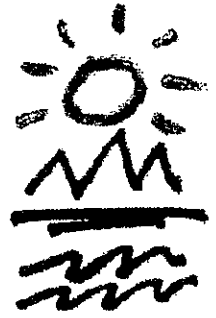


Golden Bay Community Board

C/- Tasman District Council
Golden Bay Service Centre
78 Commercial Street
P.O. Box 74
Takaka 7142
Phone 03 525 0020



CONFIDENTIAL

23rd February 2010

E855

Mayor and Councillors
Tasman District Council
Private Bag 4
Richmond

Dear Mayor and Councillors

LIGAR BAY BACHES

The 'Licences to Occupy' for the privately owned baches on road reserve at Ligar Bay are due to expire on 31 March 2014.

Following approaches by bach owners and others, the Golden Bay Community Board was invited to consult with the community by TDC about this issue. A representative of the Board attended an on-site meeting between the TDC Property manager and some of the bach owners in February 2008.

The Board has subsequently canvassed the community for views on the baches. We received a wide variety of submissions. We then held a very well attended public meeting in the Pohara Hall on 23 June 2009 where a helpful and respectful discussion ensued.

The Community Board has since discussed all of the issues raised and has received further submissions on a variety of perspectives.

It is understood that all of the current license holders have obtained their licenses to occupy since 1989 when the Licenses were originally granted. They were



therefore aware of the finite term of the licenses when they purchased or otherwise obtained the baches.

However, as contained in the letter dated 7 July 2009 from the TDC property manager to resident Garth Bray as a representative of the Ligar Bay Homeowners Association, the Association was advised that:

"the Council would be willing to review the occupation of the baches on legal road at Ligar Bay. Any review will take into consideration not only your opinions but those of the residents and ratepayers of the Golden Bay area. Before making any decision as to whether your request will be put to the Council, we will be seeking a recommendation from the Golden Bay Community Board regarding your request. Once that information is available and the views of the Community Board are communicated, consideration will then be given whether to request the Council to review the continued occupation of the baches or not."

The Board has discussed the implications of this letter and has reached the conclusion that it does leave the door open for a Review.

Our recommendation is that the council considers granting triennial licenses to owners as at 31 March 2009 subject to agreement to the following:

- 1) The option to take up a triennial license be taken up by 31 March 2011.
- 2) An occupancy fee of an amount equivalent to the average annual rates of other bach properties in Ligar Bay plus twenty percentum (20%) to be accurately calculated and charged.

Consideration also needs to be given to an alternative of the occupiers paying a ground rent, as other occupiers of leasehold land do, together with the rates.

- 3) Unless required sooner due to pollution beyond the boundary, upon taking up the triennial option connection to the sewerage scheme immediately required or, if not possible, another proven and approved method to be applied.
- 4) No persons or entities licensed to occupy are to let, rent, lease, sell, barter, bequeath, gift or settle the properties to, or on, other persons or entities. When a License to Occupy is relinquished it is to be relinquished to the Tasman District Council as per the terms of the License.

Notes:

A) To be fair to ratepayers, occupiers must be paying the properly calculated occupation charge as per the current licenses OR alternatively should be paying the comparable rates together with an appropriate ground rent.

B) It is accepted that the license holders do have a current license. However there is a precedent for licenses to be varied as happened in 1993. In addition, if the conditions of a license have not been complied with the council can vary it.

C) Where license holders have complied with conditions, consideration needs to be given to licenses being renewed for further three year terms on a case by case basis.

Reasons for Recommendation:

Issues which had been raised and taken into account included:

- Desire expressed by bach owners to continue their occupation of the sites after 31 March 2014.
- Concern that the bach owners were not making an adequate payment for their site occupation.
- Concern about possible pollution from the bach properties with reticulated sewerage available which other properties have been required to connect to.
- Concern about the baches being rented out rather than being used by the licensees.

If the proposed terms and conditions are unacceptable, the current licenses are to run their course and the baches be removed after 31 March 2014.

Trees and other vegetation suitable for reserve purposes should remain.

Yours sincerely



Joe Bell
Chairperson
Golden Bay Community Board