
REPORT 2
(1215/53/IM)

GRANTING OF A LEASE AND LICENCE FOR A COMMUNITY GARDEN TO INNERMOST GARDENS INCORPORATED

1. Purpose of Report

To recommend the Committee approves a new premises lease and licence to the Innermost Garden Incorporated at Lawson Lane, Mount Victoria.

2. Executive Summary

The Innermost Garden Incorporated is a community group that was established in 2006 to create one or more community gardens where women of all cultures could come together to share their knowledge, form friendships and grow plants for food and medicine.

The land and building are located on Town Belt and form part of the ex-Mt Victoria Women's Bowling Club. The land, which would be licensed to the Innermost Garden for their non exclusive use, is an area of 1,260 sq m and includes 2 former bowling greens. The building, which would be leased, is a small garage which would be used to store tools. This group is not leasing the former Bandoliers Building but will have access to toilet facilities within this building.

On 12 September 2007 officers presented a report to the Regulatory Processes Committee recommending the grant of a lease to Innermost Garden Incorporated for the Bandoliers Building and land.

The Committee requested that officers commence discussions with Crossways Community Crèche and Innermost Gardens Incorporated with a view to sharing the facilities. Discussions took place and then subsequent legal advice stated that the proposal for a crèche on Town Belt did not fit within the required use of the Town Belt Deed. This application excludes the Bandoliers Building, which is now being hired out to organisations for short term recreational use.

3. Recommendations

Officers recommend that the Committee:

- 1. Receives the information.*

2. *Approves, subject to the terms and conditions noted below, the granting of a new lease and licence to the Innermost Garden Incorporated in accordance with the Reserves Act 1977.*

3. *Notes that the terms of the lease and licence are:*

Location Lawson Lane, Mount Victoria, Wellington
Term: Three years
Annual Rent: \$91 per annum plus GST

4. *Notes that any approval to grant a new licence and lease will be conditional on:*

- (a) appropriate consultation with Iwi being completed;*
- (b) The licence and lease being publicly notified in accordance with sections 119 and 120 of the Reserves Act 1977 together with any conditions set out in any approved Management Plans (e.g. Town Belt Management Plan);*
- (c) There being no sustained objections resulting from the required consultation or notification.*
- (d) The Innermost Garden Incorporated reimbursing Council for any costs incurred in advertising.*

4. Background

The proposed licence is for the Innermost Garden Inc. to use land and to lease a small building on Town Belt, accessed from Lawson Place, Mount Victoria. The building is marked red and the garden area is marked green on the attached aerial photograph in Appendix 1.

Expressions of interest were sought for the adjacent building, the Bandoliers Building, in 2006 and a committee paper was presented to the Regulatory Processes Committee on 12 September 2007 recommending the Innermost Garden Inc. was granted a lease for this building and some land.

At the time the Committee resolved:

Request that officers commence discussions with Crossways Community Crèche and Innermost Gardens Incorporated with a view to sharing the facilities in question.

The lease to the Innermost Garden Inc did not proceed at this time. Subsequent to this request, legal advice was sought on the use of Town Belt land for a crèche; the advice determined that a crèche did not comply with the uses allowed under the Town Belt Deed.

This current proposal for a lease no longer includes the use of the Bandoliers building. However the Innermost Garden group would have access for the use of the toilets.

4.1 The Site

This land has previously been used as a bowling green; the Council has confirmed through independent testing that the soil contains pesticide residues, in particular low residues of DDT. These residues are above Biogro organic standards. Innermost Gardens Inc. is keen to remove the pesticides from the soil in order to grow organic vegetables and will seek funding for this from several grants organisations as required. It is estimated by Innermost Gardens Inc. that it will take about 2 years for the pesticide residue to be reduced to reach the biogro organic standard and the green converted to a sustainable vegetable garden. Organic certification is dependent on successful remediation of the soil; this would be determined by further soil testing. If remediation is not possible, Innermost Gardens Inc. will create raised beds for planting.

The public will still have access to the land and will be able to walk through the gardens. The group will be required to provide appropriate signage around the garden.

4.2 The Building

The building was a former garage, comprising 25 sq m and is adjacent to the Bandoliers Building. It is in good repair and would become a storage facility for the group's tools.

4.3 The Lessee

Innermost Gardens Inc. was formed in 2006 with the aim of establishing a meeting place for Wellington migrant and refugee women to share and implement creative ideas for gardening, recipes and natural remedies.

The group, made up of mainly migrant women, became an incorporated society on 4 January 2007 and has a current active membership of 30 women with a growing network of more than 100 women in the society's email group. The main objective of the group is to establish a community garden for local, migrant and refugee women to grow familiar foods and celebrate a sense of place in Wellington as their new home.

