

**LICENCE FOR PUKERUA BAY RESIDENTS ASSOCIATION FOR COMMUNITY GARDEN AT MURI RESERVE**

**PURPOSE**

The purpose of this report is to seek approval to grant a licence to the Pukerua Bay Residents Association to establish and operate a community garden within Muri Reserve.

**SIGNIFICANCE OF DECISION**

While the issues in this paper touch on parts of the Council's Significance and Engagement Policy, they are not significant enough to warrant detailed consultation and engagement.

**RECOMMENDATIONS**

That the Te Komiti recommend that the Council:

1. **Receives** the report
2. **Agrees** to grant a gardening licence to the Pukerua Bay Residents Association over that part of Muri Reserve outlined in red in the attached plan for a term of 10 years with no right of renewal.
3. **Delegate** to the Chief Executive the negotiation of the terms of the gardening licence.
4. **Notes** that discussions for vehicle access are ongoing and involve KiwiRail.
5. **Notes** that the proposal will have to comply with any applicable regulations.

Report prepared by:

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**RESOURCE PLANNER- PARKS**

Approved for submission by:

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**(ACTING) CHIEF OPERATING OFFICER**  
**CITY AND COMMUNITY INFRASTRUCTURE**

## **1 CONTRIBUTION TO COUNCIL'S STRATEGIES**

- 1.1 The issues in this paper contribute to the strategic priorities of:
- A great village and city experience.
- 1.2 The Council's Recreation and Open Space Strategy is also relevant, particularly the outcome:
- Everyone looks after our parks and open spaces.

## **2 BACKGROUND**

- 2.1 The Pukerua Bay Residents Association has approached Council for permission to establish a community garden/orchard over part of Muri Reserve in Pukerua Bay.
- 2.2 The concept of the community garden is incorporated in the Pukerua Bay Village Plan 2011. For Muri Reserve the Village Plan states:

*“There was strong support for a community garden and/or orchard, though many people noted that provision for this should not exclude other ways to enjoy the reserve, including support for: other planting-primarily native: recreational activities...: [and] continued use as a dog exercise area.”*

- 2.3 The Porirua City Reserves Management Plan (RMP) lists community gardens as an activity requiring authorisation. The Reserves Act 1977 provides for licences to be granted over reserves for gardening purposes.
- 2.4 The RMP for Muri Reserve includes an outcome on community gardens or orchards.

## **3 DISCUSSION AND OPTIONS CONSIDERED**

### *Proposal*

- 3.1 The proposal is to use part of the reserve to establish a garden and improve the area for public use and social gatherings. The area the group wish to occupy for the garden is shown in Attachment 1 in red. The reserve is outlined in blue.
- 3.2 A development plan for the garden has been created by the Residents Group. This is included as Attachment 2. The detail of the proposal is still to be approved.
- 3.3 The concept for a community garden or orchard in Muri Reserve is already incorporated in the outcomes for Muri Reserve. The park has been divided into an amenity zone and a natural zone. The outcome supporting the garden is specific to the amenity zone however the group are proposing to use the natural zone. The outcomes for the natural zone are focused on allowing the area to regenerate, control pests and improve the ecological function of the reserve. The garden will need to be carefully managed to ensure the impacts do not affect the other outcomes for the area such as improving the riparian planting along the stream corridor. Overall the garden is still an anticipated use of the reserve and should be enabled.

- 3.4 The group proposes to have a number of structures built within the reserve. Council need to ensure these are safe. The group will be expected to work with Council officers before structures are constructed and ensure they comply with any relevant regulations. There has also been some anecdotal evidence of historic kumura pits in the reserve. Any disturbance of the ground will need to be managed to ensure any historic remains are identified and are not affected. Officers will work with the group to determine the best procedure to follow in the event that historic remains are discovered.
- 3.5 A licence is the appropriate tool to enable this form of activity. This is prescribed under the Reserves Act 1977. This is consistent with the approach that Wellington City Council are taking with similar garden requests.
- 3.6 A licence implies a non-exclusive right over an area so the public will still have access into the garden. The public will be able to harvest fruit and vegetables from the garden.

