and associated buildings through leases to recreation and community groups. A lease would grant exclusive possession whereas the licences provide for access to the land by the public. As both proposed licensees are recreational groups using Council land, the Leases Policy for Community and Recreation Groups has been applied in assessing their requests for licences, in accordance with the process for other recreational and community groups.

### 3. Recommendations

Officers recommended that the Committee:

1. *Receives the information.*
2. *Approves, subject to the conditions below, the granting of fresh and new licences to the following groups under the Local Government Act 2002 and the Reserves Act 1977 (Reserves Act):*

<b>Group</b>	<b>Location</b>	<b>Term</b>	<b>Annual Rental</b>
<i>Newlands Paparangi Horse Riding Society</i>	<i>Middleton Road, Glenside</i>	<i>5 years</i>	<i>\$350</i>
<i>Wellington City Light Horse Club</i>	<i>Preston's Gulley Closed Landfill, Happy Valley</i>	<i>5 years + 1 renewal of 5 years</i>	<i>\$1,000</i>
<i>Wellington City Light Horse Club</i>	<i>Houghton Bay Road</i>	<i>5 years + 1 renewal of 5 years</i>	<i>\$976</i>

*Any approval to grant a new licence is conditional upon:*

1. *Appropriate consultation with iwi;*
2. *The licence proposed to be granted to Newlands/Paparangi Horse Riding Society Incorporated being publicly notified in accordance with sections 119 and 120 of the Reserves Act and any approved Management Plan;*
3. *The licences proposed to be granted to Wellington City Light Horse Club Incorporated being publicly notified in accordance with sections 138 of the LGA and any approved Management Plan;*
4. *There being no objections or sustained objections resulting from the abovementioned consultation or notification.*
5. *The lessees pay for the legal and advertising costs associated with preparing the licences.*

### 4. Background

#### 4.1 Overview of Community & Recreation Leases and Licences

The Council permits land to be used by a wide range of groups undertaking various activities through the granting of leases and licences. These documents are important to provide certainty for the Council and groups in regard to their property obligations and to provide a framework for asset management.

## **4.2 Strategic Context and Direction**

The lease and licence assessment process 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/licences 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 sports groups to ensure the best delivery of services and programmes and maximise use of amenities and resources.

### ***Environment Strategy***

Community group leases/licences 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 Recreation 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 events 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 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.

### ***Northern Reserves Management Plan***

Management of the Glenside Reserve is covered by the Northern Reserves Management Plan which was approved in 2008 and identified that future use of the reserve for a pony club will be compatible with future development of the reserve for public use.

The Sinclair Park and Play area in Houghton Bay and the Tawatawa Reserve in Happy Valley currently are not covered by a management plan, however a management plan for these areas is in draft stage.

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

The Leases Policy for Community and Recreation Groups (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 to:

- strengthen communities through leasing of land to groups.
- ensure that the provision of leases is fair, equitable and responsive to community needs.
- formally standardise the requirements of the lease.

The Leases Policy outlines the process for a new lease.

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

#### **4.3 Assessment of new licences**

Consideration of a new licence follows the same assessment criteria as a lease in the Leases Policy, new licences are those where there is no current licence 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 licence. The process for a new licence 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 (financially and numbers of members), their activities are consistent with the Council's strategic direction and objectives, and consider their previous licence performance.

3. Communicate officers' decision to the applicant. If a new licence is recommended then the officer negotiates licence tenure, rental and terms and conditions of the licence.
4. Seek approval in principle from the Regulatory Processes Committee.
5. Public notification following the Reserves Act process.
6. If all approvals are granted and no objections are sustained, licence documents will be prepared.

There are several walking tracks and the land is located close to a suburban area. A licence does not provide exclusive use of the land to the licensee, and allows the Council to ensure public access is not compromised, therefore it is the most appropriate format to formalise the relationship between these groups and the Council.

#### **4.4 Assessment of fresh licences**

Consideration of a fresh licence follows the same assessment criteria as a lease in the Leases Policy; fresh leases are those where the existing tenant has applied for a renewal of an existing lease. The process for a fresh lease is the same as above, however the tenant is known to the Council and it is easier to assess their viability, membership levels etc.

#### **4.5 Licence agreement and documentation**

The Leases Policy provides guidance and a framework for the licence agreement process and documentation. This includes procedural matters and the responsibilities and requirements of the lessee and the Council.

The Council offers ground and premise leases as well as licences to community groups. Some groups own their own building(s) and are responsible for its maintenance and insurance. In these cases the Council can offer a ground lease, which is a lease for the land only. In this case, the Council is granting a licence for land for grazing and pony club purposes.

Leases offered to community groups are a standard format in accordance with the Leases Policy and Regulatory Processes Committee's resolution of 7 February 2007. The standard grazing licence reflects the same terms and conditions of a lease, apart from provision of exclusive use of the land, and covers the following terms and conditions:

- reporting requirements
- allocation of responsibilities between licensee and Council
- payment of rates, water and other utilities
- maintenance of buildings, structures, vegetation and land
- insurance
- subleasing

- termination of licence
- external signs
- external commercial advertising within licensed areas.

