

18. POLICY DEVELOPMENT FOR LEASES, LICENCES AND EASEMENTS OVER RESERVES AND COUNCIL OWNED OPEN SPACED LAND

RR 9017

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Corporate Plan Output: Consents - Leases (9.4.8)	

The purpose of this report is to obtain the support of the Board for the development of a standard policy for the granting of leases, licenses and easements over reserve and Council owned open space land.

This report is also being submitted to the other Community Boards with the same request for support prior to a report being prepared for the Parks and Recreation Committee for endorsement and budgetary provision. Officers envisage that the policy development will occur during the 1999/2000 budget year, this being dependent on the necessary budgetary provision being made.

The policy development proposed in this report is a separate policy from the Charging for Occupation of Reserve Land Policy which is presently under development.

Why is the Policy Needed

The policy is needed for four reasons, which are outlined below:

1. The Council has delegated to the Parks and Recreation Committee the power pursuant to Sections 231 and 601 of the Local Government Act 1974 to grant leases for a maximum term of 20 years less 1 day to voluntary organisations over land held under Local Government Act 1974 for recreation purposes, and the powers of the Council contained in Section S54, 114 and 115 of the Reserves Act 1977 subject to the prior adoption by the Council of a standard policy for the granting of such leases and licenses on metropolitan or major reserves.

The power to grant such leases over local reserves is to be delegated to the community boards. This delegation is therefore subject to the prior adoption by Council of a standard policy for the granting of such leases, licences and easements over metropolitan, major and local reserves.

The development of such a policy therefore has been requested by the Council before such delegation will be given from the Council.

2. To enable officers of the Council to effectively manage and administer leases, licenses and easements in accordance with Council approved policy for the granting of such leases, licenses and easements over reserve and open space land.
3. To ensure that all prospective and existing tenants of reserve and open space land are treated in a consistent manner.
4. To allow the application of possible further delegations from the Parks and Recreation Committee to the Parks Manager for the effective management and administration of reserve and open space leases, licences and easements within the approved Council Policy guidelines.

Scope of the Policy

The standard policy for the granting of leases, licences and easements over reserve and Council owned open space land will encompass the following areas with an approximate indication given of the number affected in each category.

- (i) Grazing Licences: (16)
- (ii) Sports Bodies Leases and Licences: (126)
- (iii) Commercial Leases and Licences: (25)
- (iv) Community Group Leases and Licences: (48)
- (v) Underground easements (numerous)

In the formation of this policy it will be necessary for the impact of other existing Council policies to be taken into account. Such as:

- (i) The management guidelines for community facilities.
- (ii) The sports bodies grounds policy.
- (iii) The policy regarding stall licences.
- (iv) The early childhood policy (still being developed)
- (v) The recreational issues policy.
- (vi) Other Council policies.

It will also be necessary in the formation of this policy to take into account existing Government legislation, eg Reserves Act 1977 and the Local Government Act 1974 and their amendments.

It will also be necessary to take into account the planning requirements as set out in the City Plan.

The Process of Consultation

The consultation process will need to be as wide as possible and will include present and prospective leasees, licensees and easement holders over reserve and Council owned open space land, other community groups and Council Business Units whose spheres of operation impinge on parks and open space lands controlled by Council.

The consultation process envisaged that will take place is outlined below:

1. Consultation with other internal business units within Council whose spheres of operation impinge upon parks and open space lands administered by Council.
2. The release of a public scoping paper to all interested groups as mentioned above outlining the reasons for the development of the reserves and public open spaces leasing, licensing and easements policy, the parameters within which such a policy must be developed (Acts of Parliament, Local Body Legislation and Bylaws, and City Plan), asking for comment and views on the proposed policy. The discussion paper will raise issues and matters that need to be addressed within the proposed policy giving possible options to stimulate discussion and feedback, to allow customer "by-in" to the project without providing opinions which could negate meaningful feedback.
3. From the responses received a draft policy for the leasing, licencing and provision of easements over reserves and Council owned public open spaces will be prepared which will be released for formal comment and submissions.
4. A hearings panel will be convened of the Parks and Recreation Committee to hear and deliberate on the public submissions received, making alterations where necessary to the draft policy document.
5. The altered draft policy document will then be submitted to the Parks and Recreation Committee for their ratification and recommendation to Council to adopt as Council Policy.

The Boards role in this process is to assist with the facilitation and discussion within each of their local communities, especially with sports, community groups and other interested parties, assisting them to become aware of the issues which need to be addressed in the formulation of a policy of this nature.

- Recommendation:**
1. That the Board support the development of a standard policy for the leasing, licencing and provision of easements over Reserves and Council owned Open Space Land to enable delegations to be exercised as requested by Council.
 2. That the Board agree to assist and facilitate discussion within their communities, especially with local sports and community groups and other interested parties assisting them to become aware of the issues which need to be addressed in formulation of a policy for the granting of leases, licences and easements over reserve and open space land administered by the Council.

Chairperson's

Recommendation: That the officer's recommendation be adopted.