

# **Te Kopuru Community Development Group Incorporated Development Agreement/License to Occupy Application**

**Meeting:** Kaipara District Council  
**Date of meeting:** 29 June 2022  
**Reporting officer:** Jenny Rooney, Community & Engagement Advisor  
Fleur Denize, Property & Commercial Co-ordinator

## **Purpose | Ngā whāinga**

To approve the application for a Development Agreement/License to Occupy for the Te Kopuru Community Development Group Incorporated, to develop part of the Te Kopuru Domain.

## **Executive summary | Whakarāpopototanga**

The Te Kopuru Community Development Group Incorporated (TKCD Group) has presented sufficient information in order to seek approval for a Development Agreement/License to Occupy for the development of a portion of the Te Kopuru Domain into a community park. This will provide an accessible community play and recreational space for all ages. In conjunction with the community, TKCD has identified a vision for the Domain and a draft Masterplan has been developed for approval by the community. Additionally, the TKCD group have secured funding to execute a staged development approach.

## **Recommendation | Ngā tūtohunga**

That Kaipara District Council:

- a) Approves a Development Agreement/License to Occupy (LTO) be provided to the Te Kopuru Community Development Group Incorporated, for the area of the Te Kopuru Domain outlined in black on Attachment B
- b) Delegates the Chief Executive responsibility for finalising the terms and conditions of the Development Agreement/License to Occupy.

## **Context | Horopaki**

Te Kopuru Community Development Group Incorporated (TKCD Group) have applied to Council for a Development Agreement/License to Occupy to develop part of the Te Kopuru Domain. This will provide an accessible community play and recreational space for all ages. The aim of the group is to have a staged approach to the development. The vision is that eventually this would include a fitness pod, bike park, play area, fitness track, zip line, 3-stage pump track for junior, intermediate, and senior skill levels, landscaping, shaded picnic area and additional play equipment. They also propose to develop the carpark and upgrade the entranceway in the future.

The TKCD Group has secured \$15,000 for the fitness pod, \$14,000 for the concept plan and \$30,000 for the pump track. They have also fundraised \$7,000 and will continue to fundraise. They have submitted an expression of interest to the Community Led Fund held by Lotteries NZ in which they have been accepted to partner and apply for this fund. The outcome of the application is expected in late June 2022.

TKCD Group aim to provide the children, young people, and families of Te Kopuru a safe and fun community space to play and connect, as well as instil a community sense of pride and achievement by coming together to implement the vision that has been progressed for years.

TKCD Group has already been able to achieve some amazing results through smaller projects and community initiatives and want to see this continue through the development of the Te Kopuru Domain.

## Discussion | Ngā kōrerorero

KDC staff have been working with TKCD Group for the past year on the proposal, reviewing plans and identifying regulatory requirements. The TKCD Group contracted Stella Consultants to develop a draft Masterplan for the Domain which is anticipated to be finalised at their community meeting on 19 June 2022. The Masterplan can be found in **Attachment A** and provides the vision for the ongoing future of the Domain and any development should be in accordance with the Masterplan. Following the community meeting to finalise the Domain Masterplan, the TKCD group will meet with KDC staff to discuss the regulatory requirements of any future development of the plan vision, including the freedom camping element. A similar group of KDC SME's that are working with Mangawhai Community Park will be implemented to oversee the Domain's future development.

TKCD group have conducted consultation with community groups and organisations throughout Te Kopuru. An external consultant from Community Think was also contracted to work with the Te Kopuru community to develop a plan for the Domain and Stella Consultants compiled all the information for the vision into the Masterplan.

The development in the Domain will be a staged approach as funding is secured. The area they propose to initially develop is highlighted in the graphic below and can be found in the Indicative Site Plan in **Attachment B**. This area will include the pump track, fitness pod, playground, 3x3 basketball court, green space, and pathway for pedestrians.

### Indicative Site Plan



The Te Kopuru Domain is an underdeveloped recreational area in the heart of the township which is enclosed by residential houses. There is an open culvert, which council maintains, passing centrally through the site between the carpark, the area proposed for the initial development identified and the sports field

It is recommended that the Development Agreement/License to Occupy be for the specified area outlined in black on Attachment B, and above. The TKCD group would be responsible to maintain

this area of the Domain only. As the group secures further funding for development, staff would then seek Council approval to execute a variation to the License to Occupy agreement.

Staff have considered the proposal and recommend that Council approve the application from TKCD Group to develop the Domain on the area identified in the Indicative Site Plan. The tenure for the License to Occupy would be 15 years, with a further right of renewal of 15 years. The TKCD group will have two years to complete the Development Agreement as per the footprint in the Indicative Site Plan. Staff will work with TKCD Group to execute the Development Agreement/License to Occupy.

## Options

### Option 1

Council approves the Te Kopuru Community Development Group Incorporated /License to Occupy application

This is the recommended option.

### Option 2

Council declines the application for the Development Agreement/License to Occupy

### Options Assessment

Options	Advantages	Disadvantages
Approves the Te Kopuru Domain development	<ul style="list-style-type: none"> <li>Provides an accessible area with multiple recreational facilities for all to enjoy</li> <li>Provides a safe destination point for visitors to stop and take a break</li> <li>Increased tourism to the area</li> <li>Gives the community a sense of pride and ownership of the space</li> <li>Provides opportunities to increase physical fitness</li> <li>Domain maintained</li> </ul>	<ul style="list-style-type: none"> <li>TKCD group will need to secure funding for future development</li> </ul>
Declines the development of Te Kopuru Domain		<ul style="list-style-type: none"> <li>No Facilities for young people in the community</li> <li>Domain remains in poor condition</li> <li>Domain not utilised to its full potential</li> <li>Tourism remains minimal</li> <li>Locals have to travel outside the area for recreational activities</li> <li>Community pride diminished</li> </ul>

## Policy and planning implications

Council's Community Assistance Policy provides for Community organisations to be provided tenure of Council land through a License to Occupy (LTO). The RMA requires that a lease can be for no more than 35 years unless a resource consent for a subdivision is obtained and the Reserves Act 1977 requires that a lease or licence can be for no more than 33 years.

## Financial implications

In addition to staff time there will be some legal costs incurred to finalising the terms of the Development Agreement/License to Occupy, however, these can be managed within existing budgets. Currently Councils practice is to only charge Community Organisations a peppercorn rental, however any new License to Occupy agreements would include provision to change this as long as it was consistent with any community rents policy that may be adopted in the future.

## Risks and mitigations

The TKCD group will need to apply to the Council for the appropriate consents to build the structures identified in this report and the outcome will determine if the Development Agreement proposal goes ahead.

## Impacts on Māori

No cultural issues have been identified on this site. Letters of support have been provided by Ripia Marae and Oturei Marae, copies can be found in **Attachments C and D**. There will be ongoing engagement with Iwi, so they are included in the development of the Domain.

## Significance and engagement | Hirahira me ngā whakapāpā

The decisions or matters of this report are considered to have a low degree of significance in accordance with Council's Significance and Engagement Policy. No feedback is required, and the public will be informed of Council's decision via the agenda and minutes publication of this meeting, on the website and through other channels if appropriate.

## Next steps | E whaiake nei

Staff will work with TKCD group to finalise details of the Development Agreement/ License to Occupy agreements. These documents will then be executed by all parties.

## Attachments | Ngā tapiritanga

	Title
A	Te Kopuru Domain Masterplan
B	Te Kopuru Indicative Site Plan
C	Support Letter Oturei Marae
D	Ripia Marae letter of Support for TKDG