#### **4.6 Term of licence**

The Reserves Act stipulates that the term of a licence for the purpose of grazing may be up to 5 years in length. In this case, officers recommend that the full term be granted to the Newlands/Paparangi Horse Riding Society Incorporated. The LGA does not stipulate a restriction on the term length; in this case, a 5-year term with one right of renewal is recommended for the Wellington City Light Horse Club Incorporated as it is consistent with other grazing licences granted by the Council.

#### **4.7 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 licence are not intended to be a control mechanism, rather a means of communication between the groups and Council. Reporting generally includes the requirement for:

- Membership numbers and usage rates
- Community events run on the land
- Financial information.

## **5. Discussion**

### **Newlands/Paparangi Horse Riding Society Incorporated (NPHRS)**

NPHRS incorporated in 1984. NPHRS built the stable/shed onsite for storage of feed and gear in approximately 1985. The land at Glenside was previously used as a stock sale yard, until its closure in the 1980s, and was later classified recreation reserve.

NPHRS is actively involved with the Glenside community in ecological restoration of the Porirua stream within the reserve.

The prior licence the Council held with NPHRS had a term of 5 years, with a further term of 5 years (a right of renewal) which was not exercised, and the licence has been held over since 1994. The land is classified recreation reserve, therefore the licence is granted under the Reserves Act; a 5-year term for a grazing licence is the maximum term permitted under this legislation.

Licence history	Prior 5-year licence expired in 1994.	
Background	<p>NPHRS is a riding club for all ages which offers people the opportunity of riding, friendship and learning. NPHRS holds rallies, show days, riding treks and lessons, and offers grazing.</p> <p>The land is used 7 days a week and is open to the public for foot access.</p>	
Term	5 year licence, the maximum term permitted under the Reserves Act.	
Rental	\$ 350 + GST per annum.	
Strategic Fit	Contributes to More Liveable and Better Connected Outcomes.	
Group Sustainability	Member numbers	39
	Financially viable	Yes

### Wellington City Light Horse Club

WLHC was incorporated in 1971. Preston's Gulley was previously used as landfill, which operated until its closure in 1979. Wellington City Light Horse Club (WLHC) has occupied the surrounding hillside area (unaffected by landfill remains) with horses since 1980.

The WLHC has been involved in clearing gorse and maintaining fences on the land. The continued use of the licensed area is compatible with the future use of the area and the Tawatawa landscape plans finalised by the Parks and Gardens Unit in 2008.

A 5-year term with one right of renewal is recommended given the length of time WLHC has occupied the site and is consistent with other grazing licences granted by the Council under the Leases Policy.

Licence history	<p>Prior licence for Happy Valley expired in 2001.</p> <p>Previously the Houghton Bay area has not been formalised with a licence.</p>	
Background	<p>The WLHC is an active pony club which uses the land for grazing and hosts open days and jumping opportunities for children and young adults.</p> <p>The land is used 7 days a week and is open to the public for foot access.</p>	
Term	5 years, and one renewal of 5 years.	

Rental	\$1,976 + GST per annum (for both sites).	
Strategic Fit	Contributes to More Liveable and Better Connected Outcomes.	
Group Sustainability	Member numbers	42
	Financially viable	Yes

Licences with the WLHC are granted under the LGA as the land is designated Open Space land and not subject to the Reserves Act.

Section 138 of the LGA stipulates that any licence over a Local Authority's land of more than six months 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 new licence will exclude or substantially interfere with the public's access to the land. It is considered that the licences will not interfere with the public's access to the land because:

- licences require clubs to permit public access across the land at any time;
- access to the land can be via many points on the reserve, there are several walking tracks;
- the groups have operated for many years without complaint.

## 6. Conclusion

Officers recommend that the Committee exercise its delegated authority to approve the granting of licences to the Newlands/Paparangi Horse Riding Society Incorporated and Wellington City Light Horse Club Incorporated, subject to the conditions identified in section 3, (Recommendations).

Contact Officers: *Heather Cotton, Mike Oates.*

## Supporting Information

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

*This report recommends a new licence with NPHRS & WLHC which is consistent with the Council's LTCCP strategic vision in regard to Strategy 6: Social and Recreation. Directly related to:*

- More livable
- More actively engaged
- Better connected
- Healthier.

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

*This report recommends a new licence with NPHRS & WLHC which is consistent with the Council's LTCCP in regard to Strategy 6: Social and Recreation.*

*All costs associated with preparing the new licence 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 licences 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 Reserves Act 1977 and Local Government Act 2004.*

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

*Iwi will be consulted as required by the Reserves Act 1977 and Local Government Act 2004.*

### **6) Legal Implications**

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

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

- *The provision of a new licence to the NPHRS & WLHC 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.*