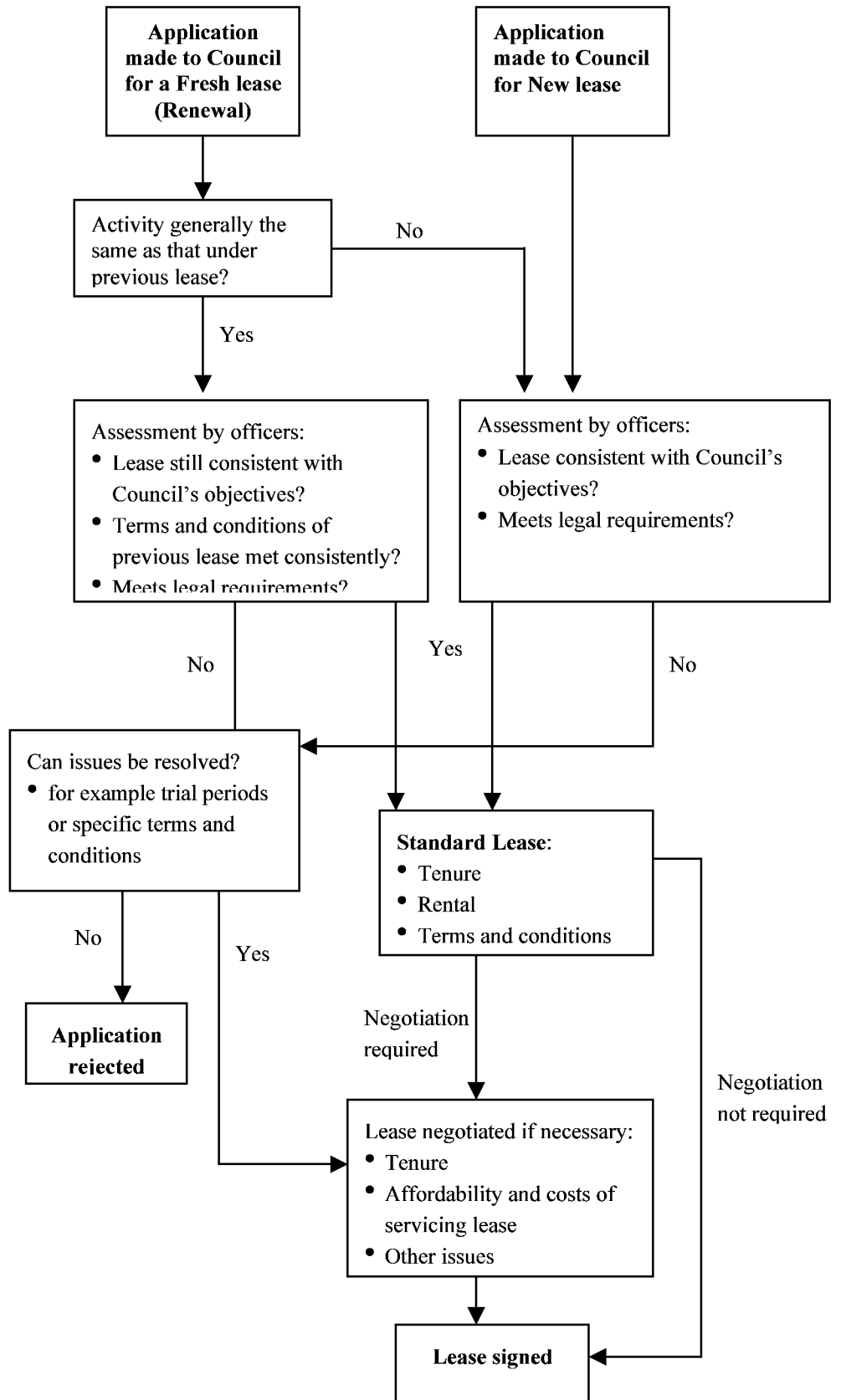


2 THE LEASING PROCESS

The following process will be used for taking an application through to a lease:

- A. A group approaches the Council seeking a lease (new or fresh). Officers discuss the application process and whether a lease can be considered or is appropriate.
- B. The group makes an application.
- C. Officers assess the application (see section 3).
- D. A committee or subcommittee report is prepared to seek approval in principle and to obtain the approval of the Department of Conservation under the Reserves Act if applicable. If necessary, the report will also deal with any issues of dispute.
- E. Public advertising, submissions and a hearing will be undertaken if necessary. Public consultation will be required for reserve land, Town Belt land and land managed as reserve.
- F. If all approvals are granted and no objections are sustained, then lease documents will be prepared.

2.1 OVERVIEW OF THE PROCESS



2.2 DECISION MAKING

All leases of public land require final approval by a subcommittee or committee of Council. Any points of disagreement in relation to the assessment of applications, terms and conditions of leases or other matters discussed under this Policy, will be addressed in a subcommittee or committee forum.

2.3 ABILITY TO CONSIDER LEASE APPLICATIONS

Where applications do not meet legal requirements (such as those defined in the Reserves Act 1977) or the objectives of management plans then the Council is unlikely to accept the application. The Council is also unlikely to accept applications from groups that do not have open membership (that is where the group excludes certain people). Exclusion by way of excessively high membership or user fees will also be considered in this respect.

2.4 LEASING OF PUBLIC LAND AND THE RESERVES ACT 1977

As the steward of open space and reserve land the Council's main concern is the protection of the land and its availability for public use and enjoyment.

Land that is held for reserve purposes (under the Reserves Act 1977)¹ can be leased where this will result in the provision of facilities which will benefit the people of Wellington City. The primary objective of leasing reserve land is to enable facilities to be established which will facilitate the public's recreational use of the land. However, leases may also be granted to voluntary groups where this will enable a service, which is not directly associated with recreation, to be provided for community purposes.

All non-reserve land that is held by the Council for public amenity or open space purposes will be treated as if was land held under the Reserves Act. This will ensure a consistency of decision making and public scrutiny. However, no consent will be required from the Department of Conservation for non-reserve land.

Any granting of a lease, which in effect gives a group or organisation rights over public land, must be tested against the purpose for which the land is held and the provisions of the legislation.

2.5 MANAGEMENT PLANS

When granting leases where a management plan exists the appropriate provisions of the plan must be observed. The Town Belt Management Plan is a key document in this respect. Where there is no management plan the proposed activity should be tested against the purpose for which the land is held and/or the classification of the land.

¹ The Reserves Act 1977 defines the procedures that must be followed for leasing land classified as reserve. This includes public consultation.

Management plans provide a degree of clarification which can be valuable when deciding what activity or structure can or cannot be accommodated on an area of land or the use to which the land can be put.

2.6 ONGOING COMMUNICATION

The signing of a lease does not signal the end of communication between the parties until the lease comes up for renewal. A lease should be seen as a partnership and ongoing dialogue is expected to occur.

The reporting requirements of the lease (see section 4.4.1) are designed to assist the Council in knowing that activities are meeting its objectives for the community and the city. The Council will also endeavour to communicate to the lessee any matters that may impact on their activities, for example, discussing other proposals to use adjoining reserve land or consulting on management plans.

In situations where groups are facing declining membership, cuts to funding support or other difficulties (financial or non-financial) this should be discussed with Council. The Council will be able to work with groups to look at their options and perhaps to provide solutions.