#### *Access*

- 3.7 The group wishes to use the eastern side of the reserve. The access into this side of the reserve is via an access leg off Muri Road. This access has not been well maintained and is currently difficult to use. The licence will allow for pedestrian access into the reserve via this accessway and the group are expected to use some of their village planning funding to improve the access. Officers will work with the Residents Association to develop a suitable solution.
- 3.8 The group have stated they would like occasional vehicle access into the reserve. This would be required for occasional light vehicles and trailers to access the reserve to take away green waste or bring in materials.
- 3.9 The group have stated they wish to access the park for vehicles via the KiwiRail land. This access route is shown in Attachment 3 in yellow. Discussions are ongoing with KiwiRail regarding this access. Should this access be agreed with KiwiRail, the licence will be reviewed and updated to accommodate that arrangement.
- 3.10 Should access not be obtained over the KiwiRail land and vehicle access is needed via the Muri Road access leg, the licence will need to be updated.

## **4 OPERATIONAL IMPLICATIONS**

- 4.1 Council has been asked to remove weeds from the site before the group start their garden. The Manager Parks has agreed that Council may support the garden with additional maintenance work on a case-by-case basis when requested. The Manager Parks will decide when support can be given.
- 4.2 The Council will remain the landowner of the reserve. Any structures the group build on the reserve such as boardwalks, drainage swales, culverts and compost bins will still need to meet Council's standards for structures in public places. Structures will need to be complaint under the Building Act and Resource Management Act. The Council will be responsible for the ongoing cost of inspections and will work with the group to remedy any compliance or safety issues.

- 4.3 The licence will specify requirements for the group to approve plans with the Council before construction and planting. This will allow Council to ensure that the plants being introduced are appropriate and won't create a pest problem. This also ensures Council are aware of structures.
- 4.4 The licence will specify conditions for reinstatement of the site and handover of assets in the event that the group terminates their licence.
- 4.5 Council will still undertake regular maintenance of the other side of the reserve.

## **5 FINANCIAL IMPLICATIONS**

- 5.1 The group will not be charged an annual rent as the garden will be open to the community to harvest fruit and vegetables.
- 5.2 Any structures and improvements to the land associated with the garden, including constructing any physical access will be funded by the Residents Association and Village Planning Programme.
- 5.3 The Residents Association will be expected to reimburse Council for any legal costs incurred to prepare the licence.
- 5.4 There is \$5000 identified for the project in the 2015-2016 financial year.

## **6 STATUTORY REQUIREMENTS**

- 6.1 Muri Reserve is made up of several land parcels. The largest section (Lot 7, DP 50730) is currently held as local purpose reserve (community). The remaining sections are recreation reserve. In 2011 Council resolved to reclassify the land parcels from local purpose reserve to recreation reserve. While this appears to have been completed for the other parcels, it may not have been completed for Lot 7.
- 6.2 The power to grant a gardening licence to the Pukerua Bay Residents Association is outlined below.

### ***Section 74 Licences to occupy reserves temporarily.***

*(1) Licences may be granted under subsection (2) of this section for any purpose specified in that subsection...*

*(b) in the case of any other reserve except a nature reserve*

- i. By the administering body where the reserve is vested in or controlled and managed by such a body...*

*(2) where, in the opinion of the Minister or, as the case may be, the administering body or the Commissioner, it is necessary or desirable for the management of the reserve for the purpose for which it is classified, licences to occupy any recreation, historic, scenic, Government purpose, or local purpose reserve, or any part of any such reserve, may be granted for the following purposes:*

*a. Grazing, gardening, or other similar purposes:*

6.3 The duration of the licence may not be more than 10 years.

## **7 CONSULTATION**

7.1 Section 74 (3) sets out the requirements to consult.

7.2 Under 74 (3A) public consultation is not required for this proposed licence as it meets the criteria:

*(3A) Nothing in subsection (3) of this section shall apply-*

*a. In the case of any Government purpose reserve or local purposes reserve; or*

*b. In the case of a recreation, historic, scenic, or scientific reserve, where public notice of the proposal has been given under any other provision of this act...*

7.3 The majority of the reserve over which the licence will be granted is a local purpose reserve.

7.4 There are some small parcels of recreation reserve which will also be subject to the licence. As the licence has been anticipated for Muri reserve in the Reserves Management Plan this meets the criteria for (b). The Reserves Management Plan was publically notified and the outcome related to the community garden was stated in the plan at the time it was notified.

