

## 10. ASSIGNMENT OF GRAZING LICENCE

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This report is being referred to the Community Board for its consideration and recommendation to the Council.

### PURPOSE OF REPORT

The purpose of this report is to approve the assignment of a grazing licence from Scotts Valley Limited to Peter John Scott.

### BACKGROUND

In 1996 the Council acquired from Scotts Valley Limited the area known as Castle Rock adjoining the Summit Road. This land was acquired as a recreation reserve. Under the agreement reached at that time, Scotts Valley Limited retained a grazing licence over the area for a period of 12 years from 11 November 1996. This licence was seen as necessary by the Council to manage the reserve, while at the same time not denying public access to enjoy the area. The total area held under the licence covers approximately 85 hectares, and adjoins and abuts to the west an area of reserve subsequently acquired from Scotts Valley Limited, which is farmed and grazed by Peter Scott.

### GENERAL

As indicated above, when the Council subsequently purchased the balance of the property from Scotts Valley Limited, it was subject to a grazing licence held by Peter Scott for a term which expires contemporaneously with the licence held by Scotts Valley Limited. The situation now exists whereby two grazing licences are held, one by Scotts Valley Limited and one by Peter Scott. An application has been received through the solicitors to tidy this matter up by assigning the licence from Scotts Valley Limited to Peter Scott.

While Scotts Valley Reserve and Castle Rock Reserve are technically grazed by two entities, they are in effect farmed by the same person whose management of the area has been exemplary and as such it is recommended that the assignment be approved.

Section 115 of the Reserves Act 1977 provides under subsection 1 as follows:

*“Where a lease or licence includes a right of transfer the lessee or licensee shall not transfer, sublease, mortgage or otherwise dispose of his interest or any part thereof in the lease or licence without the consent of the administering body”.*

While the licence does not contain a clause permitting its assignment, this assignment is still provided for under Section 115 of the Act, and as such there is no legal reason why the application should not be approved.

As a consequence of this, the Council’s approval as administering body is required to the assignment, and the Board is asked to recommend accordingly.

### NATURAL + PEOPLE + ECONOMIC STEP ASSESSMENT

#	CONDITION:	Meets condition ✓✓0*	HOW IT HELPS MEET CONDITION:
<b>The Natural Step</b>			
N1	Reduce non-renewable resource use	✓✓0*	N/A
N2	Eliminate emission of harmful substances	✓✓0*	N/A
N3	Protect and restore biodiversity and ecosystems	✓✓0*	N/A
N4	People needs met fairly and efficiently	NA	NA - See People Step + Economic Step
<b>The People Step</b>			
P1	Basic needs met	✓✓0*	N/A
P2	Full potential developed	✓✓0*	N/A
P3	Social capital enhanced	✓✓0*	N/A
P4	Culture and identity protected	✓✓0*	N/A
P5	Governance and participatory democracy strengthened	✓✓0*	

<b>The Economic Step</b>			
<b>E1</b>	<b>Effective and efficient use of all resources</b>	✓✓0*	Will allow the property to be merged and managed as one entity.
<b>E2</b>	<b>Job rich local economy</b>	✓✓0*	N/A
<b>E3</b>	<b>Financial sustainability</b>	✓✓0*	The merger will increase and improve the financial viability of the farming operation.

**Staff**

**Recommendation:** That pursuant to the provisions of Section 115(1) of the Reserves Act 1977, the Board recommend to the Council that it approve the assignment of the grazing licence over Castle Rock Reserve from Scotts Valley Limited to Peter John Scott.

**Chairperson's**

**Recommendation:** That the recommendation be adopted.