



## AKAROA WHARF – ROGER BEATTIE – APPROVAL TO ENTER INTO SUB-LICENCE

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| <b>General Manager responsible:</b> | General Manager, City Environment DDI 941 8608 |
| <b>Officer responsible:</b>         | Unit Manager, Transport and Greenspace         |
| <b>Author:</b>                      | Kathy Jarden, Leasing Consultant               |

### PURPOSE OF REPORT

1. The purpose of this report is to seek the support of the Akaroa/Wairewa Community Board in obtaining the Council's approval to provide delegated authority to staff to grant landlord's consent for the approval of a sub-licence under the current head licence between the Council and Roger Douglas Beattie which permits the occupation and use of part of the Akaroa wharf as shown on the **attached** plan (area C).

### EXECUTIVE SUMMARY

2. The Council currently licences Roger Douglas Beattie of Sea-Right Investments Limited the right to occupy parts of the Akaroa wharf for the purposes of gaining access and providing support to the building owned by him which immediately abuts the wharf for the purposes of storing fish and other marine and tourist associated activities. The licence expires on 30 June 2016.
3. Mr Beattie has held a licence to occupy the Akaroa Wharf for over 15 years and has established the Eyris Blue Pearl centre in one half of his building which is a visual display where visitors can learn about the evolution of pearls and how they are cultured. To complement the exhibit Jacek and Ilona Powlowski - NZ Blue Pearls have set up a jewellery studio in the other half of the building specialising in making pieces of jewellery out of the locally harvested blue pearls. Mr Beattie has leased his building to NZ Blue Pearls and is seeking the permission of the Council as Head Licensor to consent to the sub-licence to NZ Blue Pearls.
4. The licence requires the Licensor's permission to sublet/licence any part of the premises. There is no delegation from Council to provide such approvals. This report seeks to obtain delegation so that any such requests in the future can be processed in a timely and efficient manner, thereby meeting the commercial and market needs of the licensee and in turn ensuring the protection of the Council's interests.

### FINANCIAL IMPLICATIONS

5. There will be no change in revenue or expenditure for the Council.

### Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?

6. Yes.

### LEGAL CONSIDERATIONS

7. The Community Board does not have the delegated authority to authorise the granting of the proposed sub-licences; that decision needs to be made by the full Council. The Community Board may make recommendations to the Council.
8. The Corporate Support Unit Manager has delegated authority to enter into lease agreements for terms not exceeding five years and \$50,000 per annum rent. As the head licence exceeds the five year term, permission is required from the Council to enter into any sub-licence arrangements.

### Have you considered the legal implications of the issue under consideration?

9. The licence requires that permission from the landlord must be obtained prior to entering into any sub-licence arrangements.
10. Council's Legal Services Unit will review the Deed of Sub-Licence to ensure that it meets Council requirements.

11. Head licensor's consent will be required for the Deed of Sub-Licence to Occupy entered into. Under the licence head licensor's consent shall be given so long as certain conditions are met, namely the proposed subtenant is solvent, suitable, experienced etc. It generally transpires that there is little discretion in granting these approvals.

#### **ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

- 12 Parks Waterways and Open Spaces – harbours and marine structures

#### **Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

13. Yes – provision of wharves, marine and other harbour structures that enhance marine recreation and support economic activity.

#### **ALIGNMENT WITH STRATEGIES**

14. The Council manages wharves, moorings and boat ramps at Lyttelton Harbour, Akaroa Harbour and around the Peninsula, for recreational and commercial use. (page 119 LTCCP 2009-2019 volume 1).

#### **CONSULTATION FULFILMENT**

15. N/A

#### **STAFF RECOMMENDATION**

It is recommended that the Akaroa/Wairewa Community Board recommend to Council that delegated authority be granted to the Corporate Support Unit Manager to grant head licensor's consent to the sub-licence agreement between Roger Douglas Beattie and Jacek and Ilona Powlowski - NZ Blue Pearls or any other suitable individual or company put forward by the head licensee in accordance with the terms and conditions of the existing head licence between the Christchurch City Council and Roger Douglas Beattie for a term not to exceed 29 June 2016.