7.5 The concept of the community garden has also been included in the Pukerua Bay Village Plan 2011. The community will be involved in the development of the garden.

## **8 CONCLUSION**

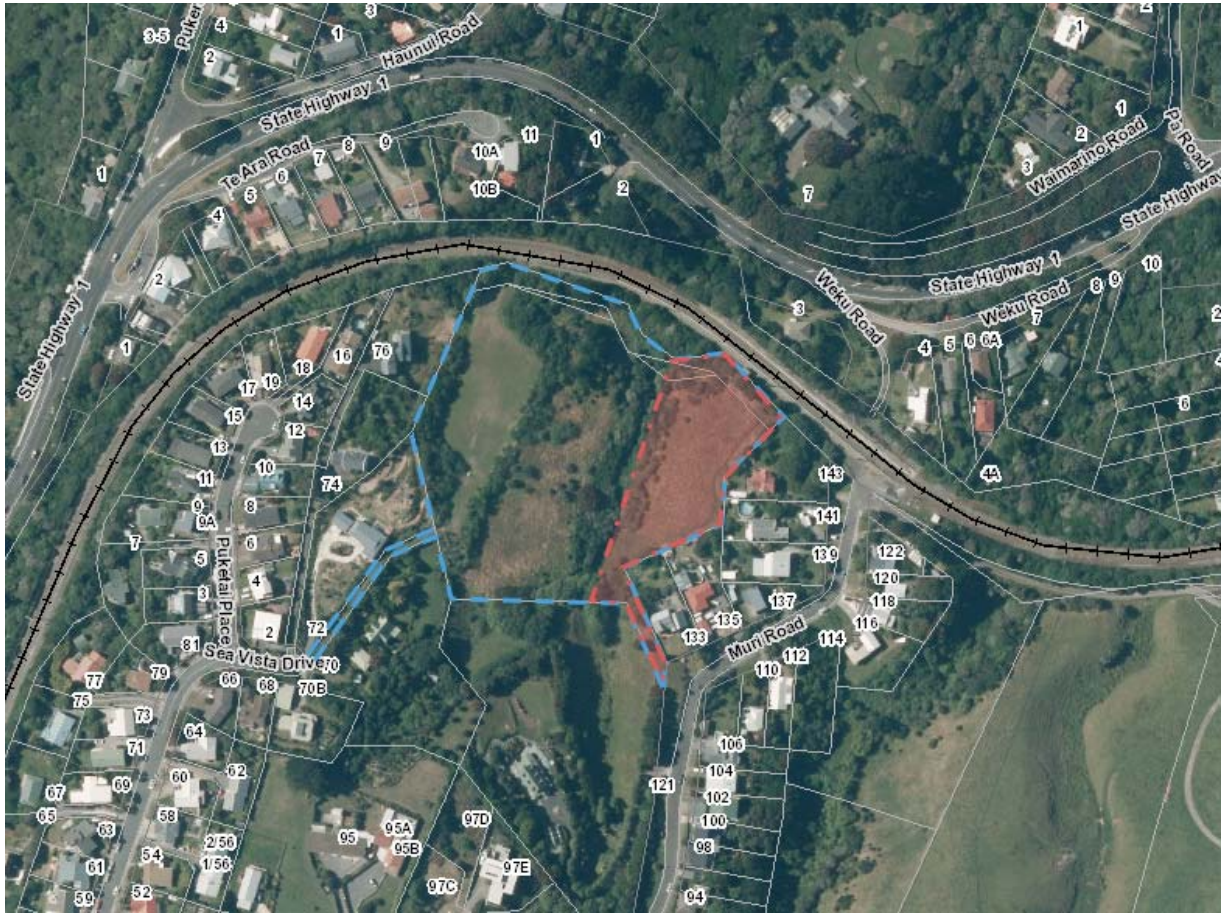
8.1 The Pukerua Bay Residents Association have requested permission to develop and operate a community garden/orchard over part of Muri Reserve. This concept has been included in the RMP and signalled in the Village Plan as a potential project.