The community garden project will provide an opportunity for "active creativity" as well as providing social interaction and this will lead to better settlement outcomes and positive community cohesion.

The group intend to hire the Bandoliers building from time to time for meetings, workshops, celebrations and potluck dinners.

5. Discussion

5.1 Considerations when assessing a new lease

The application has been made under the Council's Leases Policy for Community and Recreation Groups (the Policy). Applications for new leases are assessed against the criteria set out in Appendix One of the Policy.

5.2 Legislation

The land is held subject to the Town Belt Deed and managed in accordance with the Reserves Act 1977 and therefore the licence and lease will be governed by these pieces of legislation.

The Wellington Town Belt was vested in the Wellington City Council by the Town Belt and Basin Reserve Deed of 1873. The Deed remains the governing authority by which the Wellington City 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.'

A licence is appropriate for the garden as the group would have a non-exclusive right to use the land and the public would still be able to access this area. A lease, giving exclusive right to the group, is appropriate for the storage facility to allow the group to secure their tools.

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

6. Assessment

The proposed lease for the Club has been assessed according to the criteria set out in the Leases Policy.

Criteria		Assessment
1. Strategic Fit	Social and Recreation Strategy	<p>The project proposed by the group is the creation a community garden for migrant, local and refugee women to grow familiar foods and celebrate a sense of place in Wellington as their new home.</p> <p>The physical activity, gardening, and the social interaction are consistent with the Social and Recreation Strategy which aims to build strong, safe and healthy communities for a better quality of life.</p>
	Town Belt Management Plan	<p>The licence and lease are consistent with the requirements of the Town Belt Management Plan.</p>

2. Activity Sustainability	Membership	The group has a formal membership of 30 with approximately 100 others on a wider email listing.
	Financial Position	The group relies on donations and grants, however its outgoings are small as it depends on volunteers and has minimal financial obligations to meet. Accordingly officers feel the group will be sustainable for the duration of the lease and licence.
3. Use of Resources	Land and Building Utilisation	The group will work to decontaminate the land and then it would be used as an organic garden. The land will be used regularly for recreation, planting, garden maintenance, harvesting and composting.
4. Environmental Impact	Location	The group will work with officers to decontaminate the soil and restore the land. Access would remain for members of the public to walk through this piece of Town Belt. Officers conclude the impact would be positive.
5. Demonstrated Need and Support from the Community	People	Provides an opportunity for migrant and refugee women to participate in the Wellington Community. The group has received letters of support from a number organisations and individuals including Refugee Services, Mokai Kainga, Common Ground Community Gardens, Sustainability Trust, St Christopher's Presbyterian Church, Clyde Quay School and permaculture professionals.
6. Need for a Lease	Capability	The nature of the use of the land requires a licence to be granted over the land and a lease for the storage shed. Both the licence and lease are appropriate as they provide clarity for both the group and Council's obligations in relation to property maintenance and length of term.

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 as \$91 excluding GST per annum.

6.3 Lease Tenure

The standard lease tenure or term set out in the Leases Policy is ten years plus one further term of ten years. The maximum term for a gardening licence, under the Reserves Act is five years. The Town Belt Management Plan states

that gardens shall only be permitted under short term tenancies of up to three years. Officers consider the lease and licence should be coterminous and therefore a term for both of three years.

7. Conclusion

The Innermost Garden Incorporated has demonstrated a good fit with the Council's strategic direction and existing policies, a community need for its services and activities, and sufficient viability in terms of membership numbers and financial sustainability. A lease and Licence for a three year term is consistent with the Town Belt Management Plan.

Contact Officers: *Lucy Ross, T/L Property Management and Amber Bill, Manager, Community Engagement and Reserves.*

Supporting Information

1) Strategic Fit / Strategic Outcome

The provision of this lease is consistent with the Council's Social and Recreation Strategy which aims to build strong, safe and healthy communities.

The facilitation, provision and funding of community participation and support contributes to the Council's long term outcomes of a city that is:

- *more liveable*
- *more inclusive*
- *more actively engaged*
- *better connected*
- *healthier.*

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

There is no impact on the LTCCP.

3) Treaty of Waitangi considerations

There are no known considerations.

4) Decision-Making

This is not a significant decision.

5) Consultation

a) General Consultation

Public consultation will be undertaken as required by the Reserves Act 1977, and consultation with the Friends of the Town Belt.

b) Consultation with Maori

Iwi will be consulted.

6) Legal Implications

The lease and licence will be subject to the provisions of the Town Belt Deed 1865 and the Reserves Act 1977. Legal advice will be sought in the preparation of the lease and licence

7) Consistency with existing policy

The provision of this lease is consistent with the Leases Policy for Community and Recreation Groups.