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**REPORT 1**  
*(1215/53/IM)*

## **GRANTING OF A LICENCE TO THE NORTHERN COMMUNITY GARDENS TRUST FOR A COMMUNITY GARDEN AND NURSERY**

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

To recommend the Committee approves a licence to Northern Community Gardens Trust for a community garden and nursery on part of the land known as Jay Street Reserve at 8 Jay Street, Paparangi, outlined in red on Appendix 1.

### **2. Executive Summary**

The Northern Community Gardens Trust is a recently established group who approached the Council to use an area of Jay Street Reserve known as 8 Jay Street, Paparangi to create a community garden and a plant nursery.

The Northern Community Gardens Trust aims to create a plant nursery and a community garden with raised beds to grow vegetables, flowers and fruit trees. There will also be an open space area so that families can come and enjoy the garden (refer to the Design Plan on Appendix 2).

The land will be maintained by the Northern Community Gardens Trust.

The land is classified as Recreation Reserve and is subject to the provisions 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 licence to the Northern Community Gardens Trust in accordance with the Reserves Act 1977.*

3. *Note that the terms of the licence are as follows:*

**Location:** *Part of the land at 8 Jay Street, Paparangi, known as Jay Street Reserve and outlined in red on Appendix 1.*

**Term:** *Five years plus a five year right of renewal.*

**Annual Rent:** *\$225 per annum plus GST.*

**Special Conditions:** *Wellington City Council to pay up to \$300 of the metered water per annum (exclusive of GST). The Northern Community Gardens Trust will pay metered water charges above \$300 per annum (exclusive of GST).*

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

- (i) appropriate consultation with Iwi being completed;*
- (ii) the licence 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;*
- (iii) there being no substantial objections resulting from the required consultation or notification;*
- (v) the legal and advertising costs associated with preparing the licence is met by the Northern Community Gardens Trust.*

5. *Agree that Council officers will finalise and negotiate the licence details.*

#### **4. Background**

The Council offers leases and licenses of Council owned 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.

The licence for this community garden and nursery is on part of the land known as Jay Street Reserve at 8 Jay Street, Paparangi. The licensed area is outlined in red on Appendix 1.

Jay Street Reserve was assessed as part of the Newlands Network Plan (2009-2020) as being of poor open space quality and it was recommended that it be assessed for other activities, including a community garden prior to any decisions to divest it. The proposal from the Northern Community Gardens Trust (Trust) has provided an opportunity to trial it as a community garden, and its relative security and proximity to schools suggests that it is well suited for this purpose.

The Northern Reserves Management Plan permits leases and licences to facilitate the public use of the reserve by providing for a wider range of facilities than would otherwise be available. Any leases or licences must primarily be concerned with public recreation and other community purposes and open for public participation. A community garden and nursery fits within this policy framework.

The Trust aims to establish and maintain one or more community gardens in the Wellington region. The Trust has plans to develop a community garden with

raised beds to grow vegetables and flowers on this site. The Trust is also planning to plant fruit trees. An open area within the licensed area will be created so that families can come and enjoy the garden. The Trust would also like to create programmes with the view of educating the community on sustainability and how the community can grow their own vegetables. The Trust aims to foster community involvement and opportunities for enjoyment, education and co-operation of its members as well as the wider community.

It is proposed that the nursery will be used to grow native trees to support community groups restoring the local area, contribute to the educational programmes and support the garden by growing vegetables from seeds. The nursery aims to produce 5,000 eco-sourced native plants per annum by 2016, increasing thereafter to 10,000 plants per annum, subject to the constraints of space, labour, demand and income. The intention is that this will be a self-sustaining operation, with some plant sales being used to cover operational costs.

The Trust also put forward a proposal to create a community garden at the Batchelor Street Reserve (former location of the Newlands Community House). Officers recommended that the Trust pursue the Jay Street Reserve proposal in the first instance. This recommendation was made based on the fact that the Trust being a recently established group would benefit from concentrating on establishing one community garden first. This would give the Trust an opportunity to learn from the process, understand the demand for community gardens and be fully aware of the funding opportunities available to them.

Furthermore, Council has committed to reviewing potential options for Batchelor Street Reserve over the next five years. Until a suitable use for the site is identified, there would remain a level of uncertainty around any garden created on this site.

#### **4.1 The Site**

The site is a large flat sheltered area of land which is classified as Recreation Reserve. The proposed licensed area is approximately 1631m<sup>2</sup> and is legally described as Part Lot 7 Deposited Plan 28942 and contained in Computer Freehold Register WN39C/273.

The Trust sees this site as being ideal for a community garden and nursery due to its close proximity to Newlands College, Newlands Intermediate and Paparangi School and Kindergarten. This will provide the Trust with opportunities to link in with the local schools so that the local children will be able to use the garden.

The proposed garden would provide a community space where people can go and garden, learn how to grow food and share ideas and knowledge. Education on gardening will be provided to local children as well as to the wider community.

Although there are plans to fence the nursery for security reasons, the public will still have unrestricted access to the land and will be able to walk through the garden unimpeded.

## **4.2 *The Licensee***

The Trust is a newly established group and consists of trustees from Woodridge Planters, Seton Nossiter Park Working Group and Innermost Gardens Incorporated. The Trust consists of ten trustees and aims to establish and maintain one or more nurseries and gardens within the Wellington region as well as creating programmes to educate the community on sustainability and growing their own vegetables.

