

**Wānaka Community Board**  
**3 December 2020****Report for Agenda Item | Rīpoata moto e Rāraki take 3****Department: Community Services****Title | Taitara Upper Clutha A&P Society – Notification of Intention to Grant Lease Variation for Permitted Use****PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO**

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The purpose of this report is to consider approving the notification of the intention to grant a lease variation relating to permitted use of activities for the Upper Clutha Agricultural & Pastoral Society.

**RECOMMENDATION | NGĀ TŪTOHUNGA**

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That the Wānaka Community Board:

1. **Note** the contents of this report;
2. **Approve** notification of the intention to grant a lease variation for the Upper Clutha A&P Society with the following permitted use:

*“That the land be used primarily for the purpose of the A&P society including storage, administration, meetings, display and operations associated with the of the Annual A&P Show. Ancillary community (non-commercial) uses compatible with the society use may be undertaken with the approval of the Council on a case by case basis subject to the following conditions:*

- *Meetings and activities of community groups.*
- *Administration and operations of non-commercial community activities.*
- *Social functions associated with A&P functions will be limited to no more than 6 per year*
- *No commercial private storage will be permitted.*

3. **Appoint** three Community Board members (any two of whom can form a hearing panel) to hear any submissions and make a recommendation to Council in accordance with section 120 of the Reserves Act.

Prepared by:



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19/11/2020

Reviewed and Authorised by:



Thunes Cloete  
General Manager, Community  
Services

20/11/2020

## CONTEXT | HOROPAKI

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- 1 The Upper Clutha A&P Society owns a building that occupies part of the Wānaka Showgrounds, with legal description part Section 12 Block XV Town of Wānaka (refer to attachment A).
- 2 Council granted the Society a lease in 2015 to occupy part of the reserve with a term of 33 years. This lease commenced on 1 September 2015 and has a final expiry of the 31 October 2048. The lease area is shown in the attached plan (refer to attachment B).
- 3 The lease provided for the following permitted use:
 

“The Lessee shall use the Premises or permit the Premises to be used only for the purpose of holding the Lessee’s annual Agricultural and Pastoral Show and storage of equipment used for this show.”
- 4 When the Council granted the current lease, the Society had an intention to extend their current building. The Council approval and lease therefore also provided for an extension to the building. The approval to extend the building is attached to this report (refer to attachment C) and at the time was described as a single storey building. As the design of the building progressed and following a number of discussions with the Council and the Wānaka Urban Design Panel, the building was proposed to become a double storey structure.
- 5 Council considered that the proposed double storey structure was not consistent with the building that was proposed as part of the lease. It was therefore necessary to prepare a minor variation to the lease to account for the new building design. Council prepared a deed of acknowledgement for the Society to record the agreed change to the building in 2019. The deed of acknowledgement included an express acknowledgement that use of the building was limited by the permitted use clause to “use for the purpose of hosting the annual A&P show”. The Society decided not to sign the deed of acknowledgement, put these plans on hold and sought to vary their permitted use instead to account for broader community uses. They currently have advised that they are not continuing with the extension/redevelopment plans for the building.
- 6 The lease including the original building redevelopment went through the following process:
  - 18 Nov 2014: The Wānaka Community Board agree to notify an intention to grant a lease.
  - 27 Nov 2014: Full Council nominate a hearings panel to consider submissions received.
  - 25 Feb 2015: Hearing held to consider the eight opposing submissions.
  - 2 Dec 2015: Lease ultimately signed.

**ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU**

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- 7 The A&P Society have requested a lease variation to include other community uses as follows:

*“The Lessee shall use the Premises or Permit the Premises to be used only for:*

*a. The Lessee’s purposes (being the holding of the Lessee’s annual Agricultural and Pastoral Show, storage of equipment used for this show and other related purposes); and/or*

*b. Other community organisations purposes (being non-commercial activities, which support the function and needs of the Upper Clutha community)”.*

- 8 Expanding the permitted use will likely increase the utilisation of the A&P Society’s buildings throughout the year. This is a positive outcome for the community and consistent with the Reserve Management Plan for the reserve as detailed below. However, it may create unintended effects on adjacent neighbours and reserve users. The Council proposes to notify the intention to vary the lease, to seek community feedback on the request in line with Reserves Act principles relating to notification. The Council will then be able to consider the new lease with the benefit of any submissions from the community.