8.2 The Reserves Act provides for gardening licences over local purpose and recreation reserves such as Muri Reserve. A licence will allow the group a non-exclusive right to develop and maintain the area as a garden. The public will still have rights to access the garden and it is the intention of the group that produce will be available to the community to harvest.

## **9 ATTACHMENTS**

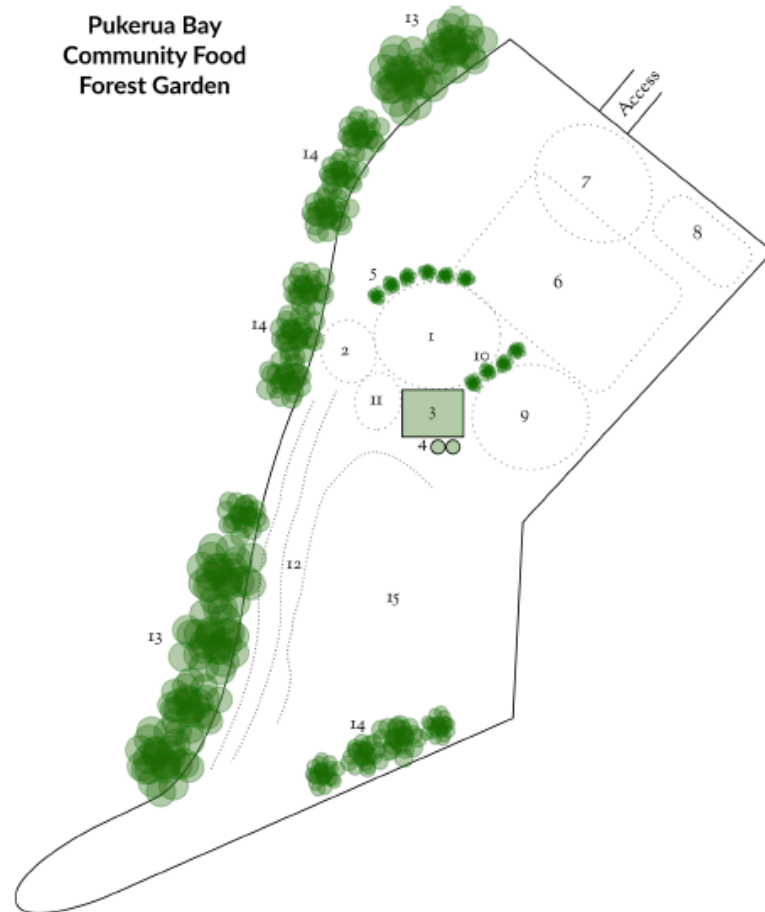
- Attachment One: Proposed lease area for community garden shown in red.
- Attachment Two: Proposed plan for community garden (subject to approval).
- Attachment Three: Aerial image showing Council access route in Green and Proposed access over KiwiRail land in Yellow.

**Attachment 1: Proposed lease area for community garden shown in red.**



## Attachment 2: Proposed plan for community garden.

### Proposed garden layout



### Key

1. Outdoor common gathering area and meeting space.
2. Pizza oven amphitheatre, seating built into the hillside.
3. Potting and tool shed.
4. Water tanks, fed by guttering from the shed.
5. Shelter for common area, e.g. olives, holly oak, feijoa.
6. Allotment area.
7. Vehicle turn-around area.
8. Compost station and mulch heaps.
9. Raised beds area.
10. Bamboo (non-spreading!) shelter and framing for hops.
11. Culinary herbs.
12. Swales, to retain soil moisture.
13. Larger shelter trees - walnut, chestnut.
14. Smaller shelter trees - pine nuts, holly oak, alder.
15. Food forest area; initial year of planting will be nursery species (tagasaste, lavender) with some wind- and drought-tolerant varieties of feijoa, apple and pear. See planting guide for more information.



**Attachment 3: Aerial image showing Council access route in Green and possible route over KiwiRail land shown in Yellow.**

