

QLDC Council
29 July 2021

Report for Agenda Item | Rīpoata moto e Rāraki take 9

Department: Community Services

Title | Taitara New reserve licence to the Kelvin Peninsula Community Association, for an emergency and recreation equipment storage container/shed in Jardine Park

PURPOSE OF THE REPORT | TE TAKE MŌ TE PŪRONGO

The purpose of this report is to consider granting a licence to the Kelvin Peninsula Community Association, for an emergency and recreation equipment storage container in Jardine Park on Part Lot 69 DP 9249.

RECOMMENDATION | NGĀ TŪTOHUNGA

That Council:

1. **Note** the contents of this report;
2. **Grant** a new licence over recreation reserve under section 54(1)(a) of the Reserves Act to the Kelvin Peninsula Community Association, for use of the site as an emergency and recreation equipment storage container at Jardine Park, Kelvin Heights with legal description Part Lot 69 DP 9249, subject to the following conditions:

Commencement	TBC
Term	10 years
Renewal	One further term of 10 years by agreement of both parties
Rent	Subject to the Community Facility Funding Policy (\$1 per annum at commencement)
Permitted use	As an emergency and recreation storage container site.
Insurance	Lessee to hold Public Liability Insurance of at least \$2,000,000
Safety/Suspension	Council to retain ability to suspend or vary the licence for safety or other purposes
Tree Management	The licence holder will be responsible for implementing a tree management plan for the licence area and immediate vicinity

Termination

Council can give 2-years cancellation notice

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CONTEXT | HOROPAKI

- 1 The Kelvin Peninsula Community Association (KPCA) seeks to establish a container shed in Jardine Park, to act as a store for emergency equipment, and recreational equipment owned by the association to be used at events for the community's benefit.
- 2 A new reserve licence is proposed, and this has been publicly notified, with no submissions received.
- 3 The KPCA in conjunction with the Council's Parks team have been active in developing the park over recent years, with a new flying fox and kids bike track being installed in 2020. A tree clearing process has been completed (a consequence of wind damage), with replacement planting now complete. New bollard fencing of the main entrance to the park was also recently completed.
- 4 Within Jardine Park a discrete location has been identified for the container between existing buildings owned and operated by the Croquet Club, and another building owned by the Dog Agility Club. This location is also screened by some trees.
- 5 Jardine Park is a recreation reserve legally known as Pt Lot 69 DP 9249. It is covered by the Kelvin Heights recreation reserve management plan (RMP). Policy 6.1.9 states "To arrange leases or agreements for all clubs and organisations using particular areas of the Reserve on a regular basis".

ANALYSIS AND ADVICE | TATĀRITANGA ME NGĀ TOHUTOHU

- 6 The KPCA seeks a 10 year licence, and a renewal term of an additional 10 years is recommended.
- 7 The location chosen within the park is a central area that is logically placed within existing buildings servicing the community for recreational activities and community events. The KPCA with support of Council has identified the croquet club building to become a central

response facility for the community in the event of an emergency situation. It therefore makes practical sense to locate the support equipment in this location.

- 8 The container is proposed to be placed on a concrete foundation and be painted Resene Iron Sand colour to assist it to appear recessive.
- 9 The KPCA have applied for resource consent for the container, and this process is under consideration.
- 10 Option 1 Grant a new the licence to the KPCA.

Advantages:

- 11 Will support the KPCA to store emergency and recreational equipment to benefit the community.
- 12 The intention to grant the licence has been publically notified, and there were no objections.

Disadvantages:

- 13 An additional structure will be established on the reserve, increasing the presence of built form.

- 14 Option 2 To decline the request.

Advantages:

- 15 No increase in built form upon the reserve.

Disadvantages:

- 16 Will not support the KPCA to store emergency and recreational equipment to benefit the community.
- 17 An alternate location would need to be found, and a new consideration process likely undertaken.

- 18 This report recommends **Option 1** for addressing the matter because the licence will support a community association to provide benefits to the community.

CONSULTATION PROCESS | HĀTEPE MATAPAKI:

SIGNIFICANCE AND ENGAGEMENT | TE WHAKAMAHI I KĀ WHAKAARO HIRAKA

- 19 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy as the land it relates to is not identified as a significant asset, and the proposal will enable a structure to support emergency management and community recreation.

20 The Council has notified the proposed licence in accordance with section 119 of the Reserves Act 1977. It recognised that the KPCA represent a significant proportion of the community with this proposal.

RISK AND MITIGATIONS | NGĀ RARU TŪPONO ME NGĀ WHAKAMAURUTANGA

21 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 as it relates to a building upon a Recreation Reserve. It is however recognised that the licence is for a fixed term of ten years (with a renewal of ten years). The intention to grant the licence has been publically notified, with no objections or submissions received.

FINANCIAL IMPLICATIONS | NGĀ RITENGA Ā-PŪTEA

22 Council has covered the costs associated with notifying the proposed licence, and will similarly meet any costs associated with drafting any final legal agreement, being estimated at total cost of \$1000.

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

23 The following Council policies, strategies and bylaws were considered:

- a. *Significance and Engagement Policy, 2014*
- b. *Kelvin Heights Recreation Reserve Management Plan*

24 The recommended option is consistent with the principles set out in the named policies.

25 This matter is not included in the Ten Year Plan/Annual Plan and will not have any impact on it.

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

26 The recommended option:

- Section 10 of the Local Government Act 2002 states the purpose of local government is (a) to enable democratic local decision-making and action by, and on behalf of, communities; and (b) to promote the social, economic, environmental, and cultural well-being of communities in the present and for the future. As such, the recommendation in this report is appropriate and within the ambit of Section 10 of the Act because it will support an education recreational activity; and
- Can be implemented through current funding under the Ten Year Plan and Annual Plan; and
- 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

A	Overview Plan
B	Licence Area – ERG Storage Facility