- 9 The Wānaka Recreation Reserve, Management Plan provides the following guidance in relation to Buildings on the reserve:

a. 4.2.4. Buildings support the uses of the Reserve and community, and positively contribute to the amenity of the area.

b. 4.3.5. Buildings:

i. Allow the development of the buildings and structures necessary to provide for the function and support the Wānaka A&P Show, and the UCRFC, provided that they are covered by a relevant lease.

ii. Encourage a collaborative and non-exclusive use of the buildings, so that they are available for community and sporting groups.

- 10 The Council may consider it appropriate to provide the approval subject to additional terms and conditions such as the following:

*“That the land be used primarily for the purpose of the A&P society including storage, administration, meetings, display and operations associated with the of the Annual A&P Show. Ancillary community (non-commercial) uses compatible with the society use may be undertaken with the approval of the Council on a case by case basis subject to the following conditions:*

- *Meetings and activities of community groups.*
- *Administration and operations of non-commercial community activities.*

- *Social functions associated with A&P functions will be limited to no more than 6 per year*
- *No commercial or private storage will be permitted.*

11 Option 1 Approve notification of the intention to vary the permitted use of the Upper Clutha A&P Society’s lease.

*Advantages:*

- 12 Will progress the request to provide an additional community facility in the district.
- 13 May provide increased utilisation of the reserve.
- 14 Will fulfil the requirements of the Reserve Act that relate to notification and the hearing of submissions/objections.

*Disadvantages:*

- 15 May increase effects created by users of the facility.

16 Option 2 Approve notification of the intention to vary the permitted use of the Upper Clutha A&P Society’s lease with the revised permitted use set out at paragraph 10 of this report.

*Advantages:*

- 17 Same as option 1 but with greater clarity as to the meaning of the permitted use.

*Disadvantages:*

- 18 The society would have less autonomy to make decisions relating to suitable uses and users as they arise.

19 Option 3 To decline the request.

*Advantages:*

- 20 Would not increase effects created by users of the facility.

*Disadvantages:*

- 21 Would not progress the request to provide an additional community facility in the district.
- 22 Would not increase utilisation of the reserve.

23 This report recommends **Option two (2)** for addressing the matter because it will provide an ability for the community to be consulted on the proposal and provides additional measures to manage potential effects from the proposal.

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**CONSULTATION PROCESS | HĀTEPE MATAPAKI:**

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**> SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA**

- 24 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as the land is not listed as a significant asset and the lease has already been approved, the proposal relates to a variation that may benefit the community as a whole.
- 25 As the Council is proposing a reserve lease variation which was not considered at the time of the original notification, the variation must be notified in accordance with section 119 of the Reserves Act 1977.

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**RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA**

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- 26 This matter relates to the Community & Wellbeing risk category. It is associated with RISK00009 within the QLDC Risk Register. This risk has been assessed as having a high inherent risk rating. It is however recognised that the lease variation being sought is proposed to go through a public process to ensure it is consulted on with the community, prior to being considered by full Council.
- 27 This matter relates to this risk because it is dealing with approving a lease variation over land that is a community asset.

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**FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA**

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- 28 Costs associated with lease drafting and notification will be paid for by the lessee.

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**COUNCIL EFFECTS AND VIEWS | NGĀ WHAKAAWEAWE ME NGĀ TIROHANGA A TE KAUNIHERA**

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- 29 The following Council policies, strategies and bylaws were considered:
- a. *Significance and Engagement Policy, 2014*
  - b. *Wānaka Recreation Reserve Management Plan, 2017*
- 30 The recommended option is consistent with the principles set out in the named policies.
- 31 This matter is not included in the Ten Year Plan/Annual Plan and will not have any impact on it.

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**LOCAL GOVERNMENT ACT 2002 PURPOSE PROVISIONS | TE WHAKATURETURE 2002 O TE KĀWANATAKA Ā-KĀIKA**

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- 32 The recommended option:
- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way

that is most cost-effective for households and businesses by providing additional community facilities in the district;

- Can be implemented through current funding under the Ten Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

**ATTACHMENTS | NGĀ TĀPIRIHANGA**

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A	Overview Plan
B	Lease Area
C	Proposed Building Extension, 2015