## **5. Considerations when assessing a new licence**

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

An application for a new licence is made under the Council's Leases Policy for Community and Recreation Groups 2001 (Leases Policy) and is subject to assessment under its criteria.

Appendix 1 of the Leases Policy requires that the assessment of a new lease or licence is considered 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 licence.

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

The granting of a licence to the Trust is consistent with the provisions of the Social and Recreation Strategy.

### **5.2 *Legislation***

Jay Street Reserve is classified as Recreation Reserve and is managed in accordance with the Reserves Act 1977 (Reserves Act). Therefore, the licensed area will be governed by this piece of legislation and the Northern Reserves Management Plan.

A licence is appropriate for the garden and nursery as the Trust would have a non-exclusive right to use the land. The only part of the licensed area that will be fenced will be the nursery as this is needed for security reasons.

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

## 6. Discussion

### 6.1 Assessment

The proposed licence for the Trust has been assessed against the criteria set out in the Leases Policy. Please see a summary of this assessment below:

<b>Criteria</b>		<b>Assessment</b>
<b>Strategic Fit</b>	<b>Social and Recreation Strategy</b>	<p>The Trust is proposing to create a community garden and nursery on Jay Street Reserve. The garden will provide a community space where people can garden, learn how to grow food and share ideas and knowledge. The garden will provide education on gardening to local children and the wider community as well as providing social and economic benefits to the community.</p> <p>These activities are consistent with the Social and Recreation Strategy which aims to build strong, safe and healthy communities for a better quality of life.</p>
<b>Activity Sustainability</b>	<b>Membership</b>	The Trust has a wider group of interested people which the Trust will approach for membership once a licence has been approved.
	<b>Financial Position</b>	The Trust is in a good position to obtain community grants. The Trust has been successful in a Council Grant application (subject to this licence being approved) and intends on applying to several other organisations for grants once the Council agrees to grant a licence to the Trust. The Trust is also planning to seek donations of goods and services from local businesses and / or cut price purchases. Funding will also be raised through running gardening workshops on site and at the Newlands Community Centre for a small charge.
<b>Use of Resources</b>	<b>Land Utilisation</b>	The Trust intends on making use of the entire licensed area by creating a garden and nursery as well as having a designated social space so the community can enjoy the gardens. The Trust is also planning to plant fruit trees on the land.
<b>Environmental Impact</b>	<b>Location</b>	The Trust's plans to create a community garden and nursery on this land will improve the space and aesthetics and encourage people to come to Jay Street Reserve. The Trust's plans for the land will not change the

		view of the landscape and will be visually unobtrusive. Overall the Trust's plans for the site will provide a positive environmental impact on this piece of land.
<b>Demonstrated Need and Support from the Community</b>	<b>People</b>	The Trust will draw its members from both the immediate area as well as from wider areas within Wellington. This Trust has formed as a result of the Newlands Paparangi Progressive Association Survey 2010 which identified the community's desire to have a community garden within the area. The Trust has also obtained a number of letters of support for the garden and nursery from groups and individuals in the community including Paparangi School, Paparangi Kindergarten, Enliven (Positive Ageing Services) and Newlands Community Garden.
<b>Need for a Licence</b>	<b>Capability</b>	A licence is an appropriate instrument in this case as it will outline the Trust and Council's responsibilities in relation to the garden and nursery operation/existence.

## **6.2 Rental**

The licence fee has been assessed in accordance with the rental framework outlined in the Leases Policy for the footprint of the nursery. The annual licence fee has been assessed as \$225 per annum plus GST.

Council will be paying up to \$300 of the metered water per annum (exclusive of GST) in recognition of the Trust planting native trees on the land and the fact that the produce will be available to the public.

## **6.3 Tenure**

The maximum term for a community garden licence under the Reserves Act is ten years. Therefore, officers recommend that an initial term of five years be granted with a five year right of renewal. The Trust will pay metered water charges above \$300 per annum (exclusive of GST).

## **7. Conclusion**

Council officers recommend that the Regulatory Processes Committee approve the granting of a licence to the Northern Community Gardens Trust at Jay Street Reserve.

Contact Officer: *Amber Bill, Manager, Community Engagement and Reserves, Parks and Gardens and Hanita Shantilal, Senior Property Advisor, Property Management*

## Supporting Information

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

*The provision of this licence is consistent with the Council's Social and Recreation Strategy which aims to build strong, safe and healthy communities by supporting agencies which contribute to the residents' health, safety and community strength.*

*The Northern Community Gardens Trust plans to foster community involvement and create opportunities for enjoyment, education and co-operation of members, which reflects the outcomes the Council aims to achieve.*

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

*The Northern Community Gardens Trust will be responsible for maintaining the licensed area.*

*The water subsidy of \$300 per annum plus GST will be provided from the Town Belt and Reserves Operational Budget.*

### **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.*

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

*Iwi will be consulted.*

### **6) Legal Implications**

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

*Legal advice will be sought in the preparation of the licence.*

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

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

## Proposed site for the Community Garden and Nursery





# APPENDIX 2

## Design Plan for the Community Garden and